

CABINET MEETING 11th Jan 2012

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

REGISTERED SPEAKERS

There were 10 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.

Statements about issues NOT on the Agenda

- Cllr Eleanor Jackson
Re: Victoria Hall

Re: Agenda Item 12 (Radstock Roads)

- Lesley Mansell (Chair, Radstock Town Council)
- Cllr Eleanor Jackson
- ~~Robin Moss (Radstock resident)~~ (Registered but unable to attend)
- Amanda Leon (Radstock Action Group)
- Gary Dando (Radstock Action Group)
- Cate Le Grice Mack (Chair, Norton Radstock Regeneration Company)
- ~~Steve Bandle (Director, NRR Company)~~ (Registered but unable to attend)
- George Bailey (Radstock Action Group)
- Catherine Whybrow (personal capacity)

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Brian Webber
There appears to be an increasing use of amplification and other electronic aids by buskers in the streets of Bath. I have no wish to stop busking, and I realise that one person's music is another person's noise. However, the excessive use of amplification is contrary to the spirit of the buskers' code of practice and is becoming a nuisance.		

Notwithstanding the legal and practical difficulties of enforcing the code, does the Cabinet Member accept that there is a problem and, if so, does he have any proposals for addressing it?

Answer from:

Councillor David Dixon

We recognise that there are some problems with buskers, particularly in the Union Street area within the city centre. Our approach has been to work with the Busker's Guild to communicate our concerns and expectations around how long buskers should play for and at what volume. Whilst this approach addresses the vast majority of complaints, we do continue to experience problems with one particular busker. The Council's Environmental Protection Manager, recently met the police and BID Rangers to determine how best to address this and similar problems in the future. It has been agreed that we will enforce noise abatement powers (under the Environmental Protection Act 1990) to deal with the minority of buskers who do not act reasonably and conform to the buskers code.

Supplementary Question:

I recognise that the Cabinet member cannot commit to a particular course of action but will he agree that in general, if action were taken only once under the Environmental Protection Act, this would have a salutary effect on the behaviour of others?

Answer from:

Councillor David Dixon

If it is possible to bring a suitable case, then action would be taken. We are looking at this in some detail.

M 02

Question from:

Councillor Brian Webber

Has an assessment been made of the likelihood that the Live Music Bill (now before Parliament), if enacted, could give rise to an increase in complaints about noise from amplified live music escaping from pubs and clubs in the centre of Bath or elsewhere? Did the Council submit any comments on the Government's wider proposals to deregulate entertainment from Schedule 1 to the Licensing Act 2003?

Answer from:

Councillor David Dixon

There has been no formal assessment carried out by the Council. It is however, possible that any increase in entertainment could lead to an increase in noise related issues. This is an assumption as it would depend on whether the lifting of the perceived burden of the Temporary Event Notice (TEN) system actually encourages businesses to provide more live entertainment. The Council's Environmental Protection team's powers to deal with noise problems will remain in place but the task of dealing with problem premises (should they arise) might increase the need to carry out more regulation outside of office hours. The team has an existing system and funding to do this should it be necessary.

It is important to remember that conditions attached to existing licences would remain in force, and will continue to be enforced, unless removed by the holder via an application to the Licensing Authority.

The Environmental Protection team contributed to a collective response to the consultation which was delivered by the regional Bristol, Gloucester, Wiltshire and Somerset Environmental Protection Group.

M 03	Question from:	Councillor Brian Webber
<p>Under the previous Administration proposals were gestating for the replacement of certain metered parking spaces in the Central Zone in Bath by spaces for resident's permit holders only. Does the current Administration intend to proceed with these proposals, and if so when?</p>		
Answer from:		Councillor Roger Symonds
<p><i>The survey completed as part of Bath Parking Strategy in 2009 indicates that there is currently availability for all residents within the zone and therefore further survey work would be necessary to update the findings to ensure that the changes are relevant and make best use of the asset for all road users.</i></p> <p><i>Early proposals were drafted in March 2011 for the removal of some Pay & Display bays within the City Centre to reserve the bays for use purely by residents. As those proposals would have an impact on the income to the authority provision would need to be made for this before being implemented. Current income from the Pay & Display within the identified roads is in excess of £30k per annum.</i></p> <p><i>Within the proposed forward plan for implementation of Traffic Regulation Orders I am currently considering, the identified proposals are scheduled for further consideration in financial year 2013/14 as the scheme is not of strategic or road safety benefit and therefore is not considered a high priority at this time.</i></p>		
Supplementary Question:		
<p>Is he aware that although the current administration is not bound by the policies of the previous one, nevertheless it had always been the intention that the introduction of parking meters in Pulteney Road would be a compensation for the loss of provision elsewhere?</p>		
Answer from:		Councillor Roger Symonds
<p><i>I will meet with Councillor Webber and will explore his ideas.</i></p>		

M 04	Question from:	Councillor Brian Webber
<p>(a) Have the Board of the Bath Recreation Ground Trust submitted their formal application to the Charity Commission seeking approval of the proposals on which there</p>		

was a public consultation in May 2011? If so, will the formal application to the Charity Commission be published, and when?

(b) If the Charity Commission assents to the Trust Board carrying forward negotiations with the prospective lessee of a new stadium, at what stage is it envisaged that the main terms of the proposed lease will be published for comment by the general public, and when is that stage expected to be reached?

(c) Do the Trust Board, by virtue of their delegated powers, have unlimited authority to enter into a lease on behalf of Bath & North East Somerset Council, who are formally the sole trustee of the charity?

(d) How and when is it envisaged that the Council will be given an opportunity to express a collective opinion on the proposed terms of the lease?

Answer from:

Councillor David Dixon

a) The full submission was despatched just before Christmas. Arrangements are being made to post a copy of the submission onto the Trust's website.

(b) The full terms of the proposed lease are commercially sensitive and will not be open for public debate. The Charity's independent advisors have reviewed the lease to ensure the interests of the Charity are protected. Concerns about operational issues will be addressed through the management committee.

(c) The Trust Board has delegated authority to enter into a lease on behalf of the sole trustee with approval from relevant statutory officers. The Board is obliged to act in the interests of the Charity and has sought and will continue to seek advice from appropriate independent advisors.

(d) The Trust Board is delegated to carry out the discussions on behalf of the Council as sole trustee. Full details have been submitted to the Charity Commission which will consider the merits of the proposals and the processes adopted to consult with beneficiaries. As this matter progresses it will be with full liaison with Cabinet and will follow the relevant approval processes required under the constitution.

M 05

Question from:

Councillor Charles Gerrish

Can the Cabinet Member please explain the six month delay to a decision on implementing yellow lines in Lockingwell Road and Charlton Park Keynsham, as well as to other parking schemes previously planned in the town?

Answer from:

Councillor Roger Symonds

I have previously explained why I decided to place progress on Traffic Regulation Orders in abeyance whilst I consider prioritisation and resources.

The proposed changes to the Traffic Regulation Orders in the noted locations were advertised in August 2011. Once the consultation has finished all representations and objections to the proposals must be considered fully by officers before recommendations are made to the Cabinet Member. The regulations specify that the order must be made within 2 years of the notice of the proposals being first published. Therefore the consideration of the proposals is within the defined timeframe for such considerations to be made. As the Councillor will be aware, the proposals included a large number of locations that had to be considered carefully and not just the 2 locations

noted.

Recommendations on "No Waiting At Any Time" restrictions at Lockingwell Road, Charlton Park and the other locations will be considered at the February Cabinet Meeting.

Supplementary Question:

May I ask whether the Cabinet member himself would be happy to be told that he would have to wait 2 years for a scheme in his own ward to be implemented?

Answer from:

Councillor Roger Symonds

I understand Councillor Gerrish's frustration and I will take steps to expedite the scheme.

M 06

Question from:

Councillor Malcolm Lees

The Cabinet Member previously indicated that a decision would be made on the proposed new residents parking schemes in Weston and Newbridge by the 18th of November. This deadline was missed. Could the Cabinet Member please therefore explain the reason for this and confirm when a decision will now be made?

Answer from:

Councillor Roger Symonds

As previously stated, I decided that there should be no further work carried out on changes to parking restrictions and the introduction of Residents Parking Zones whilst we take stock of what has been promised, what the current demands are and what our priorities should be across the whole of Bath & North East Somerset. This is in order that we can establish how best to plan and use the limited resource at our disposal for this work and ensure that any changes made are consistent with the authority's transportation priorities.

The work to categorise and present the report was significantly more difficult than anticipated and this led to a delay from officers submitting the findings to me. Officers also had to deal with a number of other significant issues arising in the meantime. I have however now received the report and will update all members on the plan once I have agreed it.

Supplementary Question:

Can he put a timescale on when he will report back? Is the authority in contact with the RUH about the difficulties caused by their staff parking on the road?

Answer from:

Councillor Roger Symonds

We will be contacting the RUH to ask about progress on their Parking Plan

M 07	Question from:	Councillor June Player
<p>What action is the Council prepared to take to restrict the To-Let signs in areas such as Westmoreland and Oldfield Park?</p> <p>Prior to 2009 I understand that there was a Gentlemen's Agreement amongst Estate Agents whereby To Let signs were not put up outside vacant properties. I would ask that this Council follow in the steps of other cities where To Let signs are being banned/restricted in problem areas. The signs increased and relentless annual appearance blights many streets. Due to the internet and its use by the students, there is no longer the necessity to display these signs. They are only of benefit to the Estate Agents for free advertising.</p> <p>Due to the failure of this Gentlemen's Agreement and the apparent disregard for the state and concerns of communities I ask that the Council seeks approval from the Sec. of State under the Town & Country Planning Act to direct that in future Estate Agents have to 'seek express' consent before they put up a sign in Bath and/or Wards that are heavily populated with HMO's.</p>		
Answer from:		Councillor Tim Ball
<p><i>It is acknowledged that the Council's existing policy and practice on a number of issues related to advertisements within Bath is in need of review. I have asked Officers to undertake this review and this will include the issue of For Sale and To Let signs. I understand there was a "Gentleman's Agreement" in place some time ago in relation to Conservation areas. However this was superseded by the current Article 7 control which imposes a more restricted regime in these areas. Consideration can be given to imposing such restrictions on areas beyond Conservation area boundaries. However before making this decision we would need to consult with all Groups and Organisations who may be affected by such a decision. I am expecting that work on this review including a brief setting out the scope of the work will commence in February this year following the end of the Core Strategy hearings. In the meantime I have asked officers to write to the local agents to request that they use restraint with regard to their advertising.</i></p>		

QUESTIONS AND ANSWERS - PUBLIC

There were none