

CABINET MEETING 3rd December 2014

REGISTERED SPEAKERS

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: Petition: Bus Users
- Lesley Mansell (Chair, Radstock Town Council)
Re: Dementia

Re: Agenda Item 16 (Saltford Station)

- Phil Harding (Chair, Saltford Environment Group)
- Chris Warren (Saltford Environment Group Station Campaign)

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Anthony Clarke
How long is it anticipated work to demolish Avon Street car park will take, and what is the exact planned start date of the demolition work?		
	Answer from:	Councillor Ben Stevens
<p><i>In order to gain LEP Investment Board Approval for EDF Funding, we have submitted a prior demolition Notice to the LPA to demolish the carpark.</i></p> <p><i>Subject to completing a procurement process for the demolition works which will confirm the exact programme period, the project team is planning on a 16 week demolition programme from award of contract which is indicatively programmed to commence Q3 2015.</i></p> <p><i>This start date is subject to LEP Leadership Board approval of the business case (December 2014) and the Council's approval of the Capital Programme in February.</i></p> <p><i>It may also be influenced by the construction phasing of the Bath Quays Waterside flood works and the Network Rail electrification, both of which will be ongoing at this time.</i></p> <p><i>The Council's priority is to minimise any disruption during Summer and the Christmas Market. The works may therefore, by agreement, be either brought forward or deferred until September 2015 <u>IF</u> there is overlap which negatively impacts the operation of the city centre.</i></p>		
Supplementary Question:		
Bearing in mind the loss of 400 parking places, is provision being made for the 200 which will be required during that period?		
	Answer from:	Councillor Ben Stevens
<i>We will look into the point he has made.</i>		

M 02	Question from:	Councillor Anthony Clarke
Does the Council measure PM-2.5 levels?		
	Answer from:	Councillor David Dixon
<i>The Council does not monitor for Particulate Matter (PM 2.5) as it does not have a</i>		

statutory duty to do so.

Supplementary Question:

Is the Council not being complacent over the effect of PM10 particulates and does he not think the Council should voluntarily monitor these?

Answer from:

Councillor David Dixon

I have in fact been discussing this recently with officers and I can confirm that we have not been in danger of coming near to the published levels. If that were to happen, we would monitor on a more formal basis.

M 03

Question from:

Councillor Anthony Clarke

Has the Cabinet member had the opportunity to consider the officers' report following the resolution in Council following the petition on parking?

Answer from:

Councillor Caroline Roberts

The report regarding the petition on parking was discussed at an informal meeting of Cabinet members on Friday 28th November. I now intend to respond to the lead petitioner by the end of next week.

M 04

Question from:

Councillor Michael Evans

What was the % of the A level entry at each secondary school achieving A or A* in the subjects they entered over the past 5 years?

Answer from:

Councillor Dine Romero

The data requested has not currently been analysed or published in the form requested. Officers are investigating the feasibility and timescale for doing this and I have asked them to work with the requestor to agree how best to provide a satisfactory answer that can then be published.

M 05

Question from:

Councillor Michael Evans

What was the % of the GCSE entry at each secondary school achieving A or A* in the subjects they entered over the past 5 years?

Answer from:	Councillor Dine Romero
<p><i>The data requested has not currently been analysed or published in the form requested. Officers are investigating the feasibility and timescale for doing this and I have asked them to work with the requestor to agree how best to provide a satisfactory answer that can then be published.</i></p>	

M 06	Question from:	Councillor Eleanor Jackson
<p>Will cabinet intervene to save the Saturday 414/424 service from Frome to Norton via Writhlington, Kilmersdon, Haydon and Radstock, and make representations about the withdrawal of subsidy. (Frome residents) Residents already get stranded trying to get from Bath to Frome on the First Bus 184, which is turning round in Norton or Chilcompton.</p>		
	Answer from:	Councillor Caroline Roberts
<p><i>The reduced 184 service between Bath and Frome is a direct consequence of subsidy withdrawal earlier this year by Somerset County Council.</i></p> <p><i>I now understand that Somerset County Council is consulting on the withdrawal of the Saturday service 424 that serves Haydon and Writhlington in B&NES. We recognise that this bus service provides important links for our residents working in and travelling to Midsomer Norton and Radstock. I have written directly to Somerset County Council, emphasising the mutual benefits gained from both authorities continuing their commitment to the operation of cross-boundary bus services such as the 424.</i></p> <p><i>At this stage it would not be appropriate to comment on whether B&NES should intervene directly to retain the Saturday service.</i></p>		

M 07	Question from:	Councillor Paul Myers
<p>It was in July 2012 that Midsomer Norton Town Council formally requested to enter negotiations concerning community assets transfer – in response to a meeting Cllr Watt and I had in January 2012 with John Everitt to raise the question. Over two years on, despite assurances at the 2013 and 2014 budget meetings that the project was progressing and would be completed in a matter of weeks, not a single asset has transferred to Midsomer Norton Town Council. What assurances can the Cabinet member give me that there is a commitment to achieve this asset transfer and can the Cabinet member give a firm date by which it will be achieved?</p> <p>As some useful background information for Cabinet member, I include below details of key events so far:</p> <ul style="list-style-type: none"> Jan 2012: Councillors Chris Watt and Paul Myers met with John Everitt to discuss asset transfer for a range of assets in Midsomer Norton - based on a study of Community Buildings Joint Working carried out by the Town Council in the Autumn of 2011 with the consultant presenting a report in January 2012. 		

- Almost immediately after this meeting on the 10th January 2012 - Draft heads of terms received from B&NES.
- 20th July 2012 – Town Council sent a letter to Tom McBain of B&NES requesting the opening of formal negotiations.
- July 2012 – June 2013 – There were a number of meetings between Property Services and Midsomer Norton Town Council who in parallel began a series of steps to underpin the asset transfer including the creation of two new Trusts – Midsomer Norton Town Trust and the Midsomer Norton Community Trust and detailed schedules of conditions for the Town Hall and the Orchard Hall were commissioned.
- 6th June 2013 – Concerned at the lack of progress Midsomer Norton Town Council invited the Leader of the Council Paul Crossley and David Bellotti to visit Midsomer Norton, meet with Council representatives and viewed the assets.
- 26th June 2013 – Follow-up meeting with Town Councillors Paul Myers and Steve Plumley and David Bellotti at Bear Flat concerning the detailed elements of the asset transfer. Minutes of that meeting prepared by Midsomer Norton Town Councillors run to 18 pages.
- 31st October 2013 – Revised Heads of Terms received from B&NES and detail on asset transfer terms.
- 4th November 2013 – Proposed Heads of Terms put to the Town Council in but there was concern over a lack of any detail on the repairs required. B&NES Officers agree to look at the costs of meeting the repairs discussed in June 2013 and agree to commission surveys and get contractor quotes.
- 2nd January 2014 – Lease surrender documents provided by B&NES.
- 28th May 2014 – B&NES complete reports on the condition of the Town Hall and Orchard hall and copies sent to the Town Council. Midsomer Norton Town Council express concern that these still don't provide costs or nature of the work required. B&NES agree to get quotes.
- 30th June 2014 – Quotation reports by B&NES completed and provided to Midsomer Norton Town Council.
- 10th July 2014 – Meeting with Town Councillors Paul Myers and Steve Plumley and David Bellotti at Bear Flat concerning the repairs required and what B&NES as landlord would fund to bring the buildings up to an acceptable level.
- 1st September 2014 (there being no August meeting) Town Council discussed and agreed to the costings minuted on the 10th July 2014 – letter sent to B&NES on 12th September 2014 noting the Town Council agenda deadlines for October and November 2014. This has since been chased and it is now understood that another officer has taken over the project.

Answer from:

Councillor David Bellotti

Discussions that Midsomer Norton Town Council (MNTC) had with the council before June 2013 are not a matter for the Cabinet as MNTC choose to deal only with officers. After a meeting in June 2013 I took a personal interest in ensuring this Community Asset Transfer could take place. Between June 2013 and July 2014 I attended three site visits in Midsomer Norton and four other meetings in Bath with representatives of the MNTC. At every meeting new issues were raised by representatives of the MNTC who at every opportunity wanted the Council to guarantee to spend more on works before the transfer. In September 2014 I was happy to finally agree the terms of a transfer, but then received even further representations. However all was finally agreed some weeks ago and Bath and North East Somerset Council instructed Solicitors to do the transfer - well before this particular question was submitted. So if there is any delay

now it is with the MNTC solicitors or MNTC.

M 08	Question from:	Councillor Vic Pritchard
Can the Cabinet Member please detail what action the Council takes to ensure that parents of disabled children in B&NES access all the help and financial support they are entitled to, and can the Cabinet confirm that no parents of disabled children in B&NES are forced to go without food or heating because they cannot afford the basics?		
Answer from:		Councillor Dine Romero
<p><u>Customer Services team:</u></p> <p><i>Welfare benefit applications from parents with disabled children will undergo a full financial assessment; a holistic approach will determine urgent areas of need as well as a full examination of benefit entitlements. The Welfare Support Team will work with the parents to resolve any financial issues; during this period the team will provide basic provisions such as housing costs, food, heating and any other element to secure financial wellbeing. Funds from the budget will be made available to support vulnerable customers at a time of crisis. The team will work alongside partners and relevant organisations to ensure vulnerable needs are addressed with the right level of expertise.</i></p> <p><u>Disabled Children's Team:</u></p> <p><i>The disabled children's team are part of the Children's Services specialist division and are based at the RUH. The team are thoroughly experienced in working with children in need and following assessment they can provide to children and families:</i></p> <ul style="list-style-type: none">• Advice & information• Put together creative packages of support involving families, other service areas and agencies in a collaborative manner• Short breaks/Respite through residential short breaks overnight., family based short-breaks (day and overnight), day care with child-minders for younger children• Direct payments to parents to employ a personal assistant to take child out to do a specific activity, develop independence stay with child in home so parent can go out or for parent to maintain physical wellbeing by attending a gym, Pilates so that a direct service is not required for child• Direct Parenting support for parents of some disabled children to help them understand and develop strategies to manage their child's presentations, budgeting, safe care. Done on a sessional basis (set number then review)• Food Vouchers for Food Bank. Very occasionally have had to help with money for electric/ gas meter until family get benefits.• Identify suitable universal, targeted and specialist schemes that child /young person can attend. Schemes are mostly heavily subsidised by LA commission with parents having to contribute.• Accompany parent to court, specific hospital appointments for child/young person, contentious meetings, Mental Health meetings etc (case by case identification)• Advocate and liaise with other agencies eg Nursing Services, Sirona, CAMHS, Adult Mental Health, and GP (at times re the parent's need). Intervene to postpone		

an action eg council tax enforcement at a particular time.

- **Assist parents** to be aware of options so that all decisions are made on informed choice. Critical around school entry, transition, course of treatment etc
- **Substitute/shared care.**
- **Funding for transport to maintain contact** between parent/family and child.
- **Signpost or refer parents to a variety of agencies** (would usually refer if parents are unable to achieve for themselves) eg CAB for benefit advice to ensure they are getting the appropriate benefits, Law Centre for legal advice etc, Holiday Trusts if family would benefit from a break away as a family
- **Letters of support**, for example to Housing Department when overcrowded or where there are maintenance issues that will impact on the child's health and development. Letters to court
- **Link with Housing /Homelessness Department** when at risk of eviction
- **Application to charities** where professional support is required or parent is unable to do so, when funding is required which is outside what the local authority can provide.
- **Help arrange transport** to get parent child to specific appointments.
- **Aids and adaptations:** DCT Occupational Therapist provides in the home and assesses for Disabled Facilities Grant for house extensions, signing off the work when completed. Addresses issues with builders on behalf of parents.
- **Listening Responsive Ear:** There is always a duty person if the allocated worker is not available to hear and talk through a concern a parent may have, who will initiate action if necessary.
- **Also provide Statutory Service** under Child Protection, Children In care, Adoption Contribute to EHC plans

The Disabled Children's team are confident that none of the families they work with are being forced to go without food or heating because they cannot afford the basics.

M 09	Question from:	Councillor Geoff Ward
<p>Rats remain a major public health challenge for residents and businesses, what understanding do we have of the level of infestation within BANES? have we the capacity to deal with complaints and satisfy our obligations on sewer baiting? What current interventions are being undertaken?</p>		
	Answer from:	Councillor David Dixon
<p><i>There is no information relating to the population of vermin in the area, however in terms of pest control treatments for rats and mice, the number of treatments have remained largely constant over the last 4 years.</i></p> <p><i>There is no expressed obligation on the Council to have a sewer baiting programme, there is however the duty to secure so far as practicable that the district is kept free from rats and mice. The responsibility for controlling vermin within the sewer system is the responsibility of the water undertaker, Wessex Water.</i></p> <p><i>We have the capacity to undertake sewer baiting when required to do so. This may take place in an area where complaints relating to vermin are more widespread than</i></p>		

affecting a single property. In situations such as this, officers liaise with Wessex Water to agree a programme of sewer baiting in addition to treating individual properties. Other interventions we offer in terms of vermin control include:

- *Domestic treatments*
- *Commercial treatments*
- *Provision of advice and guidance*
- *Environmental Protection Officers investigations into vermin related problems, with the ability to undertake enforcement actions to secure compliance and improvement.*

Supplementary Question:

You say that the Council has a “duty to secure so far as practicable that the district is kept free from rats and mice”. How can you ensure that if, as you say, you have no population data?

Answer from:

Councillor David Dixon

We use the number of residents’ complaints as an indicator. These have stayed roughly constant.

M 10

Question from:

Councillor Brian Webber

Is it the case that Discovery Cards should be issued only to persons whose principal place of residence is in Bath & North East Somerset? Why should someone who has only a second home in the district not also be eligible, if the second home is a dwelling-house on which he/she is paying full council tax (discounts on second homes no longer being applicable)? What checks are made that an applicant for a Discovery Card occupies the property, for which he has submitted a council tax or utility or mobile phone bill, as his principal place of residence?

Answer from:

Councillor Ben Stevens

The Discovery Card is intended to be a benefit exclusively to Council Tax payers and residents of Bath and North East Somerset. When applying for a Discovery Card, residents are asked to produce two forms of identification: 1) to prove they live in Bath and North East Somerset; and 2) to demonstrate that they are who they say they are. The card is valid for three years and, since it was introduced in 2002, nearly 90,000 card-issues have been made, with around 25,000 valid cards in circulation at any one time. Staff have never been instructed to ask whether people have another home elsewhere, or whether their Bath and North East Somerset address acts as a second home for them. If the local address is registered in their name, they will be a Council Tax payer and eligible for a Discovery Card.

The recent query raised by a resident applying for a Discovery Card at the One Stop Shop in Manvers Street has highlighted two lines in the ‘Terms & Conditions’ which are open to misinterpretation by staff who process applications. These will be amended and the details on the Council’s website will be updated with immediate effect. The

application form will be amended at the next reprint and all staff across the Council who issue Discovery Cards will be made aware of the changes.

M 11	Question from:	Councillor Brian Webber
<p>Disregarding students and their accommodation, has any estimate been made of the proportion of other dwellings in the district which are owned as second homes? Failing a current estimate, does the number of second home discounts for council tax purposes, when such discounts were available, provide an indication?</p> <p>Has any assessment been made whether, overall, the owners of second homes contribute more in council tax than the cost of the Council services they receive?</p> <p>I understand that the Council's share of the National Non-Domestic Rate pool is related to the population of the district. If so, are students and owners of second-homes included in the population figure?</p>		
	Answer from:	Councillor Tim Ball
<p><i>Disregarding student accommodation there were 702 dwellings on our Council tax records classed as second homes as of October when we completed the CTB1 return to Department of Communities and Local Government.</i></p> <p><i>Council Tax is a contribution towards the cost of delivering local services, it is not directly relevant to the amount of any service received by an individual contributor but is designed to benefit the community in general.</i></p> <p><i>National Non Domestic rate redistribution is calculated using an extremely complicated formula linked to Revenue Support grant and other factors and cannot be directly related to the levels of Student and Second Home Accommodation in the area but will take account of the general nature of the population and its needs.</i></p>		

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	Ian Barclay
<p>In his paper "Firs Field, Combe Down" , dated 26/06/09, presented at the Sulis Club Meeting on the same date, Cllr Malcolm Hanney, then Cabinet member, stated under Legal Position Of Firs Field, inter alia, "The "pink" land is held on charitable trust for the purpose of providing the public recreation facility as an addition to the "blue" land"</p> <p>Please may I have up-to-date information on the Charitable Trust, its governing document, trustees, activities etc, as this information does not appear to have been made public.</p>		

Answer from:	Councillor Paul Crossley
<p>Advice was received by the Council in 2009 that the 'Pink Land' should be regarded as being held under a charitable trust and this was the basis of the paper presented by Cllr Hanney.</p> <p>The 'Pink Land' is that part of Firs Field on the North East side conveyed to Monkton Combe Parish Council in 1965 which subsequently passed by statute to this Council's predecessor Bath City Council following changes in the city boundary. Although the advice was accepted, there was no contingent requirement to formally constitute a trust board. In lieu of this, the Leader of the Council is empowered to make decisions on behalf of the trust as representative of the Council as Corporate Trustee.</p> <p>There has been no public information as no activities requiring formal decisions on behalf of the trust have taken place. The governing document is the conveyance dated 10th February 1920 to the Church Army which set out the terms of the trust by a declaration that <i>'in the event of the Church Army quitting or giving up possession of the said land the Trustees...shall have full power and authority to dedicate the same by way of Gift to the Parish Council of Combe Down aforesaid in trust for the perpetual use thereof by the inhabitants of the said parish as an addition to the Public Recreation Ground.'</i></p>	

P 02	Question from:	Duncan Hounsell
When will the Toucan crossing be installed on Bath Road, Saltford, near to Norman Road?		
Answer from:		Councillor Caroline Roberts
<i>The scheme is included in the 2014/15 capital programme for design work only. Once the design and costing of works officers have been completed, further consideration will be given to whether the scheme should progress as a priority project as part of the 2015/16 programme. Officers are currently reviewing the “long list” of requests for traffic-related schemes and will submit recommendations as part of the Council’s democratic budget setting process.</i>		

P 03	Question from:	Duncan Hounsell
How popular has been the introduction of the Lib Dem free school meals policy for infants at Saltford C. of E. Primary School? What practical steps has B&NES Council taken to support Saltford C. of E. Primary School in the implementation of this policy?		
Answer from:		Councillor Dine Romero
We have recently undertaken a census of the take up of Universal Infant Free School		

*Meals across the authority and are very pleased with the uptake of 87%.
At Saltford C. of E. Primary School the uptake has been above average at 89.2%.
We have liaised with the school very closely since the beginning of the year to ensure that the school would be ready for this initiative. For example, we held a whole school meeting to look at the dining room. After looking at what solutions were feasible we put 1 extra service point in the dining room and 2 mobile serveries to be placed into the reception classes where they would be served. In addition to the purchase of mobile serveries, additional electric sockets were installed and we have employed 2 extra staff to help with the lunchtime service.
Support is ongoing, as the school has recently decided to implement their own menu which we have worked with them on and will be in place just after Christmas.*

P 04	Question from:	Vicky Drew
Can Cabinet please confirm that the transfer of the public toilet block in Batheaston is being considered and that it will be offered to the Parish Council as previously advised.		
	Answer from:	Councillor David Dixon
Yes. This is all in hand.		

P 05	Question from:	Vicky Drew
<p>As one of the frustrated residents of Batheaston, I am advised that the planning permission for our Village Hall renovation has been quashed again. A key contention of the objectors was initially that of parking and my understanding is that our applicants (BNVH Trustees) were advised by B&NES that there could be no consideration of using any of the adjoining field as new parking. However, I am advised that a new and separate plan is to be submitted by a group calling itself BCH and this plan incorporates using the field for parking. Can the council please advise:</p> <ul style="list-style-type: none"> • have BCH been speaking to different planners to BNVH • has B&NES changed its stance on this critical issue or • are BCH misguided in their ambitions 		
	Answer from:	Councillor Tim Ball
We are unable to comment on this question because the pre-application process is dealt with in confidence therefore we cannot confirm or deny whether a pre-application enquiry has been lodged or discuss any associated content.		

P 06	Question from:	Lesley Mansell
Bearing in mind the rising incidence of dementia within the population will the council consider making B&NES a Dementia Friendly area?		
Answer from:		Councillor Simon Allen
<p><i>I am pleased to confirm that in B&NES, dementia is a priority for our Health and Wellbeing Board and the Council will continue to work with the Clinical Commissioning Group and other partners to make it even more dementia friendly and, indeed, friendly for all.</i></p> <p><i>I would like to take this opportunity to raise awareness of some services we have developed to make Bath and North East Somerset a friendlier area for everyone:</i></p> <ul style="list-style-type: none"> <i>✓ Working with the Police to roll out the Safe Places scheme for people with Learning Disabilities; making our communities safer for everyone.</i> <i>✓ Developed an Autism Strategy, invested in a new autism social work team and working with our housing partners, delivered specialist autism housing.</i> <i>✓ Created a new Wellbeing College to increase awareness, knowledge and support to people experiencing mental health problems and are one of only two places in the country with Mental Health respite beds to intervene early when someone is experiencing mental health difficulties.</i> <i>✓ The Dementia Support Worker service which is provided by the Alzheimer's Society. The Dementia Support Workers provide support to people recently diagnosed or in the process of obtaining a diagnosis of dementia and also their carers (copy leaflet attached);</i> <i>✓ Memory Technology to support people with dementia to remain as independent as possible (provided by Sirona Care & Health)</i> <i>✓ Integrated hospital and community pathways using dementia coordinators and additional mental health liaison nurses in order to ensure patients with dementia are on correct care pathway and to facilitate timely discharge (provided by the RUH)</i> <i>✓ A Rural Independent Living Support Service to help people living in rural areas access services (provided by Curo)</i> <i>✓ A Home from Hospital service to support a successful discharge from hospital (provided by The Carers Centre and Age UK BaNES)</i> <i>✓ A Community Hospital and Care Home Support and Assessment service to help community hospitals and care homes better people in their care with dementia (provided by AWP)</i> <p><i>Also, an increasing number of people, including Councillors, have undertaken training to become Dementia Friends.</i></p>		