

## CABINET MEETING 10<sup>th</sup> August 2011

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

### REGISTERED SPEAKERS

There were 5 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.

- David Dunlop, The Bath Society  
Re: Bath Transportation Package
- Vito Pecchia  
*(Sent apologies – unable to attend)*
- David Redgewell (South West Transport Network)  
*(Sent apologies – unable to attend)*
- George Bailey  
Re: Roads in Radstock
- Cllr Eleanor Jackson  
Re: St Mary's Primary School Age Limit (Agenda Item 14)

### QUESTIONS AND ANSWERS - COUNCILLORS

<b>M 01</b>	<b>Question from:</b>	Councillor Nigel Roberts
What is the footfall in Bath now and what was it 10 years ago? Do we keep the return rate for tourists and if so what is the rate of return?		
	<b>Answer from:</b>	Councillor Cherry Beath
<p><i>We have footfall data from 2004 to 2011. Footfall counts were undertaken on a quarterly basis in Feb / May / Aug / Dec each year. Average footfall varies depending on the time of the year. The headline trends are as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Average weekly footfall in December has risen from 56,000 in 2004 to 60,000 in 2010, although this is down on the peak of 70,000 in December 2009</i></li> <li>• <i>Average weekly footfall in February is down from 50,000 to approximately 43-44,000</i></li> <li>• <i>Average weekly footfall in the summer months ( May / Aug ) is down from 49-50,000 to 35 – 37,000</i></li> </ul> <p><i>To set against this, from 2004 to 2011 it is estimated that annual expenditure per head</i></p>		

on convenience and comparison goods has increased by 19% to an average of £5,791. Bath attracts 4.7 million day and staying visitors per year - we believe there are an additional 1 million registered as London visitors (and thus do not appear in Bath's numbers).

Last three visitor surveys - one due this year.

	Recommend to friends	Return Visits
2001	78%	53%
2004	74%	56%
2006	79%	65%

Number of visitors have been recovering from the high point in 2001 however the impact of the SouthGate Development hasn't yet been subject to a visitor survey.

<b>M 02</b>	<b>Question from:</b>	Councillor Eleanor Jackson
<p>1) What possible justification is there for raiding the Social Housing Capital Budget for £400,000 for an unwanted road in Radstock when there are rough sleepers in Radstock as well as in Bath in desperate need of proper accommodation?</p> <p>2) Why is the A362 being diverted through the main shopping street in Radstock, when Peasedown St John has a bypass for the A367 and no-one would dare send the A362 from Stones Cross, Midsomer Norton down the High Street, Midsomer Norton, or make that road two way?</p> <p>3) When is B&amp;NES going to start the public consultation on the future of the Victoria Hall which was promised us by the previous administration?</p>		
<b>Answer from:</b>		Councillor Cherry Beath
<p>1. When considering the original planning consent for the former railway land, the Council identified £520,000 (see Development Control Committee Report to planning application 06/02880/EOUT) to support the delivery of the affordable housing element of the proposals. Some of the funds have been allocated to support the delivery of the infrastructure which has in turn secured £800,000 from the Homes and Communities Agency. This is essential to facilitate the delivery of 57 affordable housing units on the former railway land.</p> <p>2. The design principles behind the road layout are that they provide regeneration opportunities for both the former railway land site and the centre of Radstock by providing more logical movement for vehicles and pedestrians that make the town centre a more legible place. The development of the Former Railway land was subject to a full traffic assessment as part of the planning application.</p> <p>3. Officers have begun discussions with the Radstock Town Council as the current leaseholder to clarify their requirements and aspirations for Victoria Hall. When B&amp;NES and Radstock Town Council have worked up a series of options for the future of Victoria Hall, there will be an opportunity for the public to be consulted.</p>		
<b>Supplementary Question:</b>		
<p>1) Is it not the case that 57 affordable homes is only 27% of the entire build, not 35% which is council policy?</p> <p>2) Why was data used from the 2006 survey (which was inadequate and incomplete)</p>		

when data from the 2009 survey was available which might have led to different conclusions?

**Answer from:** Councillor Cherry Beath

*I would like to thank Councillor Jackson for her invitation to visit Radstock recently, which I enjoyed and found enlightening. We have noted the points she raised with us on that visit and will bring them to officers to see if aspects of the plans can be amended in a sustainable way. I will give a full response to her questions within 7 days.*

*(Response later provided):*

*1) At the time of the granting planning consent, the viability model concluded that 27% of the overall residential provision was affordable with a 51%/49% split between social rent and intermediate affordable housing. Further explanation can be found in the Committee Report for Planning Application no. 06/02880/EOUT available on the Council's website.*

*2) The planning application, including the Transport Assessment took place when the application was submitted in 2006. The 2009 survey was therefore not available.*

**M 03** **Question from:** Councillor Bryan Chalker

Noting the welcome commitment agreed at the last Cabinet Meeting of £85,000 to implement a 30 minute frequency bus service on the 6/7 route in Bath, could the Cabinet Member please provide an update on the progress of negotiations with First to implement this service, when we can expect this more frequent service to materialise and that funding will be in place to maintain this service in future years?

**Answer from:** Councillor Roger Symonds

*We are continuing to have discussions with First over the detailed proposals and I will let Councillors know when the improved service will be delivered. We will have to review our funding of this improvement when we consider our budget for next year.*

**M 04** **Question from:** Councillor Patrick Anketell-Jones

A commitment was made by the previous Cabinet that work would be undertaken to fully restore Victoria Bridge to its former glory as a suspension bridge, with the possibility of erecting a relief 'Bailey Bridge' alongside during the closure period. Could the Cabinet Member please provide an update as to what progress has been made on plans to restore Victoria Bridge and reaffirm the Council's commitment to a total restoration and reopening of the bridge whilst providing an interim crossing as stated above?

**Answer from:** Councillor Roger Symonds

*The Council has investigated a number of options. These included the provision of a*

*temporary bailey bridge whilst the necessary negotiations progress with English Heritage over a permanent solution. As a result of works to south river bank and the lack of suitable land on the north river bank there is no landing point for a temporary structure. Consequently, officers have advised a temporary alternative bridge is not feasible and are now progressing with a more permanent solution.*

*The Council remains committed to a permanent restoration of the structure. Independent structural experts and a specialist in bridge restoration have been engaged to work up options. Given the historic significance of the structure it should be expected that negotiating a suitable solution with English Heritage will take some time. The Consultant's report should be available in September and officers will report back to Members once it has been reviewed.*

*A site meeting will take place within the next couple of weeks between the Cabinet Member for Transport, Cycling Champion, Cycle Bath representative and officers from the Highways/Major Projects Team to consider what works are required to provide a temporary diversion route for cyclists using the alternative Midland Road Destructor Bridge.*

**Supplementary Question:**

May I ask the Cabinet member whether Council's river champion and I may be invited to attend the site meeting?

**Answer from:**

Councillor Roger Symonds

*I will take steps to arrange this. I also overlooked in my response to say that I would be inviting the local councillors to attend.*

<b>M 05</b>	<b>Question from:</b>	Councillor Tim Warren
Can the Cabinet Member please confirm when the details of the final bid to DfT for the Bath Transport Package will be made available to all Councillors?		
<b>Answer from:</b>	Councillor Roger Symonds	
<i>The details of the Council's bid were agreed at full Council on 14th July 2011</i>		
<b>Supplementary Question:</b>		
Can the Cabinet Member please confirm when the details of the final bid to DfT for the Bath Transport Package will be made available to all Councillors?		
<b>Answer from:</b>	Councillor Roger Symonds	
<i>The date for submission to government is 9<sup>th</sup> September.</i>		

<b>M 06</b>	<b>Question from:</b>	Councillor Charles Gerrish
<p>Many residents in Keynsham have expressed their disappointment with the decision by the Planning Inspector to give permission for the K2 development to proceed in its current form and the impact this could have on local residents and traffic throughout the town. Could the Cabinet Member provide information on what discussions will now be taking place with the developer to seek agreement on the construction of an alternative access road (other than Park Road) to this development, and that the Council remains committed to securing a new access road having regard to the Council's own land also earmarked for development.</p>		
<b>Answer from:</b>		Councillor Tim Ball
<p><i>Following receipt of the Inspector's decision letter, Officers are seeking to establish preliminary discussions with developers Taylor Wimpey, in order to explore the extent to which the company might be prepared to incorporate an alternative access arrangement for the site, although Members will understand that there is now no undetermined planning application that can be used as a foundation for these discussions. Establishing the extent of any future Council commitments in this respect will in all probability fall within the responsibilities of other Cabinet Members, but the details of this cannot be established until we fully understand the position to be taken by Taylor Wimpey. Officers will ensure that in due course Members are advised of the outcome of the initial discussions.</i></p>		

<b>M 07</b>	<b>Question from:</b>	Councillor Anthony Clarke
<p>Can the Cabinet Member please provide details of the expected timeline for Culverhay School to be converted into a co-educational Academy or Free School, whether the Cabinet Member has a view on which option would be preferable to the Council, and when the full business plan is to be published for all Councillors and members of the public to view?</p>		
<b>Answer from:</b>		Councillor Nathan Hartley
<p><i>Every effort is being made to ensure that Culverhay School can become co-educational at the earliest possible opportunity. This will be difficult to achieve for September 2012, but is not impossible. It should be achieved, however, ready for the new pupils to attend Culverhay in September 2013 at the latest.</i></p> <p><i>The Governing Body of Culverhay School have made it clear that they wish to convert to Academy status at the earliest opportunity and have requested that the Secretary of State approves this. The Council support the school in this as it would deliver the Council's stated aim of keeping Culverhay school open and achieving co-educational status for the school on this site at the earliest opportunity.</i></p> <p><i>At present, the Department for Education have two applications to review, the Academy application, and the Sirius Wood Free School application. I am happy to wait on the Minister to decide which application should be successful.</i></p> <p><i>The Secretary of state has yet to decide if Culverhay will be able to convert to an</i></p>		

*Academy.*

*A school that is applying to be a sponsored academy does not make public / publish a business plan. The financial information is only shared between the Sponsorship Division at the DfES and the Sponsor.*

*A Free School does have to make available its business and finance plan and that would be published on the Free School section of the DfES website if a Free School were to be established.*

<b>M 08</b>	<b>Question from:</b>	Councillor Malcolm Hanney
<p>1. Newbridge Park &amp; Ride Extension Although Cllr. Crossley (Leader of Council) gave a pledge in May 2011 that there would be no extension of the Park and Ride at Newbridge, the proposals to Cabinet and Council contain provision for such an extension. It would appear, however, that the financial totals (without appropriate detail) provided for decision by Cabinet and Council include provision for an extension of Newbridge by 500 spaces.</p> <p>a) Please confirm that the capital financing requirements in respect of Newbridge have been overstated and by how much and that any bid to DfT will be reduced to reflect only an additional 250 spaces.</p> <p>b) What are the revenue implications for the Council given there will now be substantially less income as a result of fewer spaces?</p> <p>2. The amount of £1.89m referenced as 'BWR Transport Scheme' is contained within the revised package. I understand that this amount is payable by Crest under the BWR S106 Agreement but only towards the BRT. Why would Crest still want to pay this amount, which is now entirely at their discretion, when you have eliminated the BRT which is likely to affect the viability of BWR? Without and until Crest's agreement to an alternative, which isn't evident, shouldn't this element be deleted from any bid to DfT or it be made clearer that the Council will step in to fund this amount if Crest choose not to?</p> <p>3. Isn't the amount of £1,616,500 for City Centre Works double-counting? Isn't this already being funded under the Council's Public Realm budget?</p> <p>4. I note that Bus Stops and Real Time Information are still £4,587,292 when there is no BRT and no Eastern Park &amp; Ride? Similarly, the amounts for Ticket Machines (£175,000) and Variable Messaging Signs (£803,250) are unchanged. Given the elimination of the BRT, the elimination of an Eastern Park Ride, and a halving of the expansion at Newbridge, isn't this stretching credibility with the DfT in terms of value for money?</p> <p>5. The revised Property Costs of £909,000 are expressed as 'net'.</p> <p>a) Please confirm that it is the Administration's intention not to renew the planning consents for the BRT route and the Bathampton Meadows Park and Ride, to dispose of any properties acquired in relation to those elements of the Bath Transport Package, and not to protect the BRT route in any way for the future.</p> <p>b) Please advise whether the previous granting of planning consents in respect of the BRT Route and / or the Bathampton Meadows Park and Ride affect the consideration of alternatives as may be contemplated by the Administration and for what timescale?</p> <p>6. The amounts included for Risk (£2,685,144) and Inflation (£1,094,509) look very high given the elimination of the BRT, the Eastern Park and Ride and the halving of the</p>		

Newbridge Park and Ride extension and the fact that inflation and risk cannot apply to costs already expended. Please confirm that the amounts included for inflation and risk can be fully justified and please let me have detailed computations for review.

7. The amount for vehicles is unchanged at £2,950,000. Why would a Park & Ride operator consider anywhere near this level of investment when there is no BRT, no Eastern Park and Ride (1400 spaces) and a halved Newbridge Park and Ride extension (250 spaces less)?

8. There is an amount of £7,952,000 set down as 'BID' which includes expenditure in respect of elements of the scheme that will not now be progressed. Please confirm the amount of such expenditure on elements of the scheme not being progressed and confirm they will not be included in the bid to DfT or in the Council's contribution to the revised Bath Transport Package.

9. It would appear that the Council's financial commitment as per the Council resolution is:-

£21.6m (being Council contribution to revised package of £17.8m plus at least £3.8m revenue reversion risk related to the deletion of the Bathampton Meadows Park and Ride and the BRT) plus:-

a) Any additional costs relating to 'alternatives to Bathampton Meadows Park and Ride possibly including rail as part of our future Transport Strategy' (Resolution 1.9)

b) Any additional costs relating to other unfunded aspirations (Resolutions 1.10-1.15)

In both the Council's letter of 18 July 2011 to Mr. Emerson (the Inspector appointed in connection with the Draft Core Strategy) and in the Council Agenda Paper, great stress is placed on the initiatives set out in Resolutions 1.9-1.15. However none of these have any funding for implementation i.e. of relevant measures that Officers may suggest in response or that Cabinet would like to do irrespective of Officer advice? So how realistic is it (in the absence of any specific or detailed funding proposals) that the DfT and the Inspector for the Core Strategy will take the Council seriously in terms of a bid to Government for funding and as evidence of a credible Transport Strategy / Core Strategy?

10. Resolution 1.10 suggests additional signage on the A46 to direct more traffic to an extended Lansdown P&R. However, Lansdown is only being extended by 390 spaces while the Bathampton Meadows Park and Ride would have accommodated 1,400 spaces. Is there any concern the additional signs may direct traffic to a full Lansdown P&R with possibly even more signs needed to send on somewhere else?

11. In considering alternatives to the Bathampton Meadows Park and Ride which has now been ruled out, please confirm for the record that Lambridge is not an option given the proposals regarding the Recreation Ground with Bath Rugby?

12. Given the deletion of key elements of the Bath Transport Package which were integral to the Draft Core Strategy, will the Council not be subject to increased challenge as to the deliverability of the Core Strategy with consequential risk of planning applications (that would otherwise have been contrary to the Core Strategy) being approved at Appeal, urban extensions, and serious difficulties in terms of credibility for the Examination by the Inspector including at the public hearings?

13. The aforesaid letter of 18 July 2011 to the Inspector (paras 8.19-8.22) indicates that 'The draft Bath Parking Strategy has not yet been approved by Members and is, therefore not yet publicly available. A programme for approval by Members and public release of the Parking Strategy is still being assessed in light of the need to amend it as a result of changes to the BTP.'

Why was there no mention of the potential impact on the Council's Parking Strategy in the Council Agenda Paper?

14. What are the prospects for the development of Avon Street Car Park and Coach Park and other key sites in the absence of a viable Transport Strategy, a viable Parking Strategy and a viable Core Strategy?

15. When will the views of the Urban Regeneration Panel (URP) and the Transport Commission be sought on the revised 'Package'?

**Answer from:**

Councillor Roger Symonds

1. a) *The interim analysis provided to Cllr Gerrish for the Council meeting did indeed include the costs of 500 spaces because the impact of the reduction is still subject to the outcome of the TVG application. The best and final bid to DfT will include the estimated cost of providing 250 spaces. We estimate that this amendment will reduce the cost of this element of the scheme by £265,000 and this new figure is included in the attached breakdown of scheme costs.*

b) *The revenue implications of changing individual elements of the bid are still being worked on. The Council's Transport Strategy assumes that as P&R spaces increase, city centre car parking spaces are released for economic development. It follows that development of fewer P&R spaces will retain more city centre spaces. As these spaces generate more income than P&R spaces (because of the higher tariff) there is a compensating revenue effect.*

2. *I do not accept that this will affect the viability of the BWR. The development of BWR will continue to need improved public transport to reduce its impact on the surrounding road network. The payment is not 'entirely at their discretion' but are covered by the terms of the signed 106 agreement which provide for Crest's funding of an alternative to the BRT to serve the BWR site.*

3. *Yes the City Centre works are funded by the PR&MS budget and are included as part of our Local Contribution as originally envisaged in our Expression of Interest submitted in December last year.*

4. *The Bus Stops and Real Time Information will be spent on the show case bus routes throughout the City and they provide significant benefits supporting the scheme. The costs of these elements have been reviewed and are now set out in the attached table. In the light of the Smartcard project separately funded by DfT through the WoE, the £175,000 for Ticket Machines is no longer needed and these costs will not be included in the Best and Final Bid.*

5. a) *This Administration will not renew the planning permission for a Park and Ride on Bathampton meadows and we are discussing with officers the best way to protect the former BRT route from future development.*

b) *The consideration of alternatives to the BRT & Bathampton Meadows P&R will be judged in the light of the National & Council planning policy in force at the time. We do not have a timescale for these proposals at the moment.*

6. *The attached table shows the revised risk and inflation element of the project. They are robust and provide confidence that the project can be delivered at these costs.*

7. *This element of the project is currently being reviewed and we currently estimate that the reduced P&R expansion will result a requirement of £400,000 for new vehicles and this is now included in the scheme costs in the attached table. This will not impact the funding requirement of the Council.*

8. *A detailed breakdown of this amount has been provided to Cllr Hanney and includes costs of developing elements of the project that have now been deleted. As indicated in the Council paper the amount of expenditure on elements of the scheme not being progressed is £3.8m.*



9. The Councils commitment is not £21.6m. The full amount of the bid costs of circa £8.0m is included within the Council's commitment of £17.8m. The revenue reversion risk simply means that bid costs relating to deleted elements that would otherwise be capitalised will fall to revenue. The costs have already been incurred, there is no additional expenditure.

Proposals in paragraphs 1.9 – 1.15 of the Council resolution will not form part of the bid for funding to DfT. Cabinet have asked that the proposals are evaluated as part of the Council's future Transport strategy. The revised Bath Transport Package will not represent the totality of the Council's Transport Strategy just as the original package did not. The Council will have the opportunity to explain to the Inspector at the inquiry into the Core Strategy how our emerging transport strategy will support the objectives of our plan.

10. The Variable Message signs referred to in question 4) above will indicate if spaces are available at Lansdown P&R sites. When this is full drivers will be directed to available spaces within the city.

11. Yes Lambridge has been ruled out as an alternative the Bathampton Meadows P&R.

12. As set out in my answer to question 9 above the Council will have the opportunity to explain its emerging transport strategy at the examination in public for the Core Strategy.

13. The Council paper was dealing very specifically with amendments to the BTP and a wider discussion of the potential changes to an emerging Parking Strategy was not considered possible at that stage. In any event officers have been directed to identify and evaluate an alternative Park and Ride site to the East as part of the emerging Transport Strategy. Other measures to encourage modal shift and reduce the demand for city centre parking spaces are also being considered. The removal of the A4 P&R from the bid will impact the timing of the redevelopment of city centre car parks but not necessarily the quantum.

14. Revision of the BTP does not automatically invalidate any of these strategies. The BTP was only part of the wider Transport Strategy has been de-scoped as requested by DfT.

The revised package still has elements that increase P&R capacity and allow for phased development of city centre car parks. It was highly unlikely all of the car parks would have been developed simultaneously any way. Removing unpopular elements from the bid has improved the cost benefit ratio of the scheme, reduced the cost to DfT and improving the scheme deliverability by removing the need for CPO's. All these things will be attractive to DfT.

There is time to develop a more sustainable Transport Strategy and seek alternative sources of funds for other capital schemes over the period of the Core Strategy.

15. The Transport Commission will not be meeting prior to the submission of the revised Package so they will not be able to comment. The Urban Regeneration Panel will have the opportunity to discuss the Package at their meeting on 1st September 2011. The Chair of the Transport Commission has indicated that it might be more productive to support development of the emerging Transport Strategy rather than review revisions to the scheme bid. There is insufficient time for the Commission to complete a detailed evaluation of the scheme before the submission deadline in September.

## QUESTIONS AND ANSWERS - PUBLIC

<b>P 01</b>	<b>Question from:</b>	Rae Harris
How is the Council proposing to deal with the Community Development implications - and opportunities - in the Government's imminent piece of major legislation, the Localism Bill (I am deliberately using the same wording as the title of one of the new Policy Development & Scrutiny Panels)?		
<b>Answer from:</b>		Councillor Paul Crossley
<p><i>The Localism Bill contains significant implications for the way that Councils work with local communities. These arise particularly from the proposals for the new Community Rights to Buy and to Challenge, for Neighbourhood Planning, for referenda and more widely. The Council has been carefully monitoring the Bill's progress through Parliament. Officers are currently considering what the Council will need to put in place to meet the opportunities and the challenges of the new legislation. Some of the exact implications of the Bill will depend on the final provisions agreed:</i></p> <p><i>The Council is well-placed to deliver the community empowerment aspects of the Bill. In helping communities find local solutions to local issues, the Council will build on the wide range of work it has already undertaken. This ranges from the "Listening Matters" projects in Bath and Keynsham to, extensive work with parishes on Parish Planning, as well as many other projects. The Council will listen to communities, support active citizens and promote the community leadership roles of local elected members as "champions" of their localities.</i></p> <p><i>The Council is investing in local communities to help them help themselves. The Council has extended the Ward Councillors' Initiative to all Councillors to help elected members make a real difference in their communities. The LSP has also recently launched new funds designed specifically to help boost community capacity. The Council will continue to build our relationship with Parishes and the July Cabinet meeting agreed to develop further the Bath City Liaison Forum to strengthen collaboration between public services and local residents. Also in July, Cabinet received a report on the Local Development Scheme which highlighted the potential impact of the neighbourhood planning arrangements contained in the Localism Bill. Further reports will of course be presented to Cabinet on aspects of the Localism Bill as appropriate.</i></p>		