

COUNCIL EXECUTIVE MEETING 7th February 2007

The following Statements and Questions were registered before the deadline.

REGISTERED SPEAKERS

- Councillor Steve Willcox
Re: Road Safety on A37
- John O'Regan
Re: The Council's Budget with specific reference to the removal of denominational Home to School Transport (Agenda Item 14)
- Councillor David Bellotti
Re: Connexions Service (Agenda Item 12)
- Councillor David Bellotti
Re: Council Budget (Agenda Item 14)

QUESTIONS AND ANSWERS

1

Question from:	Ian Thorn
Is it acceptable for businesses in the city to be allowed to leave their commercial waste bins on the public highway? If not, what action will you take to prevent this from happening in locations such as Parsonage Lane?	
Answer from:	Councillor Gerry Curran
<p><i>There are at present no plans to produce a policy on this issue. In the meantime, we would be happy to reconsider the position of receptacles where these are the cause of complaint. I am not aware of complaints having been received about bins in Parsonage Lane.</i></p> <p><i>Section 185 of the Highways Act 1980 states that the Council "may provide and maintain in or under a street orderly bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of street refuse and refuse paper or the storage of sand, grit or other materials. Nothing in this section is to be taken as empowering the Council to hinder the reasonable use of a street by the public....or create a nuisance to the owner/occupier of premises adjacent to a street."</i></p> <p><i>Also under Section 5 of Litter Act 1983 - "a litter authority in England and Wales may provide and maintain in any street or public place receptacles for refuse or litter."</i></p> <p><i>Basically, this and regulations contained in the Environmental Protection Act 1990 means that we can allow our own containers for waste purposes as long as</i></p>	

they do not cause obstruction or a nuisance to any owner/occupiers of premises adjacent to a street. We can give permission to the placing of other receptacles on the highway but we would need agreed criteria through an adopted policy. As far as I know permission has never been granted by highways to the latter but I would hope that should we decide to invoke this, it would be through consultation with traders.

2	Question from:	Ian Thorn
Same as Question 1 above		
	Answer from:	Councillor Sir Elgar Jenkins OBE
<i>I defer to the reply provided to this question by my Executive colleague Cllr Gerry Curran</i>		

3	Question from:	Ian Thorn
Following my question at the last Executive and his inability to confirm a timescale for the implementation of dropped kerbs in Abbey ward, can he, at least, say when the works will start?		
	Answer from:	Councillor Sir Elgar Jenkins OBE
<i>If Mr Thorn re-reads my answer to his last question he will see that I said that his proposals would "in due course of time" be considered. The Department already has many requests for dropped kerbs and his proposals have therefore been added to that list to be considered.</i>		

4	Question from:	Helen Woodley of Bath & NE Somerset Allotments Association
<p>Bath and N E Somerset Allotments Association notes with huge concern that one of the statutory allotment sites is yet again under threat from the Council, this time that a large portion of the Lower Common site is proposed for a coach park, as is being put forward in the Draft Coach Strategy.</p> <p>Allotments are in demand across the city, with each council-managed site having a waiting list.</p> <p>Does the Executive Member appreciate that legislation requires each allotment authority to provide to meet demand for allotments, and that the waiting list for Lower Common East is currently two years, and for the fully organic Lower Common West there is a four year waiting list?</p> <p>Please could the Executive Member explain how they square the above threat with the need for compliance with the legislation?</p>		

<p>Is the Executive Member aware that our local authority is a Corporate Member of the National Society of Allotment and Leisure Gardeners and hence it supports NSALG's objectives to promote allotmenting as a leisure activity? It strains our volunteer resources and willingness to co-operate to the limit to have to fend off a seemingly perpetual succession of such threats, and it particularly grieves us while concurrently we are being promised a developer contribution for new allotments in respect of the Bath Western Riverside development. Please would the Executive Member be willing to promise that, so long as any one of the Council's own sites is fully tenanted, they will aim to ensure that it does not in future become threatened by any Council-generated development proposal?</p>	
Answer from:	Councillor Gerry Curran
<p><i>The Lower Common site is safeguarded as allotments under Policy CF.8 in the Bath & North East Somerset Local Plan as proposed to be modified (2006) and identified as such on the Proposals Map. The modified policy states that "Development resulting in the loss of land used for allotments will not be permitted unless:</i></p> <p><i>(i) the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made; or</i></p> <p><i>(ii) the site is allocated for another use in the Local Plan and suitable, equivalent and accessible alternative provision is made.</i></p> <p><i>Development resulting in the loss of vacant land last used for allotments will not be permitted unless the existing and foreseeable local demand for allotments can be met by existing suitable and accessible sites.</i></p> <p><i>New allotments will be permitted provided that they are accessible to the area they are intended to serve and suitable for productive use.</i></p>	

5	Question from:	Helen Woodley of Bath & NE Somerset Allotments Association
Same as Question 4 above		
	Answer from:	Councillor Sir Elgar Jenkins OBE
<p><i>I note the information contained in the question. There is no recommendation to use the Lower Common Allotments as a coach park. If proposals were made at any time to develop a coach park in the city, it would be subject to the relevant Planning and Executive Procedures.</i></p>		

6	Question from:	Helen Woodley of Bath & NE Somerset Allotments Association
Same as Question 4 above		

Answer from:	Councillor Paul Crossley (in the temporary absence of Councillor Nicole O'Flaherty)
<p><i>The Lower Common allotments (apart from a strip along the eastern boundary) are protected by the County of Avon Act 1982. The land is part of the area "to be held in perpetuity by the Bath Council as parks or places of public resort and recreation." A private Act of Parliament would need to be passed in order to over-turn the current restriction.</i></p> <p><i>The Council's Green Spaces Strategy (currently in draft form, due to be adopted in March 2007), provides additional protection to this and that provided for within the Local Plan in that as the overall current provision of allotments (2.2sqm/person) within Bath falls below the proposed local standard of 3sqm/person, this and other allotment site could not be deemed surplus.</i></p>	

7 Question from:	Councillor Caroline Roberts
<p>What action is the Executive taking to progress Gating Orders in Bath and North East Somerset?</p>	
Answer from:	Councillor Sir Elgar Jenkins OBE
<p><i>Gating Orders enable the Council to close highways where closure will help to tackle crime or anti-social behaviour.</i></p> <p><i>The authority has not received any formal applications for Gating Orders to date and sources of funding will need to be identified to process and implement them.</i></p> <p><i>The new powers came into force on 1st April 2006 and a Members Information Sheet is to be circulated explaining the extent of these powers.</i></p>	

8 Question from:	Scott Morrison of Bath Friends of the Earth
<p>The Bath Western Riverside has a planning objective of 0.7 cars per dwelling. While this is low, it still requires space for cars to drive and park, and increases the carbon footprint of the development. We would like to point out that Crest Nicholson are involved (at planning stage) with a car free development in Brighton, which has many similarities to the BWR. What consideration was given to developing a car free BWR and has the Council studied this 172 dwelling development in Brighton or any of the car-free developments being developed in mainland Europe?</p>	
Answer from:	Councillor Colin Darracott
<p><i>From an early stage in the development of the planning principles for Bath Western Riverside, the suppression of on-site car parking provision has been a key objective. During the discussions with developers, (Grosvenor and then Crest Nicholson) I did ask for a zero parking policy to be considered, but it was</i></p>	

apparent early on that this put neighbouring areas at severe risk of parking congestion. When the Supplementary Planning Guidance for BWR was produced in 2003 the standard of 0.7 spaces per unit was considered to strike the right balance between discouraging extensive use of the private car whilst allowing limited on-site parking. The 0.7% includes 10% disabled parking and 10% short-stay visitor parking, so the real parking provision for residents is 0.56 spaces per dwelling. Such low provision requires substantially lower vehicle ownership rates than are currently found in Abbey Ward (0.67 vehicles per household*), despite Abbey Ward being the city centre and the residential part of this site being some distance from the centre, particularly the western end of BWR - hence our requirement for the developer to fund expansion of Controlled Parking Zones into neighbouring areas.

Following more detailed transportation work carried out to inform the BWR masterplanning process, we remained of the opinion that the 0.7 standard would achieve the right balance and included this in the recent Supplementary Planning Document. The advice that we received from our transport consultants was that the development of an edge-of-centre site such as BWR could not rely on a wholesale shift of mode of transport away from the private car to other modes, but that a shift in emphasis away from the private car towards more sustainable modes was more realistic, resulting in the 0.7 parking standard and the proposals for enhanced public transport, pedestrian and cycle links at BWR.

The transport consultants looked at a number of redevelopment projects around Europe, but I am not aware that they specifically looked at the Brighton example. I note that, in contrast to BWR, the Brighton example is located right in the centre and actually lies directly adjacent to Brighton Railway Station where a more dramatic modal shift to public transport would be achievable, hence the apparent zero parking standard. It is also a fraction of the size of the BWR development.

Continental cities, such as Freiberg (details of which I have seen directly during a presentation by that city), have a totally different public investment ethos and more realistic land values, which has allowed them to use light trams and dozens of park and rides.

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Question from:	Pat Nicol
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- a) What is the total level of fees received for cremations and burials at Haycombe Cemetery and Crematorium?
- b) What percentage of these fees contributes to the overall running costs of Haycombe?
- c) What percentage of the fees are returned to Council coffers?
- d) How much does the taxpayer, through Council Tax, contribute to the running costs of Haycombe?

Answer from:	Councillor Malcolm Hanney
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- a) *The total income from fees and charges for cremations and burials at Haycombe Cemetery and Crematorium in 2005/2006 was £904,665.*
- b) *This income covers all running costs of Haycombe and those of closed cemeteries.*

c) *The net return to central funds from fees and charges after covering running costs was £78,610. The cemeteries account however does not show costs related to property (e.g. rental, maintenance and any land charges)*

d) *Leaving aside property costs (which vary from year to year), there is a benefit of approximately £1 per household per year from the crematorium and cemeteries (in addition to the amenities provided in closed cemeteries and churchyards).*

10 Question from: Doctor Eleanor Jackson

- a) Are you aware of the strength of feeling regarding the state of Victoria Hall and the fact that over three hundred people attended the first meeting to save the Hall back in 1997?
- b) Why have you not acted on the recommendations of the Victoria Hall Working Party's report, which you have had for many months?
- c) Why is the building being allowed to fall down?
- d) Why has the amount needed to restore the building been doubled?
- e) Why has no regard been taken of the Working Party's recommendations with regard to fund-raising to save the Hall?

Answer from: Councillor Colin Darracott

- a) *Yes. While there are varying opinions as to the best use for the Victoria Hall I am aware of local feelings that this is a community resource.*
- b) *A draft business plan has been provided by the Town Clerk for two phases of building works and this notes that further information is needed before it can be determined whether the project is viable. It is therefore necessary for this further work to be completed to clarify viability.*
- c) *As far as I am aware, the building is not falling down. There can be no further major expenditure incurred until its long term future is determined.*
- d) *I am not aware of any new estimates being provided as the costs of refurbishment will be wholly dependant on the long term future of the building which is still under discussion*
- e) *As stated above, the long term future and resourcing of the building is still under discussion.*

11 Question from: Councillor Roger Symonds

At last month's Executive I asked for attention to a number of issues concerning highways on Combe Down. To date (one month later), none of these has been attended to. Can Sir Elgar give me dates when these problems will be resolved?

Answer from: Councillor Sir Elgar Jenkins OBE

1. *An order was issued on February 1st regarding the removal of various signs (I*

<p><i>understand you were aware of this before your question was put to me at the Executive) including the weight limit signing.</i></p> <ol style="list-style-type: none"> <i>2. The blocked gullies will be repaired as soon as possible.</i> <i>3. The repairs to the two bus shelters have been passed to Adshell.</i> <i>4. The bus stop locations on North Road had been agreed and will be installed shortly.</i> <i>5. The broken stop cock box has been repaired.</i> <i>6. A number of double yellow lines were put down, as you know, as temporary measures given the concerns about the state of the mines under the roads. These are now being reviewed.</i> <i>7. Following the introduction of the temporary one-way traffic order on The Firs, the verge will now be looked at.</i> <i>8. The defects on Exmoor Road are not deep enough to be repaired.</i> <p><i>I cannot give exact dates on some of these issues.</i></p>	
Supplementary Question from:	Councillor Roger Symonds
<p>Would the Executive member give dates when these items will be dealt with? Can he explain why £152 million has been spent on the Stone Mines but Combe Down residents still suffer road closures, weight limits and the normal infrastructure is not being held together?</p>	
Answer from:	Councillor Sir Elgar Jenkins OBE
<p><i>The question came in too late to enable me to provide a full response in time for today's meeting but I want to assure Cllr Symonds that we do want to safeguard the interests of the residents of Combe down from the impact of the work on the Stone Mines. Some of the works to which Cllr Symonds alludes have in fact been scheduled already and he has been notified of the dates.</i></p>	

12	Question from: John O'Regan
<p>This year's savings from charging for denominational transport will be minimal. Is it right that B&NES should say to parents you have the right to the education of your religion as long as you can pay the £6k we will charge you for transport? Will you please agree to overturn this decision?</p>	
Answer from:	Councillor Jonathan Gay
<p><i>The decision to introduce charging for denominational transport was made after a long and detailed consultation and debate through the EYCL Overview and Scrutiny Panel and Council Executive.</i></p> <p><i>In order to ensure parents will continue to be able to exercise their right to send their children to Church Schools the changes are not being introduced for low income families and only apply in full to the 1st child (2nd and 3rd children pay 50% of the charge and for families with more than 3 children there are no charges beyond the first three children).</i></p>	

*In addition, the charges are being introduced gradually and will only apply to children as they start to attend Church Schools.
Therefore, the income will be modest in the first year, but will increase over time.
The funding generated will help to ensure that the Home to School transport budget stays in balance and does not become overspent and result in cuts having to be made to other areas of the Children's Service Budget.
The charges are an important element of an overall budget and I will not be proposing that the decision to introduce them is overturned.*