

CABINET MEETING 3rd September 2008

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

REGISTERED SPEAKERS

There were 6 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.

- Cllr Caroline Roberts
Re: Residential Speed Limits
- Cllr Andy Furse
Re: CPO powers (Agenda Item 13)
- Carolyn Allen, member of "Response 2 Route"
Re: CPO powers (Agenda Item 13)
- Alison Weston, member of "Response 2 Route"
Re: CPO powers (Agenda Item 13)
- Nadine Geary, member of "Response 2 Route"
Re: CPO powers (Agenda Item 13)
- David Batho
Re: CPO powers (Agenda Item 13)

QUESTIONS AND ANSWERS - COUNCILLORS

01

Question from: Councillor Sharon Ball

- 1) What is the final cost of the repair to the footbridge over the River Avon between Fieldings Road and Locksbrook Road?
- 2) What is the length of time over run on this Bridge?
- 3) Will a full report be made available to Councillors and the Public as to why costs have exceeded the original estimate and to why the project has taken so long?
- 4) Will the council be issuing an apology to local residents for the amount of inconvenienced they have had to put up with for such a lengthy closure of a bridge that was supposed to be only closed for 3 months as our own estimates tell us this is now nearly 8 months?

Answer from:	Councillor Charles Gerrish
<p>1) <i>The 2007/08 capital budget for the refurbishment of Twerton Footbridge was £353k. The final cost of the Twerton Footbridge contract is not yet known because work is still not complete. However, the forecast estimate of the final cost is £573k including works costs, land rental, staff recharges, statutory undertakers and other costs (and a reimbursement from BT of £77k).</i></p> <p>2) <i>Assuming completion by the end of the first week of September, the additional work that has been required will have increased the contract period by 22 weeks.</i></p> <p>3) <i>The main reasons for cost and time overruns are as follows:</i></p> <p>(a) <i>The main structural steelwork frame of the bridge was extensively corroded and in a far worse condition than envisaged at the design stage (there has been little maintenance on the bridge since the beginning of Avon County Council in 1974). The corrosion had extended below the level of the concrete beams which was not envisaged at the design stage and this resulted in extensive breaking out of concrete, replacing the badly corroded members and re-concreting of the beams. Because of the weakness of the bridge, only one badly corroded section could be removed at a time and consequently the programmed duration of steelwork repairs was substantially increased by approximately 11 weeks (this also included the works to the concrete bridge deck described below).</i></p> <p>(b) <i>Once work commenced on the underside (soffit) of the existing concrete bridge deck, it became clear that the deck had extensive spalling of concrete and corrosion of the reinforcement. (This had not been apparent at the design stage when a visual assessment had been made and photographs of the underside of the deck examined). In many areas the reinforcement exposed was so badly corroded it crumbled away into flakes of rust when touched. The cost and duration of concrete repairs to the soffit has therefore substantially increased.</i></p> <p>(c) <i>The bridge carried 2 No 33 kV Western Power Distribution cables running longitudinally in ducts along the west side of the bridge tight to the underside (soffit) of the bridge deck. There was no access in between the top of the ducts and the soffit to carry out the repairs noted in (b) above. Western Power would not allow their cables and ducts to be lowered in order to gain access because of the possibility of disrupting power to the Royal United Hospital and the western half of Bath. The only way of overcoming this problem was to carry out concrete repairs on the eastern side of the bridge soffit first using pontoons for access, install new Western Power cables and ducts on the east side, decommission the power cables on the west side and finally carry out concrete soffit repairs along the west side. This added approximately 8 weeks to the contract duration.</i></p> <p>(d) <i>The wet weather in July and August has had a severe impact on the programmed works of painting and waterproofing and has added approximately 3 weeks to the contract duration. Unfortunately the planned opening date of the end of August will be delayed approximately 1 week, assuming that the weather improves to allow painting and waterproofing to be completed.</i></p> <p><i>The above can be set out in report form for issue to Councillors if that is required.</i></p> <p>4) <i>The Council has apologised for the inconvenience to the public and erected temporary signs at each end of the bridge.</i></p>	

02

Question from:	Councillor Dr Eleanor Jackson
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<p>a) Can the Cabinet Member please indicate the extent to which B&NES is underwriting the Norton Radstock Regeneration Company, given that B&NES is already paying postage, publicity, salary costs and, it would seem, office rental?</p> <p>b) What will happen if, under the new arrangements to finance the building, on Site 2, the Norton Radstock Regeneration Company goes into negative equity - ie the developer's costs exceed the value of the land due to be sold to the developer in due course?</p>	
Answer from:	Councillor David Hawkins
<p><i>a) The Council is not underwriting the Norton Radstock Regeneration Company, which is responsible for its own affairs.</i></p> <p><i>b) The relationship between land value and development costs is solely a matter for the Norton Radstock Regeneration Company and its development partner Bellway, with no liability upon the Council.</i></p>	
Supplementary Question:	
<p>Thank you for your reply. If, as you say, the NRRC is responsible for its own affairs, can he explain why on all its communications it displays the Council logo?</p>	
Answer from:	Councillor David Hawkins
<p><i>I will provide a response within 5 days.</i></p>	

03

Question from:	Councillor Ian Gilchrist
<p>The final decision on implementing Bath city centre car parking charges is long overdue; implementation should have started by Sept 1. Cllr Gerrish has stated that he is waiting for the consultation period to end. When will this be? How has the consultation been carried out, and what do the results so far show? Can we expect Cllr Gerrish to respond to public demand and announce that the new regime of £1 for hours 6.00 -10.00 pm will be introduced across all city centre car parks rather than just the two previously announced? This would be consistent across the city (see 6.2 of E1836, "The Council is constantly seeking to correct any anomalies...")</p>	
Answer from:	Councillor Charles Gerrish
<p><i>We implemented decision E1715 regarding new parking charges in May 2008 and have since published decision E1836 regarding charges for evening parking. The consultation has been completed. In addition to inviting views through a Press Release, it included sending the report to various organisations with an interest in the subject and invited views on the proposals in the report. I would be happy to provide Councillor Gilchrist with a summary of the responses received. I have now made my decision which is to accept the recommendations in the report (i.e. to implement a trial scheme whereby we charge £1.00 for parking after</i></p>	

6.00 p.m. at Avon Street and Charlotte Street). A Traffic Regulation Order will therefore be published within the next few days.

I accept that there has been some delay in making this decision and this is because I required a detailed financial analysis of the impact of this decision not just at the two car parks I have mentioned but additionally at other car parks in Bath. It was not possible to make an informed decision on the extent of the decision until we had a clear picture of the current patterns of parking and income since the last set of changes were made earlier this year. This analysis established that it would not be possible to extend the trial to other car parks during this financial year.

Supplementary Question:

Was there really such overwhelming support, as he suggests, except for Charlotte Street?

Answer from: Councillor Charles Gerrish

There was wide support for the reduction to £1.

04

Question from: Councillor Ian Gilchrist

In relation to the proposal to drop parking charges for Blue Badge holders in Keynsham while retaining them for Bath and the rest of B&NES can Cllr Gerrish please explain how this anomaly may be interpreted in any way other than acting to favour residents in his own ward? If disabled drivers are being treated in one fashion in Keynsham should the same principle not equally be applied elsewhere? If the cost reasons (as explained in E1886) are paramount now, why were the same reasons not developed in the original paper, E1715?

Answer from: Councillor Charles Gerrish

The decision not to introduce charges for use by Blue Badge holders of our car parks in Keynsham was taken for two reasons.

1. The advice I have received from my officers is clear that the current level of on-street parking in Keynsham is inadequate to cope with additional disabled parking which would result from introducing a charging regime. This contrasts to the situation in Bath. It is not possible to provide free spaces within Charlotte Street and Avon Street car parks because these are operated as 'pay on exit' car parks and as such disabled drivers have paid since this change in 2006.

Nevertheless, there are 22 spaces at the entrance to Charlotte Street car park which are available for use by Blue Badge holders only and are free of charge. In addition, Blue Badge holders are able to park for no charge on street at meters, in residential areas including those Controlled Parking Zones where a Residents Permit would be required by non badge holders and at all other appropriate locations on streets except where an obstruction is caused. We have also provided a further 15 disabled bays in the city since April.

2. It is now clear that the existing machines in Keynsham are not compliant for disabled access either in location or operation. The cost to the authority of re locating machines and purchasing the appropriately accessible equipment would be in excess of £40k and the anticipated pay back on capital cost from additional Blue Badge payments would be about 50 years (i.e. longer than the life of machines). I do not therefore consider that this would be sensible use of Council Tax payers money.

The cost of the modifications required to meet the requirements of the Disability Discrimination Act became known only after officers carried out Equalities Impact Assessments with a view to implementing the decision but were not known at the time of the report E1715. In Bath there are in general suitable alternative parking spaces other than in the area of Bath Sports and Leisure Centre. I have therefore, decided not to implement charges at this location.

Supplementary Question:

Can the Cabinet member explain whether there is something different about the machines in Keynsham which makes them impossible to change; or is he in fact seeking to favour those who live in his own ward?

Answer from: Councillor Charles Gerrish

I answered his question in my main response.

05 Question from: Councillor Will Sandry

I refer to the Cabinet Member's answer to my question at last Cabinet (25.06.08 Minutes Appendix 1, Question 4). Having easy access to data on the number of Adult Community Care users would seem to me to be fundamental to the good running of the service. I'm sure that it is required to set budgets, make invitations to tender and generally manage the department. As the Cabinet member has told me that providing the data I have requested would be too much work and not a good use of time, does he have any concerns about the administrative performance or abilities of his department?

Answer from: Councillor Vic Pritchard

I am very grateful for the hard work that adult social services do and I have absolutely no concerns with regard to the administrative performance or abilities of the staff working within this service.

06 Question from: Councillor Will Sandry

Please can you give tell me if there is any indication that as a result of your decision ("E1795 Charging Policy for Adult Care Community Services") to

increase charges users have stopped using Adult Care Community Services? I am only specifically interested in the following three service areas:
 a) Domiciliary Care - (for which you increased the charge by 74%)
 b) Community Transport - (for which you increased the charge by 50%)
 c) Community Meals - (for which you increased the charge by 38%)
 I recognise that service users "come and go" therefore please provide data showing the number of service users each month for the three service areas over the last 24 months to support your answer.

Answer from:	Councillor Vic Pritchard
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Councillor Sandry is a member of the O&S Panel that agreed on 17th April 2008, to receive a report on the impact of changes to the Community Care charges at a meeting of the O&S Panel on 18th Nov 2008. The reason this Panel date was chosen was made explicit to the O&S Panel that to try and assess the information earlier would not allow for a meaningful assessment, bearing in mind the changes in the policy were only implemented from the 2nd June 2008. Despite agreeing to receiving this information in November, Councillor Sandry chose to ask exactly the same questions of the O&S Panel on 17th June 2008. I am not clear what information Cllr Sandry would have expected to be able to gain on the impact for policy that would only have been in force for 15 days at the time of that Panel. As Councillor Sandry is now raising exactly the same questions in September, I am equally unclear as to what part of "this information will be provided to an O&S Panel in November 08", as agreed by the Panel he was part of, Councillor Sandry does not understand.

07

Question from:	Councillor Andy Furse
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Experiencing the lack of progress in addressing pedestrian problems in Manvers Street and Dorchester Street, can the Cabinet member explain how Major Projects are undertaking and co-ordinating the following?
 a) What is to be done to improve pedestrian access and egress at the junction of Dorchester Street and Manvers Street?
 b) What is being done to help the small businesses at this location?
 c) Within what timescales can residents expect to see improvements?

Answer from:	Councillor David Hawkins
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*After lengthy negotiation with First, improvements to the crossing point to the front of the railway station were commenced in early July; the purpose of which was to introduce a formal crossing point at the Manvers Street and Dorchester Street junction.
 Whilst the enlarged island has been constructed, works to commission the lights will not be completed until 5th September.
 The completed works will benefit the businesses within Argyle House by providing a direct pedestrian route to their premises, particularly for people exiting and travelling to the railway station via Manvers Street. The businesses have*

also previously been provided with information on business rate rebates.

Supplementary Question:

What action will the cabinet member take and was he aware there are still no benches, still no pedestrian priority sign and still inadequate crossing facilities around Southgate. Will the cabinet member step aside and allow another member to deliver what is required?

Answer from: Councillor David Hawkins

I will provide a response within 5 days.

08

Question from: Councillor Andy Furse

Pavements:

- a) Is the Cabinet member aware of the recent report published by Help the Aged, called "Falling Short"?
- b) What is the current B&NES spend on pavement repairs, and the current budget?
- c) What was the budget over the past 4 years?
- d) How many compensation claims have been made (and their value)?
- e) How many of these claims have been upheld (and the value)?
- f) What is the identified value of the identified repairs backlog, how are these categorised and will the backlog list be made available?

Answer from: Councillor Charles Gerrish

a) I am now aware of the report and I thank Councillor Furse for having brought this to my attention.

b)

<i>Capital Footway Structural Maintenance</i>	<i>£200k</i>
<i>Revenue (including "reactive") Maintenance</i>	<i>£265k</i>
<i>Planned Minor Schemes ~</i>	<i>£38k</i>
<i>Total Footway Budget 08/09 ~</i>	<i>£503k</i>

c) In the time available I am unable to provide budget comparisons prior to 2007/08 as the way in which we account for these budgets did not identify work on footways separately from other Highways (carriageway) maintenance works. Should it be required, I could provide the figures within 5 days.

In 2007/8, the budgets were:

<i>Capital Structural Maintenance</i>	<i>£195k</i>
<i>Revenue (including "reactive") Maintenance</i>	<i>£246k</i>
<i>Schemes/Reconstruction</i>	<i>£65k</i>
<i>Total</i>	<i>£506k</i>

d) It is not possible to provide a value for those claims where we have not accepted liability as costs are not assessed prior to repudiation of the claim. Over the past 4 years, Highways-related costs have been:

Year	Costs
2004/5	£32.5k
2005/6	£7.8k
2006/7	£1.9k
2007/8	£0
2008/9	£0

e) The number of claims received and the number upheld in each year is as follows:-

Year	Claim - Received	Upheld/partially Upheld
2004/5	35 no.	5 no.
2005/6	33 no.	2 no.
2006/7	12 no.	2 no.
2007/8	2 no.	0
2008/9	0	0

Notes on responses (d) and (e):

The above figures include roads, pavements and other areas classed as Highways. They do not include (e.g.) Public Rights of Way, Car Parks or other property. A number of claims relating to the above years are yet to be settled and a final cost cannot be provided until these claims are settled. Claims may be considered up to 3 years from the date of an incident so the figures can (and probably will) change where claims are yet to be submitted.

f) Based on BVPI187 (Detailed Visual Inspection) for 2007/8, 27 percent of footways were "over threshold", (i.e. requiring maintenance). This equates to a backlog of £8.5million. There is no "backlog" list.

Supplementary Question:

Thanks to the Cabinet member for his detailed response. What correspondence has he had with Councillor Bryan Organ relating to elderly people?

Answer from: Councillor Charles Gerrish

None

09 Question from: Councillor Roger Symonds

Many of our Parish/Town Councils communicate with their residents through a Parish notice board. In Bath because there are no PCs there are no notice boards. Residents recognise that this gives them less chance to find out about local issues than residents who live outside of Bath. Does the Cabinet member agree that the installation of 'ward notice boards' would be a good way for the council to communicate with residents in Bath? If so what action does he suggest to rectify this anomaly?

Answer from: Councillor Malcolm Hanney

I agree that initiatives to improve the Council's communications with residents

should be encouraged and we actively communicate key Council matters to residents via residents associations, PACT meetings and of course through Ward Councillors, in addition to other mechanisms including direct communication, Council News and the Council's website.

You will recall that the Council at its Budget meeting in February approved a proposal for a pilot "Local Member Initiative" scheme which would provide a mechanism to empower Ward Members to respond quickly to local needs by allocating a modest amount of financial support to make a crucial difference to a project in their Ward. This pilot initiative is being implemented in consultation with the Group Leaders and the Cabinet Member for Resources. £40k is allocated in the Budget for 2008/09 to be shared between 10 Ward Members on a politically proportionate basis and it is hoped to extend the pilot to all Members in 2009/10 subject to budget considerations and satisfactory review of the pilot. This could be a catalyst for installing "Community or Ward notice boards" should local Members wish to promote.

However, it is noted that Parish Notice Boards contain information of a broad nature including local activities planned and information from a range of local organisations (statutory and voluntary) and not just B&NES Council. Parish Councils are responsible for the cost of such notice boards (not B&NES) and the Parish Clerk or other local residents are responsible for maintaining the relevance and timeliness of information provided. There is local ownership. I do not believe B&NES Council should seek to take responsibility for providing or maintaining the broad range of information that may be posted or desirable for a Parish Notice Board (in parished areas) or a community notice board in (unparished areas). I am sure, however, that we would be constructive in providing relevant B&NES information to nominated individuals whether Ward Councillors or otherwise.

10

Question from:	Councillor Roger Symonds
Could the Cabinet member give an update on the Council's position with regard to the Two Tunnels project?	
Answer from:	Councillor Charles Gerrish
<i>This project is a complex one with inherent risks to the Council if we do not secure a robust agreement with Sustrans. We have therefore discussed these with Sustrans' Chief Executive and others in July and a decision paper has been drafted for my attention; I expect to publish this shortly.</i>	
Supplementary Question:	
I note the Cabinet member's response. How soon will this agreement be made? Is the Council's contribution of £400K over 4 years ringfenced for the Two Tunnels project?	
Answer from:	Councillor Charles Gerrish

The member should wait for the imminent publication of the report.

11

Question from:	Councillor Caroline Roberts
a) Will the Cabinet members reconsider the compulsory purchase of residents' gardens and the unnecessary destruction of natural habitat on the Newbridge – Kingsmead new road section of the BRT route? b) Will Cabinet rethink, as they have done on the East of Bath Park and Ride site, and make the necessary amendments so that this proposed new road is no longer necessary?	
Answer from:	Councillor Charles Gerrish
a) <i>We are not currently proposing compulsory purchases, but seeking to to empower the Council to approve these at a future date, should the need arise.</i> b) <i>I have already given instructions for additional research in order to satisfy myself that we make the correct choice regarding our chosen route for a rapid route into the city</i>	
Supplementary Question:	
Thank you for the reply. My local residents will be relieved about the fact that you are reconsidering the route. Do you agree that savings of two minutes journey time will be worth the loss of the land?	
Answer from:	Councillor Charles Gerrish
<i>I am still seeking to confirm the prospective savings in journey time so cannot respond to the other part of her question.</i>	

QUESTIONS AND ANSWERS - PUBLIC

There were none