

## CABINET MEETING 8<sup>th</sup> July 2009

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

### REGISTERED SPEAKERS

There were 2 notices of intention to make a statement at the meeting:

- George Bailey  
Re: Frome to Radstock railway route
- Robert Page  
Re: Fitness for purpose of Council committees

### QUESTIONS AND ANSWERS - COUNCILLORS

**01**      **Question from:**      Councillor Nigel Roberts

- a) What is the cost per meter for filling in pot holes in comparison to the cost of re-surfacing a road?  
b) What was the total spent on re-surfacing roads in 2008/9 and what is the expected amount in 2009/10?  
c) Please could the executive member carry out urgent action to deal with all of the potholes in Kingsway, or alternatively arrange for a reduction in council tax for those residents affected?

**Answer from:**      Councillor Charles Gerrish

- a) The average cost for filling a pothole in the UK (Exc. London) has been calculated as £67 by the Asphalt Industries Alliance. Using our current contract we have estimated that it would cost us in the region of £38. For carriageway resurfacing the all in cost is £12 per square metre not including for sites where tar bound material exists.*  
*b) Our carriageway structural maintenance and surface dressing budget for 2008/09 was £1.8 million and for 2009/10 the anticipated spend is £2.45 million inclusive of a £436k DfT Capital Grant.*  
*c) I have separately exchanged e-mails with Cllr Roberts on this matter*

**02**      **Question from:**      Councillor Nigel Roberts

- a) How many pupils are excluded from school within Bath and North East Somerset?  
b) What is the least, the most and the average tuition that an excluded pupil receives?

<b>Answer from:</b>	Councillor Chris Watt
<p><i>The number of permanent exclusions so far this year is 7, which is marginally more than last year but a marked improvement on previous years. The number of fixed-period exclusions so far this year is: Secondary – 534; Infant/Junior – 40; Special – 43 which is also lower than in previous years.</i></p> <p><b><i>Cllr Watt later provided the following updated response:</i></b></p> <p><i>With all Permanently excluded pupils, 25 hours of tuition is provided within 5 days. Given the nature of the specific needs of permanently excluded pupils some pupils find it difficult to engage in the programme provided for them and on-going work is required with the young person and their parents/guardians to secure their attendance.</i></p> <p><i>All of the 7 excluded students were offered tuition and of these, 5 are now in full time education; one has left the area; and one is continuing to be followed up in order to engage in the 25 hour package of support provided for them.</i></p>	

03

<b>Question from:</b>	Councillor Nigel Roberts
<p>a) What is being done to enforce the bus lane on the A367 near the Odd Down Park and Ride ?</p> <p>b) I understand that there is a camera on the bus lane, but what is there to stop drivers using part of the lane and then cutting back into the traffic before the camera ?</p>	
<b>Answer from:</b>	Councillor Charles Gerrish
<p><i>We are currently procuring ANPR enforcement cameras for our existing bus lanes to improve compliance.</i></p> <p><i>Cameras will be sited at points where we believe they will encourage optimum compliance. Experience suggests that the vast majority of drivers will observe the bus lane restrictions. However abuse of the bus lanes by drivers will be monitored and if it proves to be a major problem we will consider additional enforcement options, such as cameras on buses.</i></p>	

04

<b>Question from:</b>	Councillor Nigel Roberts
<p>The Bloomfield Drive - Frome Road Junction has been due to have yellow lines for quite a while. Please could the executive member clarify the current position?</p>	
<b>Answer from:</b>	Councillor Charles Gerrish
<p><i>There was some consultation over two years ago but there were objections so the scheme was not progressed.</i></p> <p><i>We will look into this again and at the possibility of putting advisory white lines down around the junction as a temporary measure, this type of marking has been applied to a number of sites in the area and has deterred parking and overcome the associated problems.</i></p>	

05

<b>Question from:</b>	Councillor Nathan Hartley
<p>a) Can the Cabinet Member for Housing tell us how much involvement he had with the decision to change the age of residency of the Hawthorns supported living flats (Paulton Road), Midsomer Norton, from 16-24 to 21-24 last year?</p> <p>b) Does he agree that this move was a step back in addressing the increasing problem of youth homelessness in the Norton Radstock area?</p>	
<b>Answer from:</b>	Councillor Vic Pritchard
<p><i>The age limit has not changed. The main eligibility criteria is that the young person must have low support needs and not be vulnerable to the anti social behaviour in the area.</i></p>	
<b>Supplementary Question:</b>	
<p>Can the Cabinet member explain why, despite the fact that he says the age has not changed, the staff at the Hawthorns tell us that the age limit has in fact changed?</p>	
<b>Answer from:</b>	Councillor Vic Pritchard
<p><i>The age has not changed. It remains at 16-24. However, between the ages of 16-17 we work with parents and young people to find other ways of meeting their needs. If this proves not possible, we will still accommodate them at the Hawthorns.</i></p>	

06

<b>Question from:</b>	Councillor Nathan Hartley
<p>Can the Cabinet Member for Highways inform us as to when Bath and North East Somerset Council intends to fill in the over-sized pot holes in Wellow Mead, Peasedown St John?</p> <p>Residents have been waiting almost six months for the work to be carried out. These pot holes exceed the Council's recommended maximum depth and are doing damage to cars and other vehicles that use the road.</p>	
<b>Answer from:</b>	Councillor Charles Gerrish
<p><i>Our Highways Department have checked with our contractor and the work will be undertaken starting on Friday 3rd July.</i></p>	
<b>Supplementary Question:</b>	
<p>I am delighted to say that since submitting my question, the potholes have been filled. Does the Cabinet member therefore agree with me that the best way to arrange for potholes to be repaired is to submit Cabinet Questions?</p>	

<b>Answer from:</b>	Councillor Charles Gerrish
<p><i>No, I do not agree. The contractor is responsible for the work done. I doubt the Contractor takes account of Cabinet Questions. If the member has a problem with delayed work, please let me know and I can tell you where the work is listed on the schedule.</i></p>	

07

<b>Question from:</b>	Councillor Tim Ball
<p>Can I ask the leader of the Council to confirm that Councillor Ian Dewey who is the Councils representative on the Police Authority and is 2 years into a 4 year appointment will continue to be Bath &amp; North East Somerset Councils representative on the Police Authority until 2011?</p>	
<b>Answer from:</b>	Councillor Francine Haerberling
<p><i>The Joint Appointments Committee for the Police Authority met on the 25th June. That meeting decided that there should be one additional conservative group member on the Authority and one fewer liberal democrat; there were accordingly changes to Somerset's and Bristol's representations. There was no change to any of the other representatives. This Council always adheres to the policies and procedures of both Bath and North East Somerset Council and those of the Police Authority</i></p>	
<b>Supplementary Question:</b>	
<p>For absolute clarity, is it her intention that Cllr Dewey will continue to serve on the Authority until 2011?</p>	
<b>Answer from:</b>	Councillor Francine Haerberling
<p><i>My reply made it absolutely clear that in the matter of Police Authority membership, we abide by Police Regulations.</i></p>	

08

<b>Question from:</b>	Councillor Sarah Bevan
<p>Can the member for Transportation and Highways provide details including a timescale, for the council to adopt a policy for making public path orders, including the facility to extinguish public rights of way? This specifically relates to a path causing widely acknowledged and constant levels of crime and anti social behaviour to residents of Morgan Way, Peasedown St John.</p>	
<b>Answer from:</b>	Councillor Charles Gerrish
<p><i>Since 2006, local authorities have had the power to introduce Gating Orders on grounds of persistent crime or anti-social behaviour, without removing the</i></p>	

*underlying highway status. An order can also specify the times of operation. However, certain criteria set out in national regulations must be met. A draft Council policy and procedure for Gating Orders has now been drawn up to meet these criteria and it is expected that this will be made available for a period of public consultation beginning 20th July. Proposed criteria will include levels of reported crime and anti-social behaviour - for example, as identified through the PACT process - as well as the lack of availability or effectiveness of alternative solutions.*

*The document will also set out proposals for more detailed guidance on the process for making and consulting on specific applications for such orders. For example, safeguards will be included to ensure that residents and members of the public who use a particular route will not be excessively inconvenienced by any gating, and, if a through-route, that a suitable alternative exists. For example, special consideration has to be given to the impact a potential order might have on disabled users of the highway to ensure that alternative routes are free from obstructions and are suitably paved.*

*In regard to crime and anti-social behaviour in the specific locality in Peasedown St. John raised by Cllr Bevan, I understand that regrettably these activities have led to damage being caused to fences. However, we have been informed by the Police that this has led to several recent prosecutions.*

**Supplementary Question:**

Can the member say what relevance have the recent regulations to the fact that this path is blocked off?

**Answer from:** Councillor Charles Gerrish

*My response, particularly the last paragraph, was intended to reassure Cllr Bevan.*

**09 Question from:** Councillor Sarah Bevan

Can the member for Transportation and Highways explain why there is still no inclusion in the capital transport project forward plan to address the lack of any lighting in a section of Eckweek Gardens, Peasedown St John, despite the petition requesting this handed to full council in 2005 from residents who remain without lighting in their street?

**Answer from:** Councillor Charles Gerrish

*There is a mixture of Council owned and Parish Owned lighting in Peasedown St John. Considerable improvements to the Parish lighting are required to bring the Peasdown St. John area up to current standards.*

*There is no legal requirement for the authority to provide lighting in a street but we do have a duty to maintain any lighting provided. All current funding from the Local Transport Plan Structural Maintenance settlement is committed to meeting our duty to maintain existing lighting and ensure that columns remain safe.*

*Without a significant increase in the settlement, schemes such as Eckweek*

<i>Gardens cannot be progressed.</i>	
<b>Supplementary Question:</b>	
What has happened to the suggestion that Parish Council funds could be used to improve lighting, particularly in places where it would deter antisocial behaviour?	
<b>Answer from:</b>	Councillor Charles Gerrish
<i>We have worked with Peasedown St John Parish Council to bring their lighting up to a standard which we would feel able to adopt. The Council has no statutory duty to adopt these lights but would consider adoption if they were improved to an acceptable standard by the Parish Council. Regarding the comments about antisocial behaviour, we will work with the Police to overcome this.</i>	

10

<b>Question from:</b>	Councillor Will Sandry
Given that a pedestrian crossing(s) on the Moorland Road / Livingstone Road / Herbert Road junction remains the priority of the residents of Oldfield Ward (expressed at PACT Meeting), how can the Cabinet Member, his Officers, the local independent businesses and local Councillors work together with the £30,000 already allocated form the Oldfield Outlook project to progress this project?	
<b>Answer from:</b>	Councillor Charles Gerrish
<i>The original proposal for the Moorland Road / Livingstone Road / Herbert Road junction included a raised table and was estimated to cost £75k, considerably more money than the £30k offered. This scheme could therefore not be progressed, and the Oldfield Outlook funding is no longer available. A pedestrian crossing without a raised table, funded through the LTP capital programme, will be considered for implementation in 2010/11 onwards, but will be subject to the scheme assessment process.</i>	

11

<b>Question from:</b>	Councillor Will Sandry
Could the Cabinet member please advise me of progress in the Council's efforts to sign up to my personal (and unanimously supported) motion to full council that Bath and North East Somerset Council should sign up to the Health and Safety Executive's Sensible Risk Campaign? Would the Cabinet member care to join me in Oldfield Ward to complete the formalities of the sign up?	
<b>Answer from:</b>	Councillor Malcolm Hanney
<i>Bath &amp; North East Somerset arranged to sign up to the Health and Safety Executive's Sensible Risk Campaign on 4 June 2009. Unfortunately this had to be postponed, at the request of the HSE, as it clashed with European election</i>	

events. The meeting has now been rearranged and will take place on 25 August 2009.

I have been advised that the HSE's preferred approach is to link Local Authority sign up/photo shoots with their health & safety myth of the month initiative, which is set by the HSE's press office. Both the HSE and our press office are currently discussing possible themes for our planned August sign up.

12

**Question from:** Councillor Will Sandry

Please justify the Council's efforts to reduce the official number of rough sleepers in Bath and North East Somerset from ten down to two. In the rough sleeper count that the Cabinet member, myself and a number of other cross party Councillors took part in, we found 10 rough sleepers. Why has the Council asked one of the Council's rough sleeper service providers to re-survey and why is this new number accepted?

What efforts has the Cabinet member made to assess the number of people who "sofa surf" or offer "sex for shelter" on a nightly basis within Bath and North East Somerset?

**Answer from:** Councillor Vic Pritchard

*Following discussions with Julian House it was advised that their Out Reach Service, commissioned by Housing Services, had experienced a gradual decline in rough sleeper numbers over the last 12-18 months, and as such, it was suggested that the figure of 10 was not typical. In order to test this "blip" theory Julian House decided to undertake another informal count. This was not requested by Housing Services.*

*The new figure of 2 that Julian House counted does not represent the "official" figure – this remains at 10 – but does give some weight to the possibility that this was an unusually high figure. The Department of Communities & Local Government have requested that a new formal count be conducted in Autumn/Winter 2009. In the meantime, we will continue to work closely with all relevant agencies to reduce the numbers of people who sleep rough.*

*In terms of "sofa surfing" this is a difficult area of need to assess. While the Council's Homesearch Scheme is able to pick up some of this need it does not provide accurate statistical information. However, the Supporting People team is piloting a gateway system for supported housing and this will also help with information.*

*Those cases where sex is traded for accommodation are much more difficult to assess. We currently do not have any service information on this. This is an issue we will raise with the Homelessness Partnership to seek their views.*

## QUESTIONS AND ANSWERS - PUBLIC

There were none