

CABINET MEETING 2nd September 2009

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

REGISTERED SPEAKERS

There were no notices of intention to make a statement at the meeting.

QUESTIONS AND ANSWERS - COUNCILLORS

01

Question from:	Councillor John Bull
In view of the Government's invitation for a second round of applications from local authorities for its under-16s free swimming programme in 2010 is Councillor Gazzard prepared to apply for such funding on behalf of Bath and NE Somerset?	
Answer from:	Councillor Terry Gazzard
<p><i>The position of the Council has not changed since last year. The offer from the Department for Culture Media and Sport for the Council to partake in under-16's free swimming does not include an adequate increase from last year in funding for the scheme.</i></p> <p><i>DCMS has this year offered a total of £94,260 for the scheme. This means £136,254 is still required to fully fund under-16's free swimming.</i></p> <p><i>The Council has previously written to DCMS highlighting this significant shortfall in funding. The Council requested that DCMS either fully-fund the initiative or allow flexibility in the scheme so that the Council could use the funding on offer to target under-16's free swimming at those on low incomes. To date, the Government has not responded to either of these requests.</i></p> <p><i>It is lamentable that residents of B&NES are losing out on under-16's free swimming due to the inadequate levels of Government funding.</i></p> <p><i>If Cllr Bull wishes the Council to meet the shortfall in funding, perhaps he could indicate where he believes this funding should come from and what other services should be cut.</i></p>	
Supplementary Question:	
Given that funding can apparently be made available for all sorts of other initiatives, does the Cabinet member not agree that the Council should take up the Government's offer of funding for free swimming for young people under 16? In support of this, I wish to present the Cabinet member with a batch of petitions asking for this and I ask the Cabinet member to agree that he will reconsider this.	

Answer from:	Councillor Terry Gazzard
<p><i>There is no additional funding on the scale of the investment required for free U16 swimming - much as we would have liked to have been in a position to agree to this initiative. I have instructed the officers to make further representations to the Department of Culture Media and Sport. This has not resulted in the answer we would have hoped, thus far.</i></p>	

02

Question from:	Councillor Ian Gilchrist
<p>Is the member aware that three months after the introduction of same-day collections, the garden waste/cardboard collection service is giving every appearance of failure? The assurances that this service would be more effective after the waste day change have not materialized. The pattern of inefficiency continues as it has over the past 2 years. We will not detail instances, but I am sure the member sees the official reports, and I know that the official reports do not give the full picture.</p> <p>Recent assurances I have previously been given by the Council are looking hollow. What is the Cabinet member doing to ensure that B&NES residents obtain the service they are entitled to from payment of the Council Tax and the extra payment for paper sacks and wheeled bins?</p>	
Answer from:	Councillor Charles Gerrish
<p><i>We apologise that the garden waste and cardboard services has continued to be unreliable for a relatively small number of residents since the introduction of same day collections. The scheme has proved very popular, with over 500 new subscribers since the change, and this has caused difficulty in accurately forecasting collection volumes.</i></p> <p><i>Waste Services have been reviewing the resource levels required to deal with the higher volumes and have already increased the length of the working day on Fridays to improve reliability. We have also increased the resources working on garden waste & cardboard collection on the days of the week when most problems have occurred.</i></p> <p><i>A post implementation review will consider further ways of improving this service now that volumes have been established.</i></p>	
Supplementary Question:	
<p>When will the post implementation review take place?</p>	
Answer from:	Councillor Charles Gerrish
<p><i>The outcome of the review should provide us with further information in the autumn.</i></p>	

03

Question from:	Councillor Tim Ball
<p>1) How much has the council paid to First bus in the past year for the concessionary fares scheme?</p> <p>2) How much of the above sum is paid from the council tax payer and how much is paid from Central Government?</p> <p>3) What has the council been doing to protect its self from potential fraud in the amount of money it pays to First bus for the concessionary fares scheme by users of the scheme who are not entitled to concessionary fares?</p>	
Answer from:	Councillor Charles Gerrish
<p>1) <i>The Diamond Travelcard partners negotiated a fixed payment to First for concessionary fares reimbursement for the financial year 2008/9. This amounted to £13m for the whole West of England area. The proportion of that amount paid by Bath & North East Somerset Council was £2.73m, calculated as 21% of the WoE total, based on the proportion of passenger boarding in the Council's area. Total spend to all Operators is £3.53m.</i></p> <p>2) <i>It is not possible to answer this question directly. Government funding covers all bus operators and is related to the statutory elements of the scheme only. The Government's declared view is that, nationally, sufficient funding has been provided to cover the cost of the statutory concessionary travel scheme, although there may be disparities between funding of individual districts. However, in B&NES, a rough comparison of the current difference between funding and reimbursement payments suggests a shortfall of £1.3m per annum that is being met from Council Tax (all Operators).</i></p> <p>3) <i>The Diamond Travelcard partners employ an inspector who carries out a rolling programme of on-bus checks across the scheme area. Three to four survey days are programmed per month in Bath & North East Somerset, on average. In addition, plainclothes staff investigate if fraud is suspected. Bus operators' ticket machine records are audited periodically and compared directly with reimbursement claims and on-bus observations. If discrepancies are found, they are followed up. At present, an audit of First's data is in progress. Previous audits of First have not uncovered any significant discrepancies. Although First provides statistics on the use made of the scheme, it does not stand to gain by giving false information because the reimbursement payment is fixed for the year.</i></p>	

04

Question from:	Councillor John Bull
<p>What progress has been made in putting the register of member's interests on the Council website?</p>	
Answer from:	Councillor Malcolm Hanney
<p><i>I am pleased to report that a version of the register has now been published and</i></p>	

<i>is available online</i>	
Supplementary Question:	
Can the Cabinet member explain why it has taken the Council so long to fget to this point?	
Answer from:	Councillor Malcolm Hanney
<i>I refer the member to the Council's Monitoring Officer</i>	

06

Question from:	Councillor Andy Furse
Can the Cabinet Member inform members on what plans there are for a 'wet house' in Bath and what consultation has taken place with the appropriate ward members?	
Answer from:	Councillor Vic Pritchard
<p><i>As the Executive Member for Adult Social Services & Housing I have been very supportive of the proposal to provide a wet house in Bath. If feasible it would provide our Police & Community Support Officers with greater options to encourage street drinkers to move to more tolerable locations. As such I am asking Council to support the Council proposal to agree to contribute £3m of funding for a new direct access hostel for the street homeless in Bath, which is intended to be provided with a wet drinking area.</i></p> <p><i>Once funding is secured then I would be very pleased to seek the involvement of the local ward councillors. In the short term, before the completion of this scheme, I will continue to look for an alternative short-term location for wet drinking. In this regard I would welcome any suggestions on possible locations.</i></p>	
Supplementary Question:	
Given Cllr Pritchard's absence from today's meeting, I shall write to him with my supplementary question, and will provide a copy to Democratic Services	

07

Question from:	Councillor Sharon Ball
Can we have an update on what is happening on the Bath Press Site and if a planning application is expected any time soon on this site.	
Answer from:	Councillor Charles Gerrish
<i>I can confirm that there is no application at present. Of course it is for a</i>	

developer to decide when an application is made and also whether to agree to make any pre-application discussions with the Local Planning Authority public.

08

Question from: Councillor Sharon Ball

Can we be told what consideration if any is being given to introducing bus lanes on the Lower Bristol Road and would the Cabinet Member agree with me that the introduction of bus lanes would be a cost effective way of easing the traffic flow on this road.

Would he also agree that by allowing buses to be able to get out of the bus depot and to their designated route without delay by using a bus lane would make a huge environmental difference in this congested area.

Answer from: Councillor Charles Gerrish

The Bath Transportation Package includes a proposal to create an inbound bus lane on Lower Bristol Road from Jews Lane to Windsor Bridge Road. This benefits Service 5 (which runs every 10 minutes, so 6 buses an hour), Service 42 (which is the Odd Down Service to the RUH, which runs every 30 minutes – 2 buses every hour). This is one of the 9 Showcase Bus Routes to be upgraded as part of the Bath Package.

Buses leaving the bus depot and travelling towards the city centre will also benefit from using the lane.

09

Question from: Councillor Sharon Ball

Bath Western Riverside

a) Can we be told what progress is being made with a possible start date for this scheme and what, if any, new financial difficulties may be involved.

b) Can the Cabinet Member tell us if he has had any talks with the Rugby and football clubs about any interests that they may have in developing a new stadium on Western Riverside.

Answer from: Councillor Terry Gazzard

a) Negotiations are progressing well with Crest Nicholson Regeneration in respect of a start date for a scheme. There are no new financial difficulties involved; the challenge remains establishing the level and timing of Government and the Homes and Communities Agency involvement. Discussions to establish this position are on-going.

b) Discussions with Bath Rugby have generally been held by Cllr. Watt in respect of The Recreation Ground Trust and by Cllr. Hanney on a corporate basis. These discussions have centred on Bath Rugby remaining on the Rec as was the expressed wish of the overwhelming majority of Trust beneficiaries (residents of Bath and environs) during 2007 consultation. There are no prospects of a

stadium on BWR.

10 **Question from:** Councillor Eleanor Jackson

Does the PCT have a policy of restricting access to NHS dental treatment to children, pregnant women and people on specific benefits and tax credits?

Answer from: Councillor Vic Pritchard

I will ask the PCT to respond to Councillor Jackson directly.

Supplementary Question:

Can the Cabinet explain, given the process of integration undertaken by the Council and NHS Bath & NE Somerset, how councillors and members of the public can get answers to their questions?

Answer from: John Everitt, Chief Executive

Cllr Jackson could raise her question for answer at the Partnership Board for Health & Wellbeing, or she could write to the Chief Executive of NHS Bath & NE Somerset, or to myself; or she could write to Cllr Vic Pritchard as Cabinet member. I understand that her question has already been recorded for reply at the next Partnership Board for Health & Wellbeing, on 16-September. Cllr Jackson has alerted us to the fact that we should ensure that the public are made aware that they can ask questions such as this at the Partnership Board and we will take steps to do that.

12 **Question from:** Councillor David Speirs

Could the Cabinet Member for Children's Services please explain the details of the transport provision that will be made available for young people wishing to access the new activities/services (funded by the Department for Children, School and Families) at the Southside Youth Centre, particularly those who live outside of Bath in Norton-Radstock and the surrounding rural areas?

Answer from: Councillor Chris Watt

The provision of youth services and activities to young people across Bath and North East Somerset are built around our locally based youth centres; our detached youth work services, including the deployment of the youth bus; and the work we do in partnership with voluntary groups and organisations---and are designed to be accessible to young people in their communities. We are delighted with the development of Southside Youth Centre and the opportunities

this gives us to extend the range of services and activities available in Bath and North East Somerset. We do not have plans to make provision for transport to Southside from other parts of the authority.

13

Question from: Councillor David Speirs

Could the Cabinet Member for Children's Services please confirm whether either of the two new mobile youth buses (funded by Department for Children, Schools and Families) will be visiting Paulton?

Answer from: Councillor Chris Watt

The two Mobile units come as part of the MyPlace application and are due to be launched in November 2010. They will be used by the detached teams to deliver services to young people in those areas of Bath & North East Somerset where there is little or no youth provision. The priority areas for service delivery will be identified in the annual project planning process and be subject to the resources available to the team.

14

Question from: Councillor David Speirs

Could the relevant Cabinet Member please state whether there are any plans to introduce an E-Petitions system on the B&NES website which will allow residents to organise, sign and present petitions to the Council online?

Answer from: Councillor Francine Haerberling

Discussions are at an early stage in anticipation of the bill concerning e-petitions becoming law in the autumn. As yet, there is insufficient detail to devise a process that we can be sure will be consistent with the requirements

QUESTIONS AND ANSWERS - PUBLIC

5

Question from: Ian Barclay

It is understood that the Firs Field, Combe Down "Blue land" has been acquired by the Council by way of gift to Monkton Combe Parish Council (and hence to Bath CC and B&NES Council).

The 9 February 1920 conveyance of Firs Field to Monkton Combe Parish Council reads, in part "...and 2) of dedicating the remainder of the said land by way of gift

to the council in trust for the perpetual use thereof by the inhabitants of Combe Down aforesaid as a public recreation ground"

The council's powers to accept, hold and administer a gift of this kind appears to be found in s139(1)(b) of the Local Government Act 1972.

Please could Cllr Hanney confirm that the above understanding is correct, that the council has accepted, holds and administers this land in accordance with the conveyance wording and how this is being taken into account under the proposed Firs Field/Bath Recreation Ground Land Swap.

Answer from: Councillor Malcolm Hanney

The Council has fully considered the terms of the 1920 conveyance of the 'blue land' and taken Counsel advice in relation thereto. Counsel advice is that the 'blue' land was conveyed to Monkton Combe Parish Council for statutory purposes under the Local Government Act 1894 rather than on a charitable trust. The 'blue' land is held by the Council as part of its corporate property. It has power to dispose of the land (including by way of declaration of trust) in accordance with S123 of the Local Government Act 1972 and the Local Government Act 1972: General Disposal Consent (England) 2003 (see ODPM Circular 06/2003).

The proposals being put forward in respect of Firs Field take into account the terms of the 1920 conveyance and Counsel advice.

11 Question from: Gill Choulerton

Minutes were taken at the Sulis Club meeting on 26th July 2009 by David Lawrence. I would like to ask when these minutes will be published recording what was said by Councillors and Officers, and what was said by Dr Andrew Smith, the Chair of the Friends of Firs Field, in his speech. No mention is made of Dr Smith's speech in the Firs Field proposal note distributed on 24th July 2009.

Answer from: Councillor Malcolm Hanney

Notes were taken of the meeting by the Friends of Firs Field and an informal note by David Lawrence.

Rather than publish an extremely long note of the discussion the themes were used in order to generate the 'Firs Field Proposal', also the 'Question and Answer' sheets. These documents were distributed to every household in Combe Down, by post, on the 28th July.

The Council has a copy of the notes of Dr Andrew Smith's speech, which were used to inform the aforesaid documents.