

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Thursday, 8th November, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apology for absence: Councillor Brian Simmons

### **54 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the emergency evacuation procedure as set out on the Agenda

### **55 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Brian Simmons

### **56 DECLARATIONS OF INTEREST**

The Senior Democratic Services Officer stated that notice of a declaration of "other" interest had been given by Councillor Eleanor Jackson regarding Report 13 Public Health Contracts as she was a representative on Sirona Care and Health Community Interest Company. Councillors Vic Pritchard and Sally Davis also declared the same interests in this regard. Councillor Loraine Morgan-Brinkhurst MBE declared an "other" interest as Board Member of Sirona Care and Health Community Interest Company. Councillors Nigel Roberts declared an "other" interest in Report 13 as he was an employee of the Royal United Hospital. Councillor Caroline Roberts declared an "other" interest by association, ie his wife, in the same Report.

### **57 MINUTES - 13TH SEPTEMBER 2012**

**RESOLVED** that, subject to the name of Simon Douglas in Minute No 45 being spelt Simon Douglass, the minutes of the meeting of 13<sup>th</sup> September 2012 be approved as a correct record and signed by the Chairman

### **58 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the following announcements:

1. He asked everyone to turn their phones to off/silent and reminded members of the public that some Councillors were accessing their meeting papers on their iPads.
2. He referred to the agenda timings and asked everyone to keep contributions relevant and not to repeat comments already made.
3. He referred to the recent death of Honorary Alderman and former Chair of the Council, Councillor Betty Perry and gave details of the Memorial Service to be held. At the Chairman's request, the Council stood in silence as a mark of respect.
4. He indicated that he proposed to waive Council Rule 37 (for the last time if recommendations in Report 15 were agreed by Council this evening) so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
5. He stated that he would announce a comfort break between 8pm and 9pm if the meeting did not appear to be near its conclusion by then.
6. He referred to a programme of events to be held to fund Chairman's causes; a Charity Ball to be held in March which needed to be promoted; the British Empire Medal being awarded to Councillor Sally Davies in the recent Honours List (which was greeted with applause by Members); and an impending Awards Ceremony for Volunteers.

With the agreement of the Chairman, the Leader of the Council gave details of the refurbishment at Haycombe Crematorium including the design of the Cross which would be hung in the window and only removed if required.

## **59 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business

## **60 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements to the meeting were made by the following people;

- Mark Owen, Managing Director of HorseWorld, Whitchurch, made a statement highlighting the work of the charity and their plans for a brand new visitor centre. Councillor Cherry Beath enquired as to the benefits to the community from Horseworld. Mr Owen replied that it was a major attraction in the area and therefore boosted the economy by bringing visitors from both Britain and abroad. The statement was referred to the Cabinet Member for

Homes and Planning. (A copy of the statement has been retained in the Minute Book and added to the electronic record).

- Mr Peter Marsh, Campaign Co-ordinator in Kingsmead for Bath Labour Action Team, made a statement regarding the proposal to close the GP-led Health Centre in James Street West, Bath (aka Riverside Walk-in Centre). Councillor John Bull enquired as to what actual and projected monies would be saved from the move from Riverside to the RUH. Mr Marsh replied that the Clinical Commissioning Group had said that there would be a saving of £1.3M; however, the cost of the alternative provision at the RUH would give a best guess figure of up to £650k which was only 0.22% of the total. Plans had not been finalised and therefore figures could change. The statement was referred to the appropriate Cabinet Member. (A copy of the statement has been retained in the Minute Book and added to the electronic record).

A Question had been received from Mr Rae Harris. The response had been circulated to Councillors and at the meeting. (A copy of the Question and Answer is available in the Council's Minute book and on the website.)

## **61 THE LOCAL COUNCIL TAX SUPPORT SCHEME**

The Council considered a report outlining proposals for a new Local Council Tax Scheme which will replace the existing system of Council Tax Benefit on 1<sup>st</sup> April 2013.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was:

### **RESOLVED**

1. To delegate authority to the Section 151 Officer, in consultation with the Cabinet Member for Community Resources, to implement recommendations of this report as soon as practicably possible, following the Royal Assent of the Local Government Finance Bill 2012, subject to no major changes to those already prescribed by the Department for Communities and Local Government;
2. To approve the new Section 13a *Local Government Finance Act 1992* Policy for Bath & North East Somerset Council as set out in Appendix 1 to the report, with the key changes to the previous Council Tax Benefit scheme set out in paragraph 5.6 of the Report but with an amendment that entitlement will now cease for claimants with capital/assets **over £10k** (and not over £6k as proposed);
3. To agree that any changes resulting from consideration of the final requirements are approved as set out in Resolution 1 above;
4. To agree the vulnerable requirements of the scheme as detailed in paragraph 5.4 of the report;

5. To agree not to apply for additional voluntary discretionary grant funding for the reasons described at paragraphs 5.8 – 5.13 of the report; and
6. To thank the Officers for their hard work and endeavours in producing this report.

*(Notes: The amendments in Resolution 2 above, proposed by Councillor Charles Gerrish, seconded by Councillor Brian Webber, were accepted by the proposer and seconder of the motion.*

*There was a further amendment by Councillor John Bull, seconded by Councillor Robin Moss, expressing concern regarding insufficient detail and testing; concerns about the Parish Precept and the impact on affected residents; the lack of appropriate information in advance of the meeting; and calling for the decision to be deferred until a Working Group of Members and Officers could report back to Council before the end of January 2013 with options on this and the proposal contained in Agenda Item 9 "Council Tax Technical Changes for Discounts and Exemptions". The motion was lost, 8 Members voting in favour, 40 against and 10 abstaining.)*

## **62 COUNCIL TAX TECHNICAL CHANGES FOR DISCOUNTS AND EXEMPTIONS**

The Council considered a report describing options for adopting new discretionary powers for setting discounts and exemptions to Council Tax against a range of changes proposed by the Local Government Finance Bill/Act 2012, due to come into effect from April 2013.

It was moved by Councillor David Bellotti, seconded by Councillor Paul Crossley, to approve the Recommendations 2.1 – 2.3 set out in the report.

There were various amendments and a lot of debate regarding the motion and amendments. The meetings adjourned for 15 minutes for Officers to recommend some wording for one of the amendments. After substantial debate, Councillor Dave Dixon moved Rule 43 ie "that the Question be now put" which the Chairman put to the vote and was agreed. Accordingly, the motion was put to the vote and it was:

### **RESOLVED**

1. To delegate authority to the Section 151 Officer to make such technical changes and minor adjustment to these proposals as may be required as a result of current, unresolved Communities and Local Government consultations and any further Government or legislative activity;
2. To adopt the full range of technical changes to Council Tax as set out in Appendix 1 to the report;
3. That the Financial Implications be factored into the proposed budget for 2013/14 to be considered by Council in February 2013, **and that the Cabinet be recommended to consider the allocation of additional sums collected from the technical changes, to supplement the Social Fund which is being delegated to Local Authorities, with particular reference to**

**vulnerable groups adversely affected by the Council Tax Support changes;**

- 4. To create a scheme to assist landlords where tenants have left properties in a state not enabling the property to be immediately re-let and where other demonstrable cause of hardship occur; and**
- 5. That a time limit of 3 months be applied to cases which are considered eligible for support in the above Scheme (Resolution 4 immediately above).**

*(Note: The Resolutions in bold above were accepted by the proposer and seconder of the motion as amendments, appropriately moved and seconded by Members.)*

## **63 COUNCIL TAX BASE 2013-2014**

The Council considered a report describing the calculation of Council Tax Base within an environment of changes proposed by the Local Government Finance Bill/Act 2012, due to come into effect from April 2013. Council is asked to approve calculation of the tax base for the area and the amounts for each Parish.

The Monitoring Officer and Divisional Director, Legal and Democratic Services, recommended additional wording to Recommendation 2.5 in the report.

Councillor David Bellotti moved the approval of the Recommendations in the report, together with the additional wording in 2.5, which was seconded by Councillor Paul Crossley, and it was:

### **RESOLVED**

1. To agree the calculation of the Council's tax base for the year 2013/14 as set out in the report;
2. To note an anticipated surplus of £200,000 on the collection fund at the end of 2012/13;
3. To agree the amount calculated by Bath & North East Somerset Council as its tax base for the whole area for the year 2013/14 shall be 59,137.26 after adjustment for discretionary changes to discounts and exemptions, and the impact of the proposed Local Council Tax Support scheme;
4. To agree that for the parts of the area, for the year 2013/14, the tax base is calculated as shown in Appendix 1, both protected from the impacts of the Council Tax Support scheme and unprotected from its impact, while allowing for a 98.25% collection rate; and
5. To agree that delegated authority be given to the Section 151 Officer to make such technical changes and minor adjustment to the tax base as may be required including as a result of current, unresolved Department of Community and Local Government consultations and any further Government or legislative activity.

**64 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2012)**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2012/13 for the first six months of 2012/13.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was:

**RESOLVED**

1. To note the Treasury Management report to 30<sup>th</sup> September 2012, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 30<sup>th</sup> September 2012.

**65 REVIEW OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

The Council considered a report inviting adoption of the draft Statement of Principles ("the Statement") under the Gambling Act 2005 ("the Act") following conclusion of a consultation exercise.

On a motion from Councillor Dave Dixon, seconded by Councillor Sarah Bevan, it was

**RESOLVED** to adopt the Statement of Principles at Annex B to the report.

**66 STATUTORY TRANSFER AND EXTENSION OF PUBLIC HEALTH CONTRACTS**

The Council considered a report which proposed a way of ensuring continuity of services as a range of Public Health functions transfer from the NHS to the Local Authority on 1 April 2013.

On a motion from Councillor Simon Allen, seconded by Councillor Katie Hall, it was:

**RESOLVED**

1. To agree that approval in principle is given to proceed with an extension of relevant current contracts for up to 12 months from 31<sup>st</sup> March 2013 and an endorsement of remaining contracts which have expiry dates beyond 31<sup>st</sup> March 2013 on terms and conditions to be agreed, subject to appropriate officer scrutiny and in the light of confirmation of the relevant ring-fenced national funding allocation; and
2. To authorise the Chief Executive, in consultation with the Monitoring Officer and Chief Financial Officer and following an appropriate officer analysis of risks, to approve specific contractual commitments (including contract extensions as described) from 1<sup>st</sup> April 2013 to ensure continuity of services.

*(Note: Councillor Vic Pritchard moved an amendment, seconded by Councillor Anthony Clarke, to replace Recommendation 2.2 with the following: That the Chief Executive, in consultation with the Monitoring Officer, the Chief Financial Officer and the Chair of the Wellbeing PD&S Panel, and following an appropriate analysis of risks, be authorised to approve specific contractual commitments (including contract extensions as described) from 1 April 2013 to ensure continuity of services. That amendment was not carried, 24 voting in favour, 29 against with 3 abstentions.)*

## **67 DESIGNATED PUBLIC PLACES ORDER TO CONTROL STREET DRINKING IN MIDSOMER NORTON**

The Council considered a report describing arrangements proposed to restrict the consumption of alcohol in designated public places in Midsomer Norton to ameliorate the incidence of alcohol related nuisance and antisocial behaviour.

The Recommendations in the Report were moved by Councillor Dave Dixon and seconded by Councillor Michael Evans.

Members debated the motion. It was considered that some of the edges of the boundaries of the designated area needed to be clearly identified and that the adjoining Ward of Midsomer Norton Westfield be included in the consultation. The motion was put to the vote and it was:

### **RESOLVED**

- 1 To agree that Officers should undertake a formal consultation process in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 with a view to the Council designating the area of Midsomer Norton (as shown on the map in Appendix 1 of the report) under the powers given in the Criminal Justice and Police Act 2001 Section 13 (the Act)
- 2 To agree that the following steps should be taken as part of the consultation process:
  - 2.1 A public advertisement inviting comments [The public advertisement should give notice of the public meetings to be held at Midsomer Norton Town Hall where local stakeholders will be advised of the terms and likely impact of the designated Public Places Order (DPPO) and be invited to make their comments];
  - 2.2 A written invitation issued to the following interested parties to give their views: Avon and Somerset Police, Midsomer Norton Town Council, Radstock Town Council, residents living within the proposed area of the DPPO (Designated Public Place Order), representatives of the licensed trade and any other body agreed by the Members;
  - 2.3 Reasonable steps to consult owners/occupiers of the main public buildings and open spaces within the proposed designated area;

- 2.4 The designated area identified for consultation in Resolution 1 should take account of the risk of displacement;
- 2.5 Owners of private premises open to or accessible to the public within the proposed designated area are invited through the consultation process to state whether they are happy for the Police to use the powers within the Act on their property;
- 2.6 The Council reaffirms to the Police their support for the use of these powers only in situations where there is risk of crime, disorder or nuisance occurring;
- 3 That a further report be submitted once consultation has been completed to consider how to proceed; and
- 4 That the Licensing Committee be authorised to act on behalf of Council on matters relating to DPPOs and that its Terms of Reference be amended accordingly.

## **68 CONSTITUTIONAL ISSUES ARISING FROM NEW EXECUTIVE ARRANGEMENTS, AND OTHER MISCELLANEOUS CHANGES**

The Council considered a report setting out various Constitutional amendments required as a result of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which came into effect in September.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

### **RESOLVED**

1. To note the amended provisions regarding private business at Cabinet meetings, as set out in paragraphs 4.3 – 4.7 of the report;
2. To note the arrangements regarding exceptions to advance notice of key decisions (paragraph 4.8 of the report) and agree that specific reference should be made to the relevant Policy Development & Scrutiny Panel Chair being informed;
3. To agree that the frequency for reports to Council from the Leader containing details of all key decisions taken under Special Urgency provisions shall be annually, or at another interval as decided by Council, as set out in paragraph 4.9 of the report;
4. To agree that the power to grant dispensations is delegated to the Monitoring Officer as set out in paragraph 4.11 of the report;
5. To note the additional provisions regarding overview and scrutiny rights to Cabinet documents, as set out in paragraphs 4.12 – 4.14 of the report;



6. To agree to the suggested change to the 'Recording of Meetings' Constitution section (paragraph 4.16 of the report) to enable more citizen blogging;
7. To nominate the Wellbeing Policy Development & Scrutiny Panel as the Council's arrangement for delivering the health scrutiny function from April 2013 (paragraphs 4.18 - 4.20 of the report refer);
8. To agree the amendment to the Constitution regarding Council Rule 37, as set out in paragraph 4.21 of the report, to remove the ability for a Member, when seconding a motion or amendment, to reserve their speech until later in the debate;
9. To agree that all references to the Proper Officer shall be taken as being the Monitoring Officer and Divisional Director, Legal and Democratic Services, for the purposes of the Constitution; and
10. To delegate authority to the Monitoring Officer & Divisional Director, Legal and Democratic Services, to make any necessary changes to the Council's Constitution arising from decisions taken at this meeting and those required by law.

## **69 FUEL POVERTY - AGENDA MOTION FROM THE LIBERAL DEMOCRAT GROUP**

An agenda motion was moved from the Liberal Democrat group regarding Fuel poverty.

On a motion from Councillor Katie Hall, seconded by David Martin, it was

**RESOLVED** that:

This Council believes that:

1. Fuel poverty is a scourge on our communities; it harms the physical and psychological health, welfare and quality of life of our residents;
2. Local Authorities can play an important role in tackling fuel poverty through, for example, our new public health responsibilities, our strategic role in improving housing and our concern to encourage residents to contribute to the local economy and community.

And this Council therefore resolves to:

1. Work towards eliminating fuel poverty in Bath and North East Somerset;
2. Sign the "Local Authority Fuel Poverty Commitment" published by the End Fuel Poverty Campaign; and
3. Investigate practical schemes which could help residents who live in fuel poverty, such as working with partners to enable collective purchasing schemes for energy.

## **70 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM**

## COUNCILLORS

Questions had been received from Councillors Brian Webber and Nathan Hartley. The responses had been circulated to Councillors and made available at the meeting (a copy of the document is retained in the Council's Minute book and linked online.)

The meeting ended at 9.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**Bath & North East Somerset Full Council Meeting November 8, 2012****Three-minute presentation by HorseWorld's managing director Mark Owen**

Thank you Chair and Councillors for allowing me to speak this evening.

I'm Mark Owen, managing director of Whitchurch-based charity HorseWorld.

Some of you may know us. For those who don't, HorseWorld is one of the UK's leading horse rescue, rehabilitation and rehoming charity.

We've been helping abandoned, neglected and ill-treated horses - from our Whitchurch farm - since 1952...we are currently celebrating our 60<sup>th</sup> anniversary.

The charity has grown continually [last year saw a threefold increase in horses rescued] and is now a major local employer with 62 staff and 140 volunteers.

We are also the fourth most-visited, paid-for tourist attraction in Bath & North-East Somerset, with more than 100,000 visitors a year. We have a dedicated visitor centre housed in a number of old, mainly listed farm-buildings.

As well as caring for horses, we also work with people:

- We teach pupils from local schools and colleges – including Writhlington School and Norton Radstock College
- We've helped hundreds of local young people – many vulnerable and disadvantaged – develop vital life-skills and build self-esteem through our highly-praised educational courses
- We also train emergency services to handle animals.

I would be delighted to personally show any of you around HorseWorld.

HorseWorld – the leading UK Horse rescue, rehabilitation and rehoming charity



But onto the reason I am here.

Like most UK charities, we've seen our main sources of funding [legacies and donations] sharply decline over recent years. Our current financial situation has deteriorated dramatically.

But I'm not here to ask for money.

The only way we can ensure a future for HorseWorld is to increase the number of visitors and the amount they spend...all other avenues have been fully explored and discounted.

We've done extremely well. Through hard work we have successfully increased visitor numbers substantially, year-on-year. It is clear we can increase visitor numbers further...to the 134,000 needed to secure our financial future.

But there's a problem. The existing visitor centre, with its listed buildings and limited indoor facilities, has already exceeded capacity. It is simply no longer fit-for-purpose. This summer we turned visitors away.

So we are proposing to build a brand new visitor centre...still on our land at Whitchurch, but on part of the site where visitors will be able to get much closer to the heart of our work. Seeing it 'up-close' is far more likely to compel visitors to become longer-term supporters.

The new visitor centre would sit alongside our existing animal welfare facilities, and would include a covered equestrian training area, museum and classrooms. The early-stage designs – by Bath-based architects Stubbs Rich – are really exciting.

It would, of course, require planning permission. To fund the construction of the new centre, we would also need permission for an 'enabling' development of an anticipated 80 to 90 new homes on our existing site, including converting the listed buildings.

HorseWorld – the leading UK Horse rescue, rehabilitation and rehoming charity



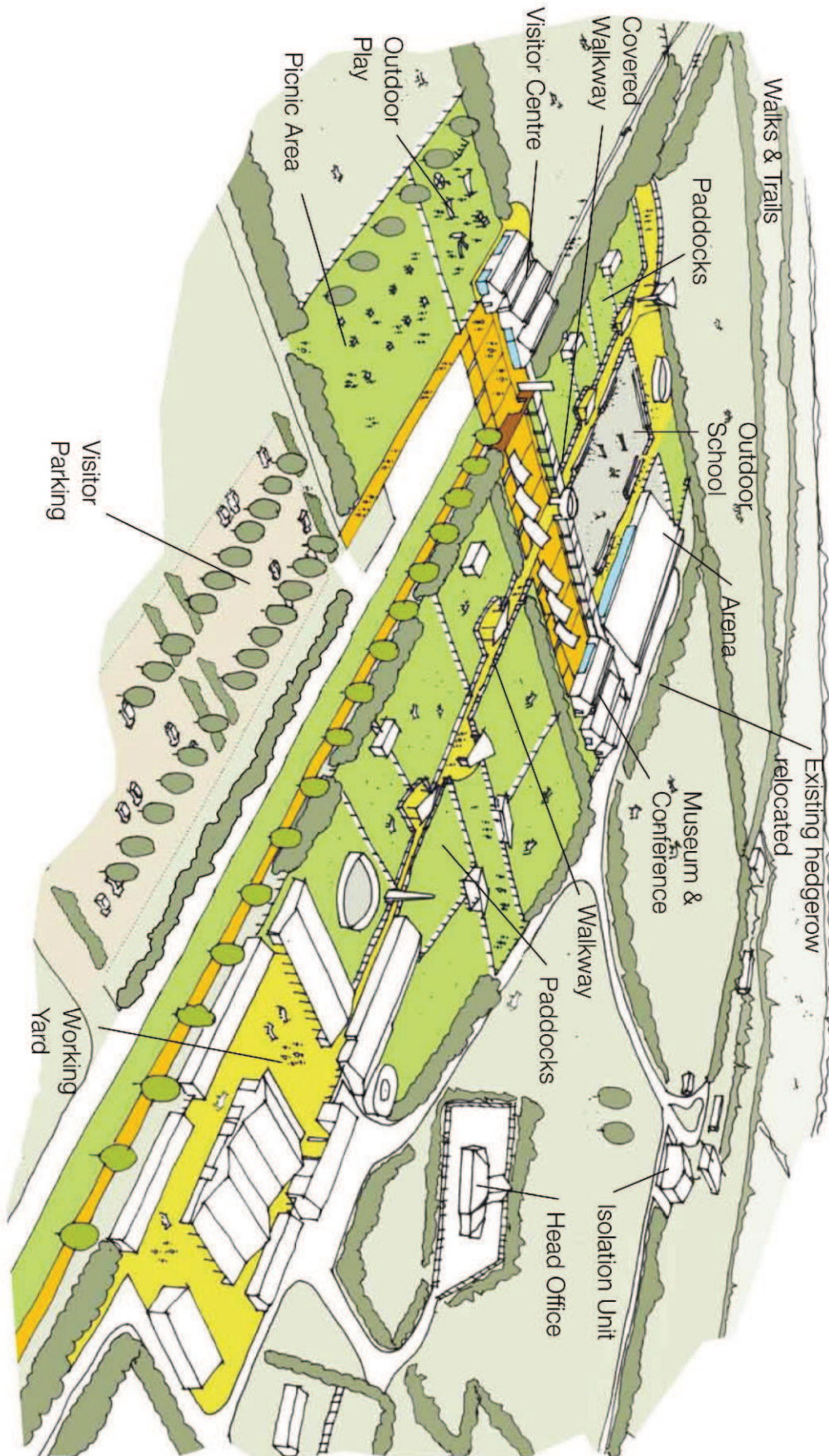
If we do make a planning application, we will consult extensively with the local community. HorseWorld is very much part of Whitchurch...and we want the community to help shape our plans.

I wanted to ensure you were all aware of the amazing work HorseWorld does. And I ask you to support any carefully-considered plans we submit, to ensure we can continue that work for the next 60 years.

Thank you for listening.

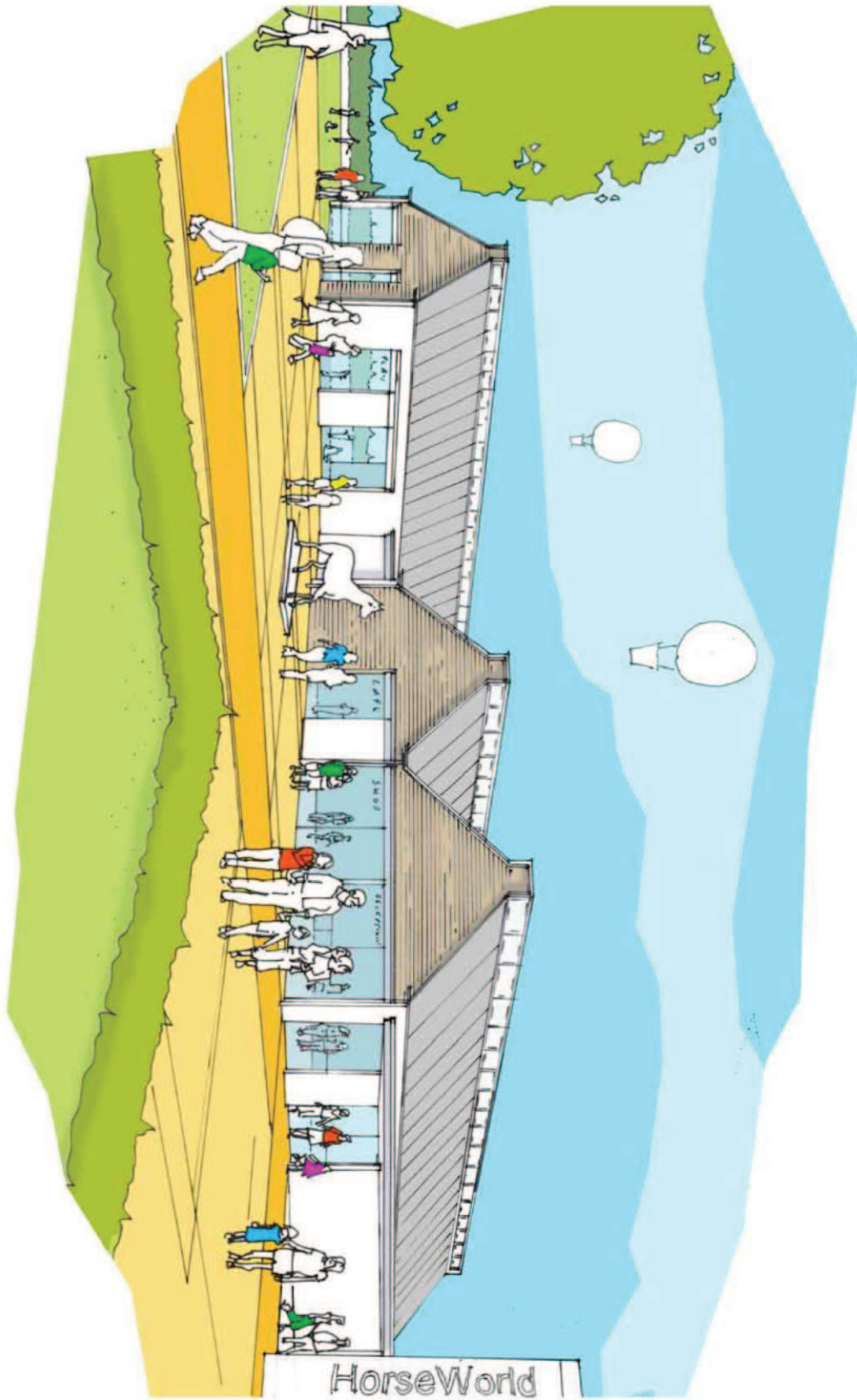
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# HorseWorld Proposed Masterplan



StubbsRich

HorseWorld  
Proposed Visitor Centre



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**Aide memoire for councillors at B&NES Council Meeting Thursday November 29<sup>th</sup> 2012 in respect of a submission by Peter Marsh, Campaign Co-ordinator in Kingsmead for Bath Labour Action Team**

**Re Proposal to close the GP-led Health Centre in James Street West, Bath** also referred to by the Primary Care Trust as “Bath NHS Healthcare Centre” and “Riverside Walk-in Centre”. The GP-led facility is the major provider on the NHS owned Riverside site and the proposed closure does not affect others who use parts of the same building. The latter are the Contraception & Sexual Health Service, the Dental Access Service and the Specialist Drug & Alcohol Service.

Over 1,000 of your constituents have so far signed an on-line petition asking for arguments against the proposal, which has been declared the ‘preferred option’ of the embryonic Clinical Commissioning Group, to be fully considered. This was presented yesterday to Simon Douglas, Chair of the Health & Wellbeing Board (Shadow). The intention was to present it to Dr Ian Orpen as Chair of the CCG, but he informed us in advance of his vital attendance at a meeting elsewhere. We understand, in any case, that until next year the authority continues to lie with the PCT.

The petition referred to was initiated by Bath Labour Action Group of which I am a member. So to that extent I speak for the petitioners as well as making my own observations.

The Health & Social Care Act 2012 places a particular onus on CCGs to have open and transparent arrangements for making decisions. To this end our CCG produced ‘Review of Urgent Care in Bath & North East Somerset – Patient & Public Engagement’. The main element of this was an option for ‘Complete removal from B&NES of the GP-led Health Centre’.

The principal purpose here is to flag up to the Council the importance of this issue to the generality of the people of Bath and the surrounding area. We believe that the idea of closing the Centre has not been justified on clinical or cost grounds.

The first ‘strength’ listed in the CCG document for closure is “Would save £1.3 million annually to reinvest in other health services”. In a harsh economic climate where difficult decisions may have to be made with an increasing and aging population making ever greater demands, we can see the possible attraction of this at first sight. But it transpires this figure, the only sum quoted anywhere, is not net. When the cost of an alternative provision at the RUH is considered the “best guess” saving is £500,000, plus perhaps another £150,000 (total £650,000). The available funds projected for 2014/15 when the closure would be effected are £307,210,000. So this is less than 0.22 per cent of the total, and not assured.

We take the conservative view. “If it ain’t broke, why try to fix it?”

It may be thought the other 27 GP practices in the City could take up the slack. This also would come at cost, and, well, they can’t be directed to and may not. GPC negotiator Dr Peter Holden speaks directly to this when he says, “If any consortia leads think they can lean on GPs in any way, shape or form to do out-of-hours they will find themselves not elected.”

It is also not certain that pointing people to the RUH when they are anxious to see a GP will have a better outcome for them. A very recent study headed by Dr Elizabeth Koshy of Imperial College London suggests not, and that being seen on a hospital’s premises in this context may lead to unnecessary and costly interventions. I am not qualified to comment, but Dr Orpen showed interest when I referred him to this study.

Thank you for your time.

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## **Public Questions for Council 8<sup>th</sup> November 2012**

(NOTE: The following question and answer will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)

### **1. Question from Rae Harris**

Why is B&NES implementing the current Public Realm and Movement Scheme in High Street, Bath - the World Heritage Site's medieval market-place - where:

- i. There is an obvious potential death-trap at the shared-use entry to Cheap Street (the open-top tour buses waiting at the dedicated stop will obscure pedestrians' view of vehicles and vice versa);
- ii. The lengthening of the single-carriageway section outside the Guildhall will cause vehicles to back up from the bus-gate - thereby blocking the escape route via Bridge Street - even more than they do now;
- iii. Vehicles will have problems entering and/or leaving the box-end lay-bys and will not only disrupt traffic flows but damage the very expensive kerbstones on the corners (and this will particularly apply to the buses); and
- iv. The public realm design is based on a totally out-dated and alien concept, where - in spite of the above faults - vehicles have been given much greater consideration than cyclists and pedestrians and all sense of history has been lost, including the opportunity to mark the position of the city's original North Gate (the most important one of all)

### **Response from Cabinet Members for Sustainable Development and Transport**

- i. The tightening of the entrance to High Street from Orange Grove within the new scheme, combined with appropriate local signage and speed restrictions in the wider area, should all contribute to vehicles approaching the entrance to Cheap Street in a cautious and interactive manner. Neither the designer nor the stage 1 and 2 road safety auditors have highlighted this matter as an issue and believe the sightlines will be adequate.
- ii. Although the length of bus lane has effectively been reduced, CCTV footage demonstrates that for most of the day traffic flow is light and queuing is infrequent. Delivery vehicles often park illegally in the bus lane outside Cafe Nero, which is similar to the constriction created by the new scheme and, again, on these occasions doesn't pose a problem. It is recognised that queuing is evident around 6pm after the busgate becomes non-operational, although it quickly disappears as a result of the long green time within the signal stages. The High Street scheme is seeking to improve the environment in High Street for pedestrians and public transport users and to create a stronger crossing to the Guildhall and Market. It was felt, therefore, that the time-limited impacts on vehicular movement should not take

precedence over benefits to pedestrians. The provision of time limited loading bays (in front of the Guildhall) will allow businesses to load/unload goods.

- iii. The overall lengths of the lay-bys in front of the Guildhall have been oversized to allow for the easier entry/exit of vehicles and the new kerb layout in the High Street has in general been designed in accordance with Highways design standards for the movement of buses. Additionally, the kerbstones have been selected and kerb/foundation detail designed to minimise any possible damage arising from vehicular overrun.
- iv. The High Street is a major hub for key bus services and this use will continue for the foreseeable future. While it is desirable to limit other vehicular movement within the street, it was beyond the scope and influence of the High Street project to re-configure traffic movement in Bath city centre, which will need to be directed by a comprehensive transport strategy for the city in the future. For these reasons, the Council's Public Realm and Movement Strategy identified High Street as an arrival and departure space.

Acknowledging this brief, the design of the High Street scheme received input from a range of Bath stakeholders and from national design advisers, including one of the most innovative public realm engineers in the UK. It was felt that the new design is flexible enough to accommodate further pedestrian enhancements in the future eg replacing tarmac in the carriageway with stone sets, should it be possible to change existing vehicular movement patterns as a result of a new transport strategy.

These limitations accepted, the new scheme for High Street will make a major improvement to the public realm particularly for pedestrians, through widening of footway areas, strengthening the crossing points to the Guildhall and Market and creating a better experience for bus users queuing in the street. It will significantly upgrade the quality of the streetscape with natural stone paving and new street furniture to a level that reflects the significance of the street and its remarkable heritage buildings. It will also improve the functionality of the space for cyclists and public transport vehicles.

## **Councillor Questions for Council 8<sup>th</sup> November 2012**

(NOTE: The following questions and answers will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)

### **1. Question from Councillor Brian Webber**

I frequently notice that, while the grand heritage set-pieces are unchanging, the face of Bath (and no doubt other settlements in the District) is changing as buildings with no claim to preservation are redeveloped or drastically altered. It is commonplace for developers to be required, as a condition of planning permission, to allow their sites to be investigated and recorded for archaeological significance. Is there any mechanism by which developers could be required or encouraged to donate to the public archives a photographic record (perhaps no more than a few key shots) of the building or streetscape before it vanishes into history. Failing being able to impose the obligation on the developer, could the Council itself undertake the photographic recording (the cost would be relative 'peanuts', especially if the Council could recruit the assistance of local photographic or history societies)?

### **Answer from Cabinet Member for Sustainable Development**

Whilst I appreciate the thinking behind this question, it would be inappropriate to use planning conditions in the way Cllr Webber is suggesting. The use of planning conditions is subject to very detailed government guidance which has been backed up by case law and planning appeal decisions.

The Council itself does not have the capacity to undertake the photographic recording proposed. However there would be nothing to prevent local community groups, societies or schools undertaking such projects themselves in their own neighbourhoods.

### **2. Question from Councillor Nathan Hartley**

What is Bath and North East Somerset Council doing to liberalise the regulations regarding the flying of flags on a residents' property?

Recently, a constituent of mine was told to remove his Chinese New Year flag because the flying of such flags was prohibited. He was told by the BANES Planning Enforcement team that he needed planning permission to fly it.

Recently, the Secretary of State has introduced more relaxed regulations regarding the display of flags, but they do not go far enough.

I believe that individuals should be able to exercise their civil liberties, and do what they want (within reason) in their own home. Would you agree with this view, and what can you do to lobby the government to erase such a draconian law?

### **Answer from the Leader of the Council**

This Authority has a statutory duty to work within National Statute and in this case It is the recent Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012.

Those very recent Regulations have relaxed previously stringent legislation so that a greater variety of flags may be displayed, including:

- A wider range of national, sub-national, community and international flags
- The Armed Forces Day flag and a wider range of military flags

An expanded range of flags that will have deemed consent will also include:

- The rainbow 'Pride' flag
- Flags of sports clubs
- Award scheme flags

There is also to be a relaxation in the number, size and siting of flags in all areas away from sensitive sites such as national parks or areas of outstanding natural beauty.

As an introduction to those revisions the Secretary of State to Communities and Local Government, Eric Pickles said:

"The widespread flag flying during the Royal Wedding, Diamond Jubilee and Olympics is evidence of a gradual cultural change in Britain. The British people are increasingly proud to fly flags as an expression of their local and national identities. Flags unite communities across colour, creed and class, so I am cutting municipal red tape to make it easier to fly Britain's varied and diverse flags without state interference."

The display of the Chinese New Year flag was investigated by the Council Planning Enforcement Officers. This followed a complaint made by a member of the public. The change to the Regulations recently made still mean that this flag requires consent under the Regulations.

Whilst I understand Cllr Hartley's concern regarding freedom of expression, such actions have to be tempered against the wider implications of the environment. Flag advertisements can have a significant visual effect and indeed cumulatively can be even more obtrusive hence the current controls. In general terms the new Regulations allow considerable flexibility and if specific flags are required outside the range referred to above then the option of submitting an application for Advertisement Consent is always open.

I will be contacting Government to ask for further relaxation of the rules to allow flags such as Chinese New Year.