

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 14th March, 2012

The decisions contained within these minutes may not be implemented until the expiry of the 5 working day call-in period which will run from Friday 16th March to Thursday 22nd March. These minutes are draft until confirmed as a correct record at the next meeting.

Present:

Councillor Paul Crossley	Leader of the Council
Councillor Nathan Hartley	Deputy Leader of the Council and Cabinet Member for Early Years, Children and Youth
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Dixon	Cabinet Member for Neighbourhoods
Councillor Roger Symonds	Cabinet Member for Transport

165 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

166 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

167 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Cherry Beath.

168 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

169 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair announced that an item to consider the West of England Planning Toolkit had been added to the agenda under the Special Urgency provisions in the Council's constitution, with the agreement of the Vice-Chair of the Planning, Transport and Environment PDS Panel. The report had been published with the Agenda and the Cabinet would consider the issue at Item 21.

170 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 6 questions from the following people: Councillors Colin Barrett, Tim Warren (2), Geoff Ward, Martin Veal; Member of the Public Hugh Mackay.

[Copies of the questions and response, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]

171 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Councillor Brian Simmons made a statement and presented a petition of 54 signatories relating to parking at St John's Court, Keynsham. He was concerned that there appeared to be no enforcement of the signs put up by Somer, who owned the road, and appealed to the Cabinet to take steps to adopt the road and to put in a suitable parking scheme which the police can enforce.

The Chair referred the statement and petition to Councillor Roger Symonds for consideration and response in due course.

Hugh Mackay made a statement relating to Haycombe Crematorium *[a copy of which is attached to the Minutes as Appendix 2 and on the Council's website]* during which he presented a petition of 4862 signatories who objected to the removal of the cross from the window of the crematorium.

The Chair handed two further petitions, supporting the same view, containing a total of 34 signatures, and asked the Democratic Services Officer to add these to the petition pack. He referred the statement and petition to Councillor David Dixon for consideration and response in due course.

Graham Duke (Pastor, Stepping Stones Church) made a statement relating to Haycombe Crematorium *[a copy of which is attached to the Minutes as Appendix 3 and on the Council's website]* in which he referred to the rich Christian tradition of the city of Bath and observed that the cross was a potent symbol of hope for many people, especially in times of loss. He urged Cabinet not to allow it to be removed from the crematorium window.

The Chair assured the speakers that there would be a cross in the crematorium after the renovations. He referred the statement to Councillor David Dixon for consideration and response in due course.

Councillor Eleanor Jackson made a statement on the subject of the handling of the many petitions about Radstock which have been presented to Cabinet and Council. She felt that the petitions had not been given the attention which the large number of signatories should have warranted. She also observed that there had been no road traffic safety audit before the works which were due to start the following Monday.

The Chair referred the statement to Councillor Roger Symonds for consideration and response in due course.

Julie Trollope (Chairman, Bathwick Estate Residents' Association) made a statement *[a copy of which is attached to the Minutes as Appendix 4 and on the Council's website]* expressing her concern about the proposed cycle route along the passageway between Bathwick Street and Powlett Road.

The Chair referred the statement to Councillor Roger Symonds for consideration and response in due course.

Cynthia McNally made a statement *[a copy of which is attached to the Minutes as Appendix 5 and on the Council's website]* in which she expressed her objection to the proposal to allow cyclists to use the passageway between Bathwick Street and Powlett Road. She felt that the safety of pedestrians would be at risk if cyclists were to ride through the passageway.

Councillor Roger Symonds asked Cynthia McNally whether she was aware that a petition of 100 signatories had been received asking for shared use to be allowed along the passageway, and that the decision which he was being asked to make as Cabinet Member for Transport would ensure that the issue would be brought back to a Full Cabinet meeting for further consideration at a later date.

Cynthia McNally thanked Councillor Symonds for this assurance.

Amanda Leon (Radstock Action Group) made a statement [*a copy of which is attached to the Minutes as Appendix 6 and on the Council's website*] in which she asked what had happened to the idea of "regeneration" in Radstock, since in her view none of the changes being made would deliver regeneration and some would threaten the future of the town.

The Chair referred the statement to Councillor Cherry Beath for consideration and response in due course.

The Chair agreed to allow an *ad hoc* statement from Edgar Evans. Mr Evans referred to the strength of feeling about the cross at Haycombe Crematorium. He appealed to the Cabinet to retain the cross in the window. He expressed his concern that the plans had come to light not through consultation but through a short story in the local press. He felt that there had been no consultation and no debate on the issue.

The Chair said that Councillor David Dixon would be meeting with local church leaders to discuss the issue.

172 MINUTES OF PREVIOUS CABINET MEETING

On a motion from Councillor Paul Crossley, seconded by Councillor Nathan Hartley, it was

RESOLVED that the minutes of the meeting held on Wednesday 8th February 2012 be confirmed as a correct record and signed by the Chair.

173 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

174 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

175 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Chair observed that the report showed a Single Member decision taken by Councillor Roger Symonds under the Special Urgency provisions in the Council's Constitution relating to the purchase of Travel Smart Cards. He confirmed to Cabinet that the Vice Chair of the relevant PDS Panel had agreed the urgency of the issue, following advice from the Council's Monitoring Officer, Section 151 Officer and Chief Executive.

The Cabinet agreed to note the report.

176 AWARD OF NEW CONTRACTS FOR BATH PARK AND RIDE BUS SERVICES

Councillor Neil Butters in an *ad hoc* statement thanked the Cabinet for extending the Park and Ride service to Sunday opening. He emphasised the importance of late night opening too and appealed to Cabinet to conduct a feasibility study to explore this.

The Chair referred to Appendix A of the report, which had been the subject of a Public Interest Test. He asked the Cabinet to agree that the document was exempt from publication.

On a motion from Councillor Paul Crossley, seconded by Councillor Roger Symonds, it was

RESOLVED (unanimously)

(1) To AGREE that Appendix A is an exempt item and is not for publication, by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

[The Chair then asked Cabinet members to agree not to refer to the exempt appendix during the debate and all agreed.]

Councillor Roger Symonds introduced the report. He observed that the 8-year contract on offer had attracted a number of bids. He referred to paragraph 5.1 of the report, which explained that the basis of the contract had been changed from gross to net, which bidders had also found attractive. The proposals would ensure no fare increases until April 2013, and never longer than 15 minutes between buses. He promised to explore the request made by Councillor Neil Butters and explained that, although late night service would not prove too expensive, it would require planning permission and would take some time to arrange.

Councillor Symonds moved the recommendations, which he said were a good deal for local people, especially for those who lived in north east Somerset who would benefit greatly from the improved Park and Ride service. He thanked the report author, Richard Smith (Senior Public Transport Officer) for the work he had done towards achieving the best deal.

Councillor David Dixon seconded the proposal. He felt that this was a very good deal, which would save the Council £200K and at the same time would deliver extra facilities, especially during special events.

On a motion from Councillor Roger Symonds, seconded by Councillor David Dixon, it was

RESOLVED (unanimously)

(2) To NOTE the tender prices received as set out in Appendix A; and

(3) To AGREE the award of contracts as recommended in the report.

177 BATH TRANSPORTATION PACKAGE BUS SHELTER STYLE, PROPOSED ENGAGEMENT

Councillor Roger Symonds introduced the report by explaining that the cost of the proposed shelters would be met by the funding from the Bath Transportation Package. The number of shelters had been doubled to 180, all of which would have proper seating. He thanked all those who had responded to the consultation about the design. He moved the recommendations from the report.

Councillor Tim Ball welcomed the upgraded bus shelter style and seconded the proposal.

Councillor David Dixon proposed an amendment to the recommendations, the effect of which would be that consideration would be given to installing litter bins at or near to each bus stop. The amendment was accepted by the proposer and seconder.

On a motion from Councillor Roger Symonds, seconded by Councillor Tim Ball, it was

RESOLVED (unanimously)

(1) To CONFIRM that the preferred shelter design options identified in the public consultation namely, green shelters, sloped roofs and bench style seats are to be procured for installation on the 9 bus routes which form a part of the Bath Transportation Project; and

(2) To AGREE that consideration should be given to installing or re-installing a litter bin at each bus stop, in conjunction with neighbourhood services, to match the design of the bus shelter.

[Clause 2 was the result of an addition proposed by Councillor David Dixon and accepted by the proposer and seconder of the primary motion].

178 OPTIONS FOR THE DESIGNATION OF AN ARTICLE 4 DIRECTION ON HOUSES IN MULTIPLE OCCUPATION

[The Chief Executive, John Everitt, left the meeting at this point]

Jacqui Darbyshire read a statement on behalf of David Cox (Policy Officer, National Landlords Association) *[a copy of which is attached to the Minutes as Appendix 7 and on the Council's website]* in which he argued that additional licensing would not work; Article 4 Direction would reduce house prices and increase competition among tenants; enforcement should be concentrated on rogue landlords; but supported the idea of landlord accreditation

Councillor Tim Ball asked Jacqui whether she believed everyone had a right to live in a quality home. Jacqui replied that she did believe this, and that it included students and families.

Councillor June Player in a statement appealed to Cabinet to do all in its power to ensure that Bath would retain community spirit in mixed communities of HMOs and local families, without a clash of lifestyles.

Councillor Tim Ball asked Councillor Player to describe the community spirit in areas of high HMO presence. Councillor Player said that her experience was of a very much reduced sense of community spirit. She praised those students who did voluntary work during their stay in Bath but was despondent about the lifestyle clashes which made life unhappy for some families.

Mark Rose (Planning Consultant for University of Bath) made a statement *[a copy of which is attached to the Minutes as Appendix 8 and on the Council's website]* emphasising that HMOs are an essential source of housing for young people including graduates, young professionals, key workers and contract workers as well as students. Any action by the Council which might force these groups of people to live outside the city would have an adverse effect on the local economy. The university's position was that the issue was about the management of properties, and this issue could be resolved with cooperation between the Council, universities and other stakeholders and did not require an Article 4 Direction.

Naomi Mackrill (Vice-President, Community and Diversity, University of Bath Students Union) in a statement *[a copy of which is attached to the Minutes as Appendix 9 and on the Council's website]* objected to the apparent blame being put on students for problems being caused by the lack of housing in the city. She said

her student colleagues would make statements which together would present the view of students from both universities.

Chris Clements (Vice-President, Sport, University of Bath Students Union) argued in a statement [*a copy of which is attached to the Minutes as Appendix 10 and on the Council's website*] that the solutions proposed in the report would not in fact solve the social and community cohesion problems but in some cases would tend to make matters worse. He said that this was acknowledged in the report, which undermined the report's recommendations.

Councillor Tim Ball asked Chris whether he believed it was right to turn a family home into dormitory style accommodation. Chris replied that the right thing would be to respond to the needs of the whole community and this was reflected in the market. Student accommodation was not a bad thing.

David Cameron (Vice-President, Activities and Development, University of Bath Students Union) in a statement [*a copy of which is attached to the Minutes as Appendix 11 and on the Council's website*] said that enhanced planning policy would not address the problems associated with the bad management of HMOs and that the report provided no evidence to show that it would. He also argued that the area did not suffer any "special circumstance" which would warrant the use of the powers.

Peter Davies (student, University of Bath) in a statement [*a copy of which is attached to the Minutes as Appendix 12 and on the Council's website*] quoted the equality impact assessment from the report, which stated that the two groups of residents who were most likely to suffer as a result of the proposals were those on low incomes and students. He argued that the Cabinet should not limit the supply of affordable housing by adopting the proposals.

Councillor Tim Ball asked Peter whether he approved of a recent situation in which a garage had been converted into a flat, with no cooking facilities. Peter responded that he would not himself choose to live in such facilities, but felt that it was a matter of individual choice.

Matt Benka (Vice-President, Education, University of Bath Students Union) in a statement [*a copy of which is attached to the Minutes as Appendix 13 and on the Council's website*] said that the cost to the Council of implementing the proposals was unknown and could turn out to be a costly mistake. He observed that the Bath Chamber of Commerce opposed the proposals because they would cause a reduction in the supply of accommodation, and a resulting increase in price. This in turn would result in an exodus of young talent in the city.

Councillor Tim Ball asked Matt whether he agreed that the Council had a responsibility to ensure that everyone had a safe, comfortable home to live in. Matt said that it was the responsibility of the Council to use its funds to solve the problems, not to make them worse or ignore them.

Simon O'Kane (Post-Graduate student, University of Bath) in a statement [*a copy of which is attached to the Minutes as Appendix 14 and on the Council's website*] emphasised the wide range of people who appreciated being able to live in HMOs in the city. He knew a number of young professionals, post-graduate students, undergraduates, mature students, as well as groups of young people who grew up in Bath. He stressed that the proposals would negatively impact on these people without solving the problems described in the report.

Councillor Tim Ball asked Simon whether he felt that the University was doing enough to help students to live in purpose-built accommodation off-campus. Simon said that projected figures were that the university would be able to provide 1200 purpose-built places by 2020, but the unfortunate reality was that this would not be nearly enough to meet the growing demand.

Amy Stringer (Vice-President, Activities and Participation, Bath Spa University Students Union) in a statement [*a copy of which is attached to the Minutes as Appendix 15 and on the Council's website*] referred to the transport difficulties for students forced by the proposed measures to live further from campus. A vastly improved transport network would be required as a direct consequence of the Article 4 Direction. She alluded to the particular safety concerns of women students returning late at night to their accommodation.

Councillor Tim Ball asked Amy whether she was aware that Article 4 was not retrospective. She acknowledged that she was aware of that.

David Howells (President, University of Bath Students Union) in a statement [*a copy of which is attached to the Minutes as Appendix 16 and on the Council's website*] referred to the requirement that special circumstances were required before an Article 4 Direction could be implemented, but the report had failed to demonstrate that any special circumstances existed. He felt that Article 4 would discriminate against the young and the lower paid in the city and would lead to a loss of talent from the local economy.

Councillor Tim Ball asked David to confirm, if the Cabinet decided to go ahead with the proposals to consult for a year, whether the student community would work with Cabinet to resolve the issues. David assured Cabinet that the student community would eagerly engage with the Council in this way, but emphasised that it would be difficult to do so if Article 4 had been imposed.

Phil Irvine (University of Bath) made a statement in which he emphasised that the policy would discriminate on the basis of age, income and marital status. He felt strongly that the proposals should not be implemented.

Anthony Masters (University of Bath) in a statement [*a copy of which is attached to the Minutes as Appendix 17 and on the Council's website*] pointed out that the adoption of Article 4 would have impacts on student nurses, trainee doctors, young professionals and students alike. He said that the reasons stated for recommending Article 4 to Cabinet were that high-density student communities prevented social cohesion, but the Council's own study found that there was no evidence of any link between the density of HMO accommodation in a community and the levels of littering or anti-social behaviour. He also reminded the Cabinet that the Council already had powers of inspection over HMOs and that the police could be called in cases of individual anti-social behaviour. He asked Cabinet to reject the proposals.

Sam Baldwin in an *ad hoc* statement explained that she was a working mum. She had been a student herself and had lived in a number of HMOs – but there had always been a good mix of family homes and HMOs in each street. She had lived in Oldfield Park for 6 years and had experienced anti-social behaviour on a number of occasions, at all times of the day and night. She appealed to the Cabinet to create a more balanced mix of HMO and family housing in Oldfield Park.

Councillor Tim Ball asked Sam whether she could distinguish between a well-managed HMO and an absentee landlord HMO. She said that it was easy to tell the difference – the house next to her own was let by an agent and it was a nightmare for her. She related some of her recent experiences.

Councillor David Dixon asked Sam whether parking was an issue. She replied that during term time, parking in her street was usually impossible which meant she had to walk from streets away, with a young baby and shopping bags.

Emma Broughton made an *ad hoc* statement as a resident of St Kilda's Road. She said that there had been a huge change to her area as a result of increasing numbers of HMOs. She felt that more halls of residence should be built on campus.

Councillor Will Sandry in an *ad hoc* statement acknowledged that students want and need a wide choice of accommodation. He reminded the universities that they had a corporate social responsibility not to take on more students than could be accommodated. He reminded the Letting Agents and landlords that the proposals would benefit good landlords. He urged Cabinet to adopt the proposals in the report.

Councillor John Bull made an *ad hoc* statement welcoming the wide discussion taking place about the issue. He felt that it was right to prevent unbalanced communities and emphasised that an Article 4 Direction would not ban HMOs, it would redistribute them more widely. But he felt there were some difficulties with the proposals, because they would not improve the conditions of homes for the tenants nor the community. The solution would be to undertake a licensing approach, which would require 3-4 officers to monitor effectively. He asked Cabinet to work closely with the two universities to increase accommodation available on the campuses.

The Chair welcomed Councillor Gerry Curran (Chair of the Council's Development Control Committee) and invited him to report to Cabinet on the debate about the subject which had taken place at the Development Control Committee meeting earlier that day.

Councillor Gerry Curran said that there had been a mix of views at the meeting, but the overall view had been that Cabinet should consult and should report back to a future Development Control Committee before making any decisions on implementing Article 4. There had been particular concerns about the resource implications of the proposals. He agreed with Councillor Bull in urging Cabinet to work with the two universities to come up with solutions.

Councillor Tim Ball, in proposing the item, thanked all who had contributed to the debate. He felt that everyone deserved a quality home to live in – not a windowless garage refurbishment or a split-window bedroom. He emphasised that the aim of the proposals was to prevent too many HMOs in one small area and to allow the Council to control the quality of the accommodation.

Councillor Ball referred to paragraph 3.2 in the report, and said that the word "commitment" should be replaced by the word "bid". He felt that the universities had not yet fully engaged with the Council, but was delighted that the students had agreed to work towards a solution. He said he would move a different proposal from the one recommended in the report, which would provide a whole year for the community to be consulted.

Councillor Paul Crossley seconded the proposal and emphasised that the proposals would be the start of a long consultation, not the conclusion. He offered to visit any meeting to discuss the possible approaches to the problem.

Councillor David Dixon said that the issues were far from clear-cut. Additional licensing was supported by all stakeholders except the bad absentee landlords who would resent spending more to keep their own property in good order. He felt that doing nothing could not be an option because the problems were evident.

Councillor Roger Symonds felt that the reason for the existing imbalances in communities was because the Council had been powerless to act. He had been very disappointed that the "right to buy" and the increasing numbers of HMOs had taken many family homes out of circulation, leading to the problems discussed in the report. He was pleased that the proposal was to consult for a year before deciding whether to confirm the Article 4 approach.

Councillor Nathan Hartley said that as a member of the Student Community Partnership in his Cabinet role, he felt that there was a good working relationship with the student community. He agreed that the issues were complex and that there

was no clear cut solution, but was delighted that the proposals contained a strong consultation element.

Councillor Tim Ball summed up by explaining the steps that would be taken in the next year to consult. He encouraged all those present to engage with the Scrutiny process during the next year and to come back to Cabinet when the final decision would be made after hearing all the evidence.

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

RESOLVED

(1) To AGREE that it is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on application;

(2) To AGREE accordingly to make a non-immediate Article 4 Direction covering Houses in Multiple Occupation in the City of Bath for the reason set out in paragraph 5.5 of the report;

(3) To NOTE that a 6-week public consultation is required under the regulations with results being considered before any implementation of the Article 4 Direction;

(4) To DELEGATE authority to the Divisional Director for Planning and Transport, in conjunction with the Cabinet Member for Planning and Housing to undertake all steps required to bring into effect the Article 4 Direction;

(5) To ASK the Divisional Director for Planning & Transport to prepare a Supplementary Planning Document as part of the Local Development Framework to enable implementation of the Article 4 Direction;

(6) To AGREE that the representations and the results of the public consultation are considered by Cabinet in no less that 12 months from the notice of the Article 4 Direction to enable consideration as to whether the Article 4 Direction should be confirmed, abandoned or amended: and

(7) To ASK that evidence be gathered to ascertain whether the legislative conditions for introducing additional licensing can be met, and if so, undertake a 10-week public consultation exercise which will inform the designs of any such designation. The outcome of this process will be subject to a further report to Cabinet where a decision will be made whether to implement additional licensing and if so, whether all or part of the district to be subject to additional licensing for classes of HMOs specified by the Council.

[The Chief Executive, John Everitt, rejoined the meeting at this point]

179 BATH & NORTH EAST SOMERSET NEIGHBOURHOOD PLANNING PROTOCOL

Mark O'Sullivan (Federation of Bath Residents' Associations) in a statement [*a copy of which is attached to the Minutes as Appendix 18 and on the Council's website*] welcomed the proposals but warned of the risk that the protocol might be abused, not least by those seeking short-sighted development. He said that there would be room for sharpening some aspects of the procedures and that the Federation would respond during the consultation period.

Jane Brown read a statement on behalf of Joanna Robinson (Bath Preservation Trust) [*a copy of which is attached to the Minutes as Appendix 19 and on the Council's website*] which welcomed the consultation, especially the commitment to keep the protocol under review. She reminded the Cabinet of the Council's obligation to protect the status of Bath as a World Heritage Site.

Councillor Tim Ball said that he was delighted to have such wide dialogue. He moved the recommendations which would start the consultation process on the protocol.

Councillor Paul Crossley seconded the proposal.

Councillor David Dixon observed that the issues were reasonably clear for parished areas, but more complex for non-parished areas and care was needed to get this right.

Councillor Tim Ball summed up by acknowledged that there were some issues still to be resolved, and that the mitigation of costs for the Council was one such area, but the consultation should still proceed.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was **RESOLVED** (unanimously)

(1) To AGREE the "My Neighbourhood: A Neighbourhood Planning Protocol for B&NES" for public consultation;

(2) To DELEGATE responsibility to the Divisional Director of Planning & Transport, in conjunction with the Cabinet Member for Planning and Housing, to make graphic and minor textual amendments prior to publication of the NPP for public consultation, and

(3) To ASK that the protocol for neighbourhood planning be kept under review so that opportunities to link this process with other community engagement are fully considered.

180 RETROFITTING & SUSTAINABLE CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT

Jane Brown read a statement from Joanna Robinson (Bath Preservation Trust) [*a copy of which is attached to the Minutes as Appendix 20 and on the Council's website*] supporting the proposals. The Trust would have liked to see a greater emphasis on reducing energy consumption. She promised to respond in detail to the proposals.

Councillor Tim Ball thanked the Bath Preservation Trust for their involvement in the preparation of the draft document so far. He moved the recommendations.

Councillor David Dixon seconded the proposal.

On a motion from Councillor Tim Ball, seconded by Councillor David Dixon, it was **RESOLVED** (unanimously)

(1) To AGREE the Sustainable Construction and Retrofitting Supplementary Planning Document: Consultation Draft for a six week public consultation in March-April 2012;

(2) To DELEGATE responsibility to the Divisional Director of Planning and Transport to make graphic and minor textual amendments prior to publication of the Supplementary Planning Document for public consultation.

181 COMMUNITY ORGANISERS IN BATH AND NORTH EAST SOMERSET

Councillor Paul Crossley proposed the recommendations. He said that the proposals were a response to the Big Society agenda launched by government. The Council's aim was to help some community organisers become more effective.

Councillor Simon Allen seconded the proposal.

On a motion from Councillor Paul Crossley, seconded by Councillor Simon Allen, it was

RESOLVED (unanimously)

(1) To WELCOME the introduction of five community organisers into Bath and North East Somerset as part of the national scheme;

(2) To ENCOURAGE action to Regenerate Community Trust (RE:generate) as the local host for the scheme to work closely with local elected members, community groups, parish councils and other local forums and public service bodies to maximise the effectiveness of the initiative;

(3) To AGREE that the Council enter into a Co-operation Agreement with RE:generate as set out in the report;

(4) To ASK Officers to work with the scheme to identify service improvements and potential cost savings from improved working with the local community; and

(5) To AGREE that feedback and learning from the Community Organisers Programme and its impact locally will be used to identify opportunities for linking to existing or emerging forms of community engagement.

182 BATH & NORTH EAST SOMERSET COUNCIL STAFF VOLUNTEERING SCHEME

Councillor Paul Crossley moved the recommendations, emphasising that volunteering was an important aspect of community life.

Councillor David Dixon welcomed the report and said he was very pleased to second the proposals. He suggested that Councillors might join in with staff in volunteering through the scheme, so as to inspire others.

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

RESOLVED (unanimously)

(1) To ENDORSE the Staff Volunteering Scheme; and

(2) To NOTE that the Employment Committee will consider the proposal for a Council scheme at their meeting in April 2012.

183 BATH CITY CONFERENCE - TERMS OF REFERENCE

Councillor Paul Crossley moved the recommendations. He congratulated the Divisional Director, David Trethewey, for his lead on the issue. The proposals would offer a way of enabling the council to engage with all the residents of Bath.

Councillor David Dixon in seconding the proposal, said that he was looking forward to the conference planned for 2nd May which would involve residents, businesses, visitors and other organisations with an interest in the city.

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

RESOLVED (unanimously)

(1) To ADOPT the emerging approach to the future development of the Bath City Conference, to be kept under review so that opportunities to link this process with other community engagement are fully considered;

(2) To ESTABLISH a Steering Group with the membership as set out in the report; and

(3) To AGREE the involvement of the Council on the basis of the Terms of Reference, to be kept under review; and

(4) To AGREE that the membership and working arrangements of the forum be presented for approval at the first meeting of the Bath City Conference.

184 YOUTH SERVICE VISION & YOUNG PEOPLE'S PLEDGE

Councillor Nathan Hartley introduced the report by emphasising the Council's reputation for a building commitment to young people. He said that there had been wide consultation with young people, the youth service and other partners during the preparation of the report. There was a commitment to work closely with the voluntary sector in delivering the pledge. He moved that the vision and pledge be adopted as Council policy.

Councillor David Bellotti seconded the proposal.

On a motion from Councillor Nathan Hartley, seconded by Councillor David Bellotti, it was

RESOLVED (unanimously)

- (1) To ADOPT the Youth Service Vision and Young People's Pledge; and
- (2) To AGREE that both the Youth Service Vision and Young People's Pledge can be used as part of the publicity campaign to effectively communicate to young people, their parents and wider stakeholders what we aim to achieve when working with young people in Bath and North East Somerset Youth Service and the outcomes we plan to deliver and the approach we will take.

185 BLUE BADGE SCHEME

Councillor Roger Symonds, in moving the proposals, explained that the Council had consulted Equality BANES and the group had raised no objections but had supported that the aim of reducing fraudulent use of Blue Badges.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

- (1) To AGREE that a £10 fee will be charged for the issue of a blue badge for all new applications, renewal applications and replacements due to loss or theft processed from 1st April 2012 and this fee will contribute to external fees and internal administration costs;
- (2) To AGREE that the basic service will be used and none of the additional options including the data entry, secure posting and fast track posting service will be specified; and
- (3) To AGREE that the additional income received is used to for the enforcement of Blue Badge abuse service using a specialist company.

186 (RULE 16) WEST OF ENGLAND PLANNING TOOLKIT

Councillor Tim Ball moved the recommendations. He explained that this was an enabling decision, which would allow the 4 authorities to work together on preparing a toolkit.

Councillor Roger Symonds agreed that the 4 authorities must be able to work together on a common toolkit, and seconded the proposal.

On a motion from Councillor Tim Ball, seconded by Councillor Roger Symonds, it was

RESOLVED (unanimously)

(1) To ADOPT the West of England Planning Toolkit and report its agreement to the next West of England Infrastructure and Place Group meeting.

The meeting ended at 9.20 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 14th March 2012

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

REGISTERED SPEAKERS

There were 24 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.

Statements about issues NOT on the Agenda

- Cllr Brian Simmons
Re: Petition re Parking, St John's Court Keynsham
- Rev Hugh Mackay
Re: Haycombe Crematorium
- Graham Duke (Pastor, Stepping Stones Church)
Re: Haycombe Crematorium
- Cllr Eleanor Jackson
Re: The "democratic deficit" in regard to the handling of petitions to Cabinet and Council
- Julie Trollope (Chairman, Bathwick Estate Residents' Association)
Re: Cycle Route Bathwick Street to Powlett Road
- Cynthia McNally (Resident)
Re: Cycle Route Bathwick Street to Powlett Road
- Amanda Leon (Radstock Action Group)
Re: Radstock Roads

Re: Agenda Item 12 (BTP Bus Shelter Style)

- Joanna Robinson (Bath Preservation Trust) (withdrew)

Re: Agenda Item 13 (HMO Options for Bath)

- David Cox (Policy Officer, National Landlords Association)
- Cllr June Player
- Mark Rose (Planning Consultant for University of Bath)
- David Howells (President, University of Bath Students Union)
- Naomi Mackrill (Vice-President, Community and Diversity, University of Bath Students Union)
- Matt Benka (Vice-President, Education, University of Bath Students Union)
- Chris Clements (Vice-President, Sport, University of Bath Students Union)

- Amy Stringer (Vice-President, Activities and Participation, University of Bath Students Union)
- Peter Davies (student, University of Bath)
- Phil Irvine (University of Bath)
- Simon O'Kane (Post-Graduate student, University of Bath)
- Anthony Masters (University of Bath)
- David Cameron (University of Bath)

Re: Agenda Item 14 (Community Neighbourhood Planning Protocol)

- Mark O'Sullivan (Federation of Bath Residents' Association)
- Joanna Robinson (Bath Preservation Trust)

Re: Agenda Item 15 (Sustainable Construction & Retrofitting SPD)

- Joanna Robinson (Bath Preservation Trust)

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Colin Barrett
<p>Could the Cabinet Member please provide the following answers relating to the statement by the spokesman for B&NES that the decision to remove the cross from the main window at the crematorium had been taken after consultation with local clergy and funeral directors as well as taking into account feed-back from customers:</p> <p>a) Which funeral directors were consulted and how many responded?</p> <p>b) How many local clergy were consulted and how many responded?</p> <p>c) How many customers supporters the removal of the cross?</p>		
Answer from:		Councillor David Dixon
<p><i>a) An annual meeting was held on 14 December 2011 at Haycombe to discuss wide ranging issues which including the planned refurbishment of the Crematorium Chapel. The purpose of this meeting was to consult with and receive feedback from local Funeral Directors about the services provided at Haycombe. All the Funeral Directors that use Haycombe were invited (a total of 42) and representatives from 15 Funeral Directors attended. The issue of the window cross was discussed and the consensus from the group was that it should be replaced with an alternative which could be removed if requested. The minutes of the meeting were sent out to those who attended and were made available to others who did not attend on the night. No further comments about the window cross issue were received.</i></p> <p><i>b) The Council has corresponded with the Diocese of Bath and Wells as well as the Bishop of Bath and Wells, which confirmed that the Chapel is not a consecrated building. This correspondence prompted a visit to Haycombe from the Rural Dean of Bath, who stated afterwards that he found the meeting to be most helpful in understanding the Council's approach regarding this issue.</i></p>		

c) Please see my response below to question P01 from Mr MacKay.
Funeral Directors deal directly with families on a daily basis and I believe that they have an understanding of the wishes of the bereaved. When they organise a funeral they have to take into account the type of service required (whether religious or non-religious) and so it is with this stakeholder group that the Council focussed its consultation.

Supplementary Question:

Will the Cabinet member say when the Equality Team were first consulted over the removal of the cross and when all parties were informed?

Answer from:

Councillor David Dixon

There was consultation some time ago with the previous Bereavement Manager but there is no written record of this. More recently, the Equalities Team were consulted on 19 December 2011 and provided written advice on 20 December 2011. An email was sent to all Councillors on 7 February 2012 prior to a press release when the information became in the public domain.

M 02

Question from:

Councillor Tim Warren

I am pleased to see that the Council will be including Sunday Park & Ride Services in its new Park and Ride contact. This is very welcome and is something the Conservative Group supported in the consultation into the contact.

With Smartcard ticketing to be introduced on buses across the West of England area in the coming year, there is an opportunity now to also improve the ticketing system on our Park and Rides. Currently commuters are only able to purchase a maximum of a 'ten journey' ticket, whilst it can work out cheaper for a car load of people with more than two adults to drive into the centre of Bath to park for several hours than to use the Park and Ride.

Would the Cabinet Member therefore consider working with First to include a new discounted monthly or season Smartcard ticket and a cheaper 'family ticket' on the Park & Rides when the new contact comes into force in order to reduce congestion at weekends and encourage more commuters and families to use the Park and Rides?

Answer from:

Councillor Roger Symonds

The net subsidy contract for the Park & Ride gives the incentive to the operator to grow patronage having given the Council a significant premium for the right to run the service. It will be for the operator to decide what the pricing of family, group, and season tickets will best grow this patronage and of course to give them an appropriate return. All their buses will have new smartcard readers on board. There is nothing in the contract to prevent the new operator from developing a family ticket to make P&R cheaper than parking in the centre of the City. We will continue to manage the charges in our car parks to encourage residents and visitors to use the most appropriate means to visit the city.

Supplementary Question:	
<p>The response provided does not answer my question about family tickets, so I will repeat the question: Would the Cabinet Member therefore consider working with First to include a new discounted monthly or season Smartcard ticket and a cheaper 'family ticket' on the Park & Rides when the new contact comes into force in order to reduce congestion at weekends and encourage more commuters and families to use the Park and Rides?</p>	
Answer from:	Councillor Roger Symonds
<p><i>Yes, I will speak with First about these issues</i></p>	

M 03	Question from:	Councillor Geoff Ward
<p>I am concerned that elements of Planning Policy T1 in the Local Plan stifles entrepreneurship and business development in rural areas. One recent planning application from a qualified physiotherapist to operate her business from home has been objected to by our Highways Department because "it is not near enough to public transport to be sustainable" as indicated by Planning Policy T1. The application has since been withdrawn.</p> <p>When might a review of this policy be undertaken so the economic vibrancy is not prevented in our rural communities?</p>		
Answer from:		Councillor Tim Ball
<p><i>Planning Policy relating to transport and movement set out in the Local Plan accords with national policy in that it seeks to direct development to locations which reduce the need to travel by car and seeks to encourage the use of alternative modes of transport to the car. Policy T1 in the Local Plan is one of the key policies in outlining and securing this approach. The Local Plan also seeks to encourage a buoyant rural economy by allowing appropriate small scale economic development within the rural areas e.g. through policy ET.9 which prioritise the re-use of redundant rural buildings for business uses. These policy objectives need to be considered and balanced in the process of determining individual planning applications.</i></p> <p><i>It would not be appropriate to refer to the individual circumstances of the case that has been mentioned. It should be remembered that planning applications should be determined in accordance with Council policy unless other material considerations indicate otherwise. Issues including economic benefits can be included by an applicant as material considerations in the determination of an application and can be weighed against the Councils policy.</i></p> <p><i>Finally, the planning policy approach set out in the Local Plan is currently anticipated to be reviewed through the Placemaking Plan. This review will need to ensure that the Council's policy continues to accord with national policy, in particular the approach that will be set out in the government's National Planning Policy Framework which the government still intends to approve and publish during spring this year.</i></p>		

M 04	Question from:	Councillor Martin Veal
<p>Following the decision at the Full Council budget meeting to reinstate funding for the mobile library, support has been voiced from across the Council for the mobile library to expand upon and improve the service it offers to residents.</p> <p>Expanding the usefulness of the mobile library could help increase the number of users, increasing its viability, and creating a genuine Council Connect out-reach service. When the Cabinet considers the outcome of the recent Libraries consultation, will it take this opportunity consider options for expanding the services provided by the mobile library, such as providing more advice on a range of council services (e.g. Planning, housing services, care services etc), making Officers from other Council departments available for advice sessions on the mobile library, providing information on the Council's partner organisations (e.g. bus companies/timetables, Somer housing, policing etc)?</p>		
Answer from:		Councillor David Dixon
<p><i>There has been a number of assessments of this option in the past and the limitation has always been the space available on the vehicles. Currently the mobile libraries carry a range of information leaflets and provide display space for communities to advertise local events. They occasionally attend village fairs etc. where they promote council services and conduct children's activities.</i></p> <p><i>The service also works in partnership with the CAB, who park their mobile information vehicle alongside the mobile at The Firs, Combe Down where the mobile stays for a whole day. CAB are interested to expand this to other locations if successful. In the past the Police liaison vehicle has also followed a mobile around, but ceased to do so following poor uptake.</i></p> <p><i>Regarding providing advice on a range of council services, this is within the Customer Services agenda. Their Service Transformation Work has always had a mobile outreach element in it, in particular consolidating all the mobile information vehicles that are currently operating within Bath & North East Somerset, including the mobile libraries. This is a major project that needs to be looked at holistically over a number of services, it is yet to be prioritised.</i></p>		
Supplementary Question:		
<p>With reference to the response provided by the Cabinet member, will he assure me that his priority is to keep mobile library funding on the list?</p>		
Answer from:		Councillor David Dixon
<p><i>That will be a matter for Budget Council to decide.</i></p>		

M 05	Question from:	Councillor Tim Warren
<p>Could the Cabinet Member please provide an update on progress with the planned new</p>		

weight limit for the A36 Beckford Road and provide an expected timescale for its implementation?

Answer from:

Councillor Roger Symonds

I have recently met with representatives of Wiltshire County Council who raised concerns over this proposal and its impact on their communities. They asked that we delay its implementation so they could undertake monitoring to measure the number of HGVs which might divert as a result. While we think the number will be relatively small I have agreed to delay its implementation by 3 months to accommodate their timescale. I expect that we will put the experimental order in place in the summer.

Supplementary Question:

How much consultation has been conducted with Wiltshire council on this issue?

Answer from:

Councillor Roger Symonds

We have been in constant contact with Wilts over this issue and we conducted a consultation exercise in Bradford-on-Avon. We have agreed that Wilts should monitor the effects on road traffic by means of a before and after monitoring exercise.

QUESTIONS AND ANSWERS - PUBLIC

P 01

Question from:

Hugh Mackay

Can the Cabinet Member please tell me exactly how many people have objected or made an official complaint about the cross on the Crematorium window before the refurbishment was made known?

Answer from:

Councillor David Dixon

No records are available which show the number of people who have objected to or made an official complaint about the cross on the Crematorium window before the refurbishment was made public knowledge. This is because at the time of bereavement our customers are disinclined to make formal, written complaints of any kind and the obvious remedy of removing the window cross is very difficult to resolve, unless as part of a bigger refurbishment project.

In the past Bereavement Services staff and Funeral Directors have received comments from customers about the presence of the cross and in response to these comments a blind was erected in 2008, so that the cross can be covered should a customer request it. This is not an ideal solution as when pulled down, the blind obscures the lovely and beautiful view across the Englishcombe valley. Hence, the Council wishes to take the opportunity to replace the window with a plain window and explore ways of re-using the 'window cross' in such a way that it can be displayed for those that request it.

Representation RE Haycombe Crematorium at the Full Cabinet Meeting of B&NES Cabinet, Guildhall, 14 Mar 2012, by Hugh Mackay

I very much appreciate the time I've been given, and that our present council wants to be known as a **listening council**, taking into consideration the views of the people you serve.

I have been in communication with literally hundreds of people in Bath over the past 2-3 weeks since the refurbishment of the Haycombe Crematorium was revealed by the Bath Chronicle, and this has evoked an outcry **to keep the cross** in the window there. I came across only three did not oppose its removal, and I acknowledge the rights of those who might not want it. But, why should the rights of three dictate the policy and deny comfort and inspiration to thousands of others who want it? Can we not build on the principle of consensus in our democracy?

I am told that "Despite what the Daily Mail says, the windows in the Crematorium are not being removed for reasons of **political correctness**, but because they need to be replaced as part of a **general refurbishment**." If they are not being taken out to be politically correct but for refurbishment, then it should go back as previously – otherwise, it is **not truly replacing, but a change of purpose**.

The delicate etching of the cross against the backdrop of the Englishcombe valley is a **work of art in its own right**. It would be a travesty to destroy it. Should any work of art be destroyed for fear of offence? That is not a principle our tolerant democracy is founded on.

The cross is a very powerful and **comforting symbol for many**, reminding us of both life on earth and the life to come; a crucial factor when many come to the chapel at some of the hardest points of their earthly lives. The cross offers comfort and hope in the resurrection to all people – whether believers or non-believers alike – who have used it for over 50 years without any objection. If there was no planned refurbishment, would the council – at this time – still be removing the cross?

Churches from every denomination and tradition in Bath (Protestant, Catholic and Nonconformist) have united in desiring the retention of the cross in the window and I have brought here today a **petition containing a staggering [4862](#) signatures** gathered in a very short time, protesting against its removal.

If there is a **small minority** who use the chapel but don't wish to see a cross, they could always pull down the blind that is there. Since it was installed 18 months ago, only 6 funeral parties have asked for it to be pulled down out of a possible 3,000 (98%) who were not concerned.

In contrast, by removing the cross, **the majority are offended** as it would devalue the chapel. Surely, "the greatest good of the greatest number should be the sole end of political action." The council, with all due respect, has not consulted properly on this issue. Letters to the local paper better reflects the majority view, as does this petition. I therefore request that the matter be fully discussed in council and with local clergy.

This is still a Christian country, and our **Christian heritage** warrants respect, particularly in Bath, with its long Christian tradition. For the people of this city, the symbol of the cross is of intrinsic value and the bottom line is this: **Is the cross really offensive?**

Members of the council, I ask you to **rethink** the window replacement and **stop it now**, because this petition represents a widely held view in our city, angry by the desecration of what many regard to be a sacred and comforting place, made so by that cross.

Thank you all for your time.

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THE CROSS

The City of Bath has a rich Christian heritage and much of that heritage has to do with the input that Christians, generation after generation have brought. Through that legacy we have prospered as a City. The Abbey has been at the centre of our City from the 7th century. The Cross of Christ has been at the centre of this city since the earliest times.

It seems to me that our heritage is under attack from a very small group of activists who insist on political correctness and the rights of minority groups over the majority view in so many areas of national and in this case local life. For some 50 years there has not been a problem with the cross at the Bath crematorium, no petitions for its removal, no protests, then without any democratic consultation a decision is made to have a portable Cross, one that can be wheeled in or out for convenience. It seems to me that we are influenced far too much by those who have an underlying agenda, in this case to remove the most potent symbol of our Christian heritage. We need to respect the right to these views, but we should not allow them to shape our society. The tail should not wag the dog.

The Cross is a symbol of hope, abundant life in the here and now, and in the life to come. It is appropriate that it remains at the heart of our city and at the crematorium to give hope to those who may draw strength from it. So let us resist those who would seek to rob others of the hope that is in the Cross of Christ Jesus.

Local government officials seeking to take the Cross of Christ out of our community would do well to remember the words Queen Elizabeth II in her Christmas message and in her Jubilee year is saying that we should be returning to our Christian roots. One way we can do this is to maintain the centrality of the Cross of Christ in our City.

Yours sincerely

Graham Duke

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Powlett Passageway, Bathwick

As local residents we have been deeply concerned over proposals to re-classify the passageway from Bathwick Street to Powlett Road to a shared cycle route.

We are concerned that the passageway, which is bound on both sides, is not wide enough to accommodate cyclists and pedestrians safely, as it is **not the minimum of 3m wide all along, as is legally required**. **No-one can tell us how many cyclists would use the proposed route.**

Cllr Tim Warren has echoed our concerns in *Bath Chronicle* article 2 February 2012, mentioning the survey on the Bathwick Estate carried out by the Residents' Association at the suggestion of Cllr Paul Fox, who also agrees with our views. The result was that 32 supported the scheme, and **52 opposed it.**

Whilst we sympathise with cyclists who want a safe short-cut into town, our footfall data taken at different times reveals that a lot of pedestrians, many of them elderly and some infirm, or mothers with young children frequently use this busy route, with a pedestrian almost every 2 minutes passing by.

Elderly residents at Powlett Court have reported '*near misses*' on several occasions with cyclists rushing past, no bells or verbal warnings, startling them, and leaving them fearing for their safety. One resident has had a serious foot operation, and now walks with the aid of a stick, another is partly deaf.

I have experienced cyclists rushing past me, too, and can never relax when walking along the passageway. Can this be right?

For us to be safe and for cyclists to be legal they should adhere to the red circle no cycling signs prominently placed at each end of the passageway, and walk the **one minute only length** of the passageway.

It is purely a question of keeping to the law and being considerate of the welfare of vulnerable pedestrians.

Years ago, in a more God-fearing society this situation would not have arisen as pedestrians and elderly people and their needs were respected. Surely Councillors are elected to represent the needs of all residents, not just one particular group.

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APPX 5

Ref- Kirkham Lane Bathwick

Proposed shared use with cyclists

Mrs C McNally
41, Powlett Road
Bathwick
Bath
BA2 6QL

March 3rd 2012

I have lived in Powlett Road with my family for the past 46 years and we use Kirkham Lane almost daily to reach the local shops, walk to the city centre and visit Henrietta Park. I am against shared use with cyclists for the following reasons.

Kirkham Lane connects the densely populated Bathwick Estate with the very busy main road of Bathwick Street so it is always very busy with pedestrians both young and old going about their business and the length of the lane is so short it takes just one minute to walk its entire length so cycling would gain very little extra time if any

Powlett Court is built along one side of the lane which have apartments owned mainly by elderly residents with their own footpath and gate leading directly on to the lane and opposite two other garden gates and the entrance to a small electricity sub station. The lane itself is narrow and already has two concrete lamp standards, one metal lamp standard a wooden telegraph pole plus its support and a metal post with instructions for cyclists, all taking up valuable space. It is most important to point out that stone walling runs the entire length of the lane on both sides so there is no extra room for manoeuvre, FOR EXAMPLE If an elderly couple returning home from the shops each carrying a shopping bag to spread the load holding on to each other for support or maybe with walking sticks, if approached by a cyclist there is not enough room for them to pass safely, the same applies if a grown up is pushing a bulky pram with a small child running along side. We are not discussing a quiet country lane here, if we were I would wholeheartedly agree to shared use ours is a busy pedestrian passageway in constant use seven days a week and it takes just one minute to walk it from beginning to end.

I would like to say to the cyclist, please consider your elderly neighbours, such as myself, push your bicycle for that one minute and it will give you the opportunity to show by example, especially to the young that you respect the law and to the decision makers please don't change things for the minority cyclists and put us the majority pedestrians under stress and in fear of an accident.

PLEASE VOTE AGAINST THIS PROPOSAL AND KEEP EVERYONE SAFE

THANK YOU

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B&NES Cabinet Meeting 14 March 2012
Statement by Amanda Leon: Radstock Action Group

If regeneration is the guiding policy for the future of Radstock, then we would ask the Cabinet to consider the following major points:

1. **A housing development does not constitute a regeneration plan**

The SHLAA (Strategic Housing Land Availability Assessments) for B&NES shows conclusively that there are a large number of sites regarded as possible for housing development in Radstock. What is missing from the current debate is any coherent plan for the development of jobs and business in the town. One business director articulated this clearly when he stated, yesterday, that he expected to have to move from Radstock within the next two years as the council is not interested in making land available for him to expand his business. He contrasted this with the warm welcome given to enquiries to a neighbouring authority. It appears to him, and others, that the only planning idea for Radstock is to permit housing at the expense of industry and jobs.

2. **Well-being, health and safety should apply to all aspects of all plans for Radstock**

The current road proposals for Radstock are not designed to safeguard or improve the well-being of people who live or work in the town or who visit for social, family or tourism motives.

The most pressing matter in this regard is the failure of the authority to provide a safety audit for the new road proposals. One cynical interpretation of this omission might be that there are so many weaknesses in the proposals that would fail a proper audit that a preferable way of proceeding is to fudge the whole issue. This would be an even worse option than the desk-top exercise (ie. No-one actually came on site to consider the matter) which was carried out for the last proposed plans. Let us be in no doubt that the current proposals constitute major changes to a major A road and will irreversibly change Radstock.

The Design Manual for Roads and Bridges (HD 19/03) makes it clear that not only are safety audits required, but that they must be done by appropriately qualified/trained staff. We understand that Glen Chipp has stated that works will not proceed further until the safety audit (about to be undertaken?) has been assessed by the relevant regulatory arm of the Council. Although this is superficially slightly more reassuring we fail to see how the authority can be assessing its own proposals. It appears that the way B&NES seeks to get round this is to say that the developer has commissioned a safety audit. B&NES should state who the developer is and explain how this has been determined, given the fact that any development on the NRR land will have to be subject to a new planning application.

Should the current plans go through, the health and safety of everyone will be compromised: everyone, particularly pedestrians, will be subjected to increased traffic as they negotiate the town centre with its narrow pavements and increased traffic (B&NES admits this) in The Street. Air pollution from more standing traffic queues will be an additional hazard. Radstock will become a place to be avoided.

3. **Radstock's future is in danger**

As the last few weeks have shown, major obstacles in Radstock serve only to cause major congestion and remove trade from our otherwise lively town centre. (See appendix A). The town cannot withstand the unwise and unnecessary strain that the new road system will impose. If B&NES is serious about the regeneration of the town then we urge them to reconsider, even at this late stage. Otherwise,

we shall be forced to conclude that Radstock is seen as a dumping ground for housing developments which will turn it into nothing more than a dormitory settlement for people working in Bath and Bristol.

Whatever happened to Regeneration? To jobs and homes for local people as articulated in the Core Strategy?

Appendix A

PRESS RELEASE: Will politicians and planners learn the lessons from the temporary four way traffic lights in Radstock?

The presence of Wessex Water's four way traffic light system in Radstock must surely have taught politicians and planners some important lessons. Radstock Action Group hopes that the lessons will be applied to the current road proposals without delay.

1. **Radstock does not normally have a traffic problem** - the alleged congestion which B&NES says is being solved by the new road system quite simply doesn't exist. Of course, at peak times, there are queues and drivers have to wait for short periods, but these delays compare favourably with the sort of hold-ups that occur regularly in Bath and elsewhere, and are a part of everyday life in all towns in the twenty first century. The only solution is to provide a reasonably priced, reliable, frequent public transport system.
2. **The more obstacles you put in the way of the traffic, the longer the queues and delays.** Thus when the traffic lights system as in operation, tailbacks developed instantly, trucks were seen having to go over kerbs to get round, buses ran late.
3. **When drivers have to wait more than what they regard as a reasonable time, they take avoiding action.** In the case of Radstock, they stopped coming into town to do their shopping; they pioneered new rat runs, thus disrupting other communities; and they took their business elsewhere.

And so, the big question remains. Why is B&NES intent on introducing permanent obstacles to previously satisfactory traffic flow? Why are they pursuing, for example:

- The introduction of two new roundabouts in the town centre
- The introduction of a traffic system which will require more pedestrian crossings to keep people safe, so that, for example, anyone turning out of Fortescue Road (an obligatory left turn in the new regime) will have to negotiate traffic coming from the right, deal with a pedestrian crossing going across to RADCO and a new roundabout at the bottom of Wells Road, all in the space of less than 100 metres
- The introduction of a 'give way' from Church Street to enable traffic on the proposed new road link to go down the Street

Unenforceable restrictions

We saw clearly that the 'Access only' restriction for traffic coming down Bath Old Road during the Wessex Water four way traffic lights phase, could not be enforced, so why is there any reason to suppose that the proposed 20mph and 7.5 tonne limits on the new link road will be enforceable? They won't - anyone with the slightest imagination can work out what will follow when 44 tonne trucks meet in the newly two way Street and so on.

Health and Safety should come first

The health and safety of everyone who works, lives in or visits Radstock should be paramount. So far, B&NES has not produced a safety audit for the proposed new road scheme. The authority has a duty of care to those who will be affected by any new development and must show, beyond question, that new proposals are safe. Whether it's air pollution caused by increased numbers of queuing vehicles, traffic flows involved in unsafe compulsory manoeuvres or two way traffic involving heavy goods vehicles in narrow shopping streets, the planned package looks anything but safe.

Take advantage of Radstock's unique blend of shops and services

The traders in our very special shopping centre deserve a better deal - let's leave the centre of Radstock alone - this way customers can resume their shopping in the knowledge that hold-ups were a temporary hiccup and that parking will be available as they drop in to make their favourite purchases. Every thriving town needs varied and quality traders - that's what Radstock has.

We urge B&NES to think again and to listen to the people who know. These people have repeatedly made their views known - they live in and use the town. The council should work with the local people to develop true regeneration in the town. It is not too late.

12 March 2012

Appendix B

Radstock Action Group regularly gets comments and copies of communications sent elsewhere. Printed below is the most recent one to appear in our Inbox last week, addressed to B&NES from a Midsomer Norton resident:

Dear Sirs,

I am writing to express my vehement opposition to the proposed changes to the road layout in Radstock and to the proposed housing development on the former railway land.

Both of these schemes fail to deliver the promised regeneration to Radstock and are in my opinion nothing other than profit making activities solely for the benefit of those living outside of the Radstock area. In the process of implementing these schemes, not only will there be massive disruption to the community for a protracted period but the very nature of Radstock will be irreparably damaged.

I add my voice to the extremely loud clamour that demands that you stop this madness immediately. The opinion of the local population has been so clearly articulated that it is impossible for anyone to fail to know that these so called "developments" are utterly unwanted, unwarranted and unwelcome.

I also add that the proposed felling of the Jubilee Oak is an absolute scandal and flies in the face of this year's celebrations of the Queen's diamond jubilee when thousands of trees will be planted. I shall be adding my yellow ribbon to those already adorning this tree and it will carry a clear message "Hands Off This Tree And Hands Off Of Radstock !"

I am disgusted by the carnage already wreaked upon other trees during the recent "enabling works". Those that sanctioned these actions should be ashamed of having allowed this to be done.

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Speech Against Additional Licensing and Article 4 Directions in Bath

The National Landlords Association doesn't believe that either additional licensing or Article 4 Directions will improve the private rented sector in Bath. Indeed, these proposals are likely to make the situation worse.

Additional Licensing

Additional Licensing will not work and has not worked anywhere it has been enacted. The Licensing Briefing that has been prepared by your officers for this meeting (Appendix D) states that Additional licensing will "Produce a level playing field by tackling less scrupulous landlords". The good landlords will get licenses; the bad ones will continue operating under the radar. Why waste the time and money licensing good landlords when your officers will still need to go out, find and prosecute the bad ones?

We also need to think about the argument that licensing will reduce anti-social behaviour. But how is licensing the landlord going to improve the behaviour of the tenant? The only powers landlords have are to warn the tenant about their behaviour and then bring possession proceedings if the behaviour does not improve – and even then you are not guaranteed to get an eviction order. Let me say, trying to prove anti-social behaviour is almost impossible. Local authorities and the Police have much greater powers to deal with anti-social behaviour. Further we believe that the main areas in Bath where anti-social behaviour is prevalent are not the typical student areas.

Article 4 Directions

Now looking at the Article 4 Directions. By removing Permitted Development Rights, you will be restricting the legitimate use of property. An Article 4 direction will cost the Council money (your report estimates potentially over £100,000 a year); increase competition among tenants and reduce house prices.

Shared housing is in more demand now than ever before. Research from the National Housing Federation suggests a graduate leaving university last year will not be able to afford to buy their own home until they are 43. So they stay in shared housing. Changes to the Local Housing Allowance (LHA) which came into force in January this year means that Housing benefit tenants under the age of 35 are only eligible for the shared house LHA rate. We question the accuracy of the figure of 70 people in Bath being affected by this change when the comparable figure for Bristol is 900.

When demand increases, overheads increase and supply stagnates, Rents rise! This will push LHA tenants to the outskirts of the city as landlords will always take market rent paying tenants (such as student and graduates) first.

It will also affect owner-occupiers. If landlords are worried they may not get planning permission, they will invest somewhere else. This reduces house prices. In Newcastle, owner-occupiers have seen around £50,000 drop off the price of their properties because of the Article 4 Direction.

It also won't encourage landlords to let to families. Using Newcastle as an example again, on Monday, the local MP stood up in Parliament asked the Secretary of State to do something about the fact that landlords were leaving properties empty rather than letting them to families in the Article 4 area. This is because landlords do not want to lose their HMO status and would rather have the property stand empty than let it to a family.

And, as the Article 4 Direction will only affect new HMOs, it will have no impact of problems that are already present.

Look at how these directions are working in other parts of the country. They are failing landlords, tenants and local authorities. We implore you not to make the same mistake.

Enforcement

Instead, you should prosecute the rogue landlords. You know who they are and where they are operating – they are the ones residents complain about at your advice surgeries. Intelligence led enforcement keeps resources in front-line services and enforcement rather than back office form-filling.

Accreditation

We believe the key to improving property and managing standards in the private rented sector is landlord accreditation. Accreditation plays a vital role in educating and improving the professionalism of the private rented sector. Accreditation educates landlords on their obligations and responsibilities towards their tenants, the community and the local authority.

A prescriptive list of requirements, such as those that form the basis of any additional licensing scheme, will not improve standards. Education through accreditation changes the behaviour and attitude of landlords in a way that licensing does not.

The report prepared by your officers for this meeting states “the costs are not part of Housing Services financial plans and would need to be met through a re-prioritisation of existing work streams, such as the suspension of the existing voluntary accreditation scheme” (page 26 of the report).

We firmly believe that if you agree these proposals, the private rented sector in Bath will be moving backwards, not forwards.

Thank you.

Mark Rose

STATEMENT ON BEHALF OF THE UNIVERSITY OF BATH

I am here to speak on behalf of my clients the University of Bath, who wanted to take this opportunity to clearly set out its views on this matter, and trusts the Council to take these comments into account when considering the proposal to impose an Article 4 Direction.

The essential value of Houses in Multiple Occupation in terms of meeting the demand for flexible and affordable housing, and in ensuring that there is a balanced and effective housing market in the city, should be given the utmost weight in the determination of whether to implement an Article 4 Direction.

Houses in Multiple Occupation are an essential source of housing for young people in the city including graduates, young professionals, key workers and contract workers, as well as students.

Given current house prices, young people often have a limited choice of housing available to them, and a constraint on the flexible supply of Houses in Multiple Occupation will further marginalise them in the housing market.

Landlords will be discouraged from entering the market, which together with the limitation on the ability to switch between different types of occupier, will inevitably limit supply and result in increased rental costs.

There are also wider economic, social and sustainability factors to consider.

A limitation in the supply of Houses in Multiple Occupation will force young people to reside elsewhere in or outside of the city. That will potentially have a significant effect on the city's economy, not just in terms of the support for local businesses that young people provide, but also in respect of underlying factors fundamental to the city's economy such as graduate retention.

Whilst the University plans to provide up to 2400 new study bedrooms on the campus in the period to 2026, there will still be significant demand from students for HMO accommodation in the city. Many students prefer this form of accommodation, particularly in their later years of study, and should not have their choice of accommodation and location in the city unduly fettered.

There are also concerns that the wider dispersal of students throughout the city, will undermine the University's sustainable transport strategy which is founded on the provision of a rapid and frequent bus service from key student areas in the city to the campus.

The Committee Report highlights that imposition of an Article 4 Direction, requires there to be "exceptional circumstances" and clear evidence of harm. The University does not believe that that has been satisfactorily demonstrated in the Feasibility Report.

Moreover, it is the University's view that the problems often associated with high concentrations of Houses in Multiple Occupation, could and should be controlled by other more appropriate means than an Article 4 Direction.

The problem is commonly not the provision of Houses in Multiple Occupation per se, but how they are managed. The Feasibility Report outlines the opportunities open to the Council in terms of licensing, and there is a clear benefit to using this manner of control in terms of ensuring the quality of HMO provision in the city to the benefit of the wider housing market. The Feasibility Report also refers to other "management measures".

It is the University's view that the Council, with the co-operation of key stakeholders, including the University, should implement these measures to address the concerns that have been expressed in respect of the presence of Houses in Multiple Occupation, before the "exceptional" action of imposing a city wide Article 4 Direction is taken.

These measures would not result in a blanket constraint on the provision of Houses in Multiple Occupation to the severe detriment of the city's housing market, and they also have the added benefit of addressing problems associated with the existing Houses in Multiple Occupation, as well as new Houses in Multiple Occupation.

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Naomi Mackrill

The University of Bath Students' Union and Bath Spa University Students' Union are opposed to an Article 4 Direction in Bath for many reasons and we have taken every opportunity possible to highlight these.

Before the decision is made today, based on the recommendations and contents of the report, the students of Bath would like to once again air our objections. As many of us are, have been, or will be, residents of HMOs, we are one of the groups that will be directly affected by any decision that is made today.

The topic of an Article 4 Direction on Houses of Multiple Occupation has inspired a vast amount of comment, from a wide range of students. While people have found many ways of getting there, there is an overall consensus of "why should we not be allowed to choose where we live just because we're students". Whilst these recommendations will, if passed, affect a far wider range of society than just students, the attitude of "blame it on the students" appears to remain. This may not be the feeling that the Cabinet have, or even the opinion of our elected local councillors, but it is a feeling that students in Bath are getting, and it is making us feel very unwelcome.

We could use our opportunity to speak as an opportunity to complain about the injustice of this policy on students, and that the majority of students wouldn't, even if the opportunity was there, spend longer than one year in purpose built accommodation, but there are much stronger arguments against an Article 4 Direction in Bath. Some of these, but not all, will be covered in the other statements you will hear today.

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Chris Clements

Throughout the papers and reports, there have been a number of points raised that contradict subsequent points in the papers, or information that does not fully support the point it is meant to. One of the main examples of this is that an Article 4 Direction will work towards the Councils Core Strategy of “creating neighbourhoods where people are proud to live”. This is despite the acknowledgement in point 5.5 of the paper that the feasibility study found no evidence to link high concentrations of HMOs with anti-social behaviour in the city. There has also been no argument sustained as to why a HMO is “worse” than a regular house in all cases. Using this legislation suggests that the different use classes of property have distinct characteristics, and limiting Use Class 4 properties (HMOs) suggests that they are inferior compared to Class 3 properties. There has been no argument as to why high concentrations of HMOs are a problem apart from rising house prices, the reverse of which can be argued with respect to causing a rise in rental prices.

One of the main “problems” that has been identified regarding “creating neighbourhoods where people are proud to live” is the existence of a largely transient population. Whilst students are generally a transient group who live in HMOs, creating purpose built accommodation blocks in the city will only increase this perceived distance from Bath as a city and place of home amongst student residents. This in turn will only amplify any problems associated with this. Throughout the private rented sector there are many other groups of society who are transient who do not occupy HMOs specifically. Alongside this, many other, less transient residents of Bath rely on HMOs and an Article 4 Direction would adversely affect these residents without solving one of the perceived problems.

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David Cameron

We believe that enhanced planning policy will not address the problems associated with inefficient management of HMOs and that the report and feasibility study has provided no evidence to support this. We believe that the issues that exist in communities are rarely about planning, but are about housing standards, communication between stakeholders and community cohesion, and as such planning policy, such as an Article 4 Direction, will not solve the problems that it is hoped to. An increase in planning regulations will inhibit the ability of the housing market to respond to local needs, something that will adversely affect the entire population of Bath.

BaNES currently have powers under the Housing Act 2004 that allow them to address the problems associated with managing HMOs in the city. Point 3.3.5 of the feasibility study states that “with additional resource it would be possible to extend the proactive work done in this area”, which suggests that these powers have not been fully utilised and enforced to tackle the perceived problems. These can be used alongside other initiatives such as the accreditation scheme, which ensures HMOs meet minimum standards, that has been under resourced in recent years.

An Article 4 Direction should only be used in “exceptional circumstances” as defined by the General Permitted Development Order. Exceptional circumstances should only occur when all other options have been tried, tested and deemed to have failed.

The feasibility study 14th February 2012 provided information on a number of management initiatives that are either in place in Bath or elsewhere. Whilst these have been included in the feasibility study, no visible analysis on the success of these or reasons why they cannot be tried in Bath have been given. Without this information is it possible to conclude that Bath is in a state of exceptional circumstance with regards to HMOs?

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Peter Davies

We believe that many tenants in the private rented sector are those on low incomes. BaNES own Feasibility Study cites, as examples of people who live in shared rented accommodation: young professionals, students, housing benefit claimants, people in slum rentals, immigrants, asylum seekers and those in temporary accommodation. These groups will be disproportionately affected by an Article 4 Direction on HMOs, compared to those who can afford to live in their own home. This has been identified in the Equality Impact Assessment report produced alongside the feasibility study, with the main points being included in the report.

It has been suggested that the potential solutions will, as part of the core strategy, work towards “creating positive lives for everyone”; however the equality impact assessment identified two groups of residents who are most likely to be negatively affected. These groups are those with lower salaries and students, who are both likely to be young people and BME residents as the wards with the highest BME populations are also those with high concentrations of HMOs. The negative effects identified included the restriction of the housing stock and thus an increase in rental prices.

This contravenes BaNES Equal Opportunities Policy which states; “the council is committed to equality of opportunity and action to ensure that its employees and the people it serves are not discriminated against or receive less favourable treatment on the basis of their: age, financial or economic status, race, colour, ethnic or national origin” amongst other things.

While it is important that an Equality Impact Assessment is conducted to identify these risks, there has been no suggestion in the report of how it will be ensured that discrimination doesn't occur as a result of this policy.

Bath and North East Somerset accommodates a balanced and diverse community; and thus requires a flexible, fluid and affordable housing stock. An Article 4 Direction would work directly against this by limiting a vital supply of affordable housing.

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Matt Benka

It has been reported that a 30% reduction in budget for B&NES Council has been predicted over the next four years. Alongside this, by law, any planning applications submitted under an Article 4 Direction must be processed free of charge to the applicant. Therefore, if you decide to implement an Article 4 Direction for Bath, all future applications to create a HMO will be processed using BaNES funds, diverting money from important council initiatives which will have more substantial benefit for all residents of B&NES.

The feasibility study says that B&NES are aware of 3000 HMOs across B&NES, and 2221 in the city of Bath. This is unlikely to include all the HMOs that currently exist. The majority of "known" HMOs, which has been used to estimate a cost, is mainly based on student properties, as these are the only occupants who are easily identifiable. It is therefore reasonable to assume that Bath will see an increase in numbers of HMOs when all occupant groups are identified. Oxford city council found a 270% increase in HMOs that they were unaware of and B&NES could experience a similar increase in numbers.

The cost figures in the consultation are based on 2221 HMOs, however based on Oxford's findings there could be up to 5996 HMOs in Bath therefore the introduction of a planning policy that has not been tried and tested by other councils, with a resource implication that is unknown, could prove to be a costly mistake.

The wider economic effects of an Article 4 Direction are also largely unknown, however included with the feasibility study from the 14th February 2012 (appendix A), Ian Bell the Executive Director of the Bath Chamber of Commerce submitted a letter opposing an Article 4 Direction stating it could cause; 'a reduction in supply and increase in price and an exodus of young talent – the very opposite of what we need for the long term success of our community'.

This coincides with the wider contradiction of the current council aim of increasing graduate retention within the city.

At various points, the positive and negative effects that students play on more out of town economic areas, such as Moorland Road have been brought into question. It would seem that on points such as these, there is an argument both for and against an Article 4 Direction, depending on what is perceived to be a benefit. Would Moorland Road benefit from having a lower concentration of adults shopping all year round or is it actually well supported with the knowledge of the key spending patterns that a student cycle brings, replacing household objects on an almost yearly basis?

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Simon O'Kane

Hello everyone,

As an elected officer of the University of Bath Students' Union's Postgraduate Association, a friend of University graduates who have since taken up permanent residence in the city and someone who hopes to do so myself, I would like to talk about the diversity of young people who live in HMOs. It has been widely reported and even confirmed in the feasibility study that occupants of HMOs are a much wider range of society than just students.

However, even within the student population there is a vast range of student identity with different housing needs. First year undergraduates and non-EU postgraduates are entitled to purpose-built accommodation, while continuing undergraduates, exchange students, mature students and EU postgraduates are expected to seek housing in the private sector. The majority of continuing students find their housing for the next academic year around January; these are the earliest group to look.

Later in the year, new postgraduates from within the EU and undergraduate exchange students begin to look for their accommodation. Due to the application process, it is not possible for new postgraduates to "house-hunt" at the same time as undergraduates, as they don't know where they will be based for their study. This already leaves them at a disadvantage when finding appropriate housing. It is common for postgraduates to still be looking for suitable accommodation just days before their course or research begins. A decrease in housing availability will make Bath less attractive to postgraduate students.

Having already completed an undergraduate degree and experienced independent living, it is unlikely that postgraduate students (and mature students for that matter) are perceived as a problem by neighbours, indeed it is unlikely that they are very distinguishable from groups of young professionals.

Alongside this, it again proves contradictory to the Council's initiatives to increase graduate retention. While the figures on this are unknown, many students build lives for themselves while studying and remain in Bath after graduation. One of my best friends now lives in Oldfield Park and works for a food manufacturing company in Bristol as a microbiologist. He has lived with various housemates over the years, many of whom grew up in Bath and have never been to university. Other graduate friends of mine have gone on to be teachers and software designers. This is before I even mention the many postgraduates who now work for the University as postdoctoral research staff.

This again suggests that an Article 4 Direction will negatively affect a group of residents of Bath, without solving the problems it is hoped to.

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Amy Stringer

The wider practical issues with implementing an Article 4 Direction have been mooted, which little consideration of how these would then be managed being suggested. One of the main potential problems and one that is of great concern to students is transport.

Students in general rely on public transport due to the cost of running private transport and the lack of parking availability; especially at the University of Bath (this is in line with the Council's desire to keep student car usage low to reduce congestion). Having dedicated services that serve the universities allows them to cope with the high level of demand, which non-dedicated services would cripple under.

Even now, with bus services that are widely regarded as the best in the city, peak time demand is unable to cope with student numbers accessing the university campuses. A greater dispersal of students around the city would require a vastly improved transport network.

In point 5.13, the report states that "Transport services has expressed concern about the impact of dispersing student HMOs away from the key bus routes to the Universities will lead to less sustainable travel patterns and may adversely impact on the Universities' travel plans." Evidence is already available to show the bottle-neck effect of passengers and buses in the city centre at peak travel times. Further dispersal of student HMOs will only increase this problem, especially focused on the city centre. The dedicated travel routes also allow the other services in the city to act at an appropriate capacity, giving services tailored to the needs of the areas.

Alongside this, many female students especially also rely on good public transport links to limit the dangers associated with walking home alone in the dark. While Bath is a relatively safe city, students coming here to study are from all over the world where night-time safety is a key concern. It is also very difficult for the majority of students to ensure they are always travelling home with someone due to the variety of lifestyles kept including the availability of the 24 hour library at the University of Bath Campus. Therefore good transport links that run at appropriate hours will always be a key factor in where to live.

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David Howells – Conclusion

In order to implement either an Article 4 Direction, or additional licensing, exceptional circumstances are required. The report produced does not identify clear evidence of “exceptional circumstance” in Bath and highlights in point 6.3 that only a limited number of councils have implemented an Article 4 Direction as such there is little precedence in this area. With this information, and the lack of information surrounding the effectiveness and appropriateness of the management initiatives we do not believe that exceptional circumstances, warranting an Article 4 Direction on HMOs in Bath, has been adequately proved.

Your own equality impact summarised the high risk of alienating young people with an Article 4 Direction. What we are here to say, as the representatives of 20,000 students, is that that risk is the reality. Article 4 Direction discriminates against the young, be they students or otherwise, and such a direct and heavy-handed approach from this Cabinet will alienate 20% of your and your fellow councillors’ constituents. It will permanently undermine the efforts of everyone to solve the problems our community shares and will encourage the talented students of our universities to look elsewhere when they graduate.

While we understand that there will be positives and negatives for various groups with the majority of decisions that the council and councillors are required to make on a regular basis, the recommendation to introduce an Article 4 Direction or additional licensing appears to have uncovered and stated many problems without proposing solutions and has failed to adequately address the points above. We see no reason why these points should not be considered to the same extent as any argument for an Article 4 Direction, especially as no council has yet proved that an Article 4 Direction will do what it is hoped.

We therefore ask that it is decided that the approach of an Article 4 Direction and threshold policy is not adopted for Bath and that additional licensing is further investigated. By working closely with the Students’ Unions and the universities, the Council will be able to ensure that should additional licensing be brought in, any additional costs that would be passed to tenants would provide value for money. We also ask that the management options detailed in the feasibility study are sufficiently tried, tested and evaluated for effectiveness before an Article 4 Direction is considered. On behalf of the 20,000 students in Bath, Thank you.

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I shall begin by thanking BaNES Council for giving me this opportunity to speak on such an important matter. As we are all aware, the council intends on enforcing an Article 4 Direction across the city of Bath, making landlords obtain consent before adapting a house into a HMO (House of Multiple Occupancy). There have been similar moves in other British cities. The main concept of moving students out of city homes to free them up for families is one shared by all local parties in Bath.

I must stress that this policy would affect any group of unrelated individuals wishing to live together in a house. Young professionals, student nurses and training doctors, as well as university students, all rely on such accommodation being available, and would suffer due to an Article 4 Direction. However, this policy is a response to concerns Bath residents have about students.

The main reasons propagated in favour of an Article 4 Direction are that students are bad neighbours, student housing is poorly maintained and the high densities of students are forming what Cllr Sandry calls "imbalanced communities".

The council's own study found that densities of HMOs had little correlation with incidents of anti-social behaviour and littering. Whilst it is anecdotally true that a few students are poor neighbours, there are numerous remedies for such situations, including contacting the Police and the council.

The issue of housing maintenance and standards is largely mute, given that the council already has the power of inspection over HMOs. Indeed, students who have concerns over housing quality are encouraged to contact BaNES Council.

It was also emphasised in the council's report that an Article 4 Direction could not be retrospective; it would not be able to reduce the densities of HMOs in given areas. Given the stress on housing in Bath, a great liberalisation of planning policy is required to encourage house building, as opposed to a great restriction on housing conversion. Pressure on the universities to build new accommodation has reaped rewards, and the council should work with the two universities to identify ideal sites.

Errant behaviour by a few students, coupled with well-known stereotypes, has produced a potent perception that students are a problem for Bath. As the American economist Thomas Sowell said: "In politics, it doesn't matter what the facts are, it matters what people believe; because people vote based on what they believe, and not on what the facts are." The idea of limiting student housing will continue to burn as long as students are associated with disorder in Bath. Students should aim to be positive members of their communities, beyond contributing to local commerce, rather than appear to be usurpers of this historic city. We are indeed transients in Bath, but that does not mean we love this beautiful city any less than our neighbours do.

This policy will do great harm to Bath, and fails to satisfy the council's aims. I implore you to reject the Article 4 Direction across Bath.

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**Statement from the Federation of Bath Residents'
Associations to the B&NES Cabinet meeting, 14 March 2012**

As you know, the Federation represents residents' groups across the city of Bath. My own association is based in the area between Lyncombe Vale and Poets' Corner, in the south of the city, and is involved in various neighbourhood issues. Recent examples include road safety, traffic pollution, the management of Alexandra Park, and planning issues affecting school playing fields.

I have been leading a small subgroup within FoBRA which has taken a close interest in the Government's localism initiatives, and I should like to express our keen appreciation that the Council has been working so closely on these matters with local stakeholders. It is hard to predict precisely where this new legislation will lead. It will be no mean task to ensure that Bath makes the best of improved community opportunities, and yet avoids the very real risk that they might be misused.

For there is such a risk. There may well be promoters of development projects who would seek to influence neighbourhood plans, with the aim that these should allow schemes which might generate short-term benefits, but at the price of great damage to our historic heritage. That heritage, once lost, can never be recovered, and its value is not just a sentimental one. In Britain, tourism is the fifth largest industry; in Bath, it is of immeasurable importance to the long-term sustainability of our local economy. We need to be very much alert to such dangers.

We therefore welcome the proposed consultation on the Council's Protocol. Our initial feelings are that there may be room in some areas for sharpening the proposed procedures so as to avoid costly demands for extra work by the Council, and for tightening the drafting so as to minimise the risk of legal challenge. We shall examine the draft carefully and respond.

Mark O'Sullivan

representing Federation of Bath Residents' Associations
also member of Greenway Lane Area Residents' Forum

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CABINET 14 MARCH 2012

BATH PRESERVATION TRUST SPEAKING NOTES

14. NEIGHBOURHOOD PLANNING PROTOCOL

Bath Preservation Trust welcomes the proposed consultation and would like to emphasise the importance of the third element of the recommendation – to keep the protocol for neighbourhood planning under review so that opportunities to link this process with other community engagement are fully considered.

Chapter 4 of the document highlights that Bath, with no local council or parish structure, is in a different place from the rest of B&NES and is effectively on the back foot in relation to creation of neighbourhood forums. We note that it appears to be the intention of the Government that neighbourhood plans might be less restrictive to development than the Local Authority's own policies. However in Bath, restrictive policies frequently assist the Council in fulfilling its obligation to protect Bath's status as the only complete city in the UK designated as a World Heritage Site. The Council will therefore need to ensure that the purposes of any approved neighbourhood forum or forums for the City of Bath genuinely reflect national policy in relation to the historic environment as well as the need to promote the environmental and social wellbeing of the area as well as its economic development.

We are aware of the limited resources in the Planning Policy Department and would urge that priority be given to completion of the Core Strategy and encouraging meaningful community engagement with key supporting policies including the Placemaking Plans and World Heritage Management SPDs as a way of trialling mechanisms for neighbourhood planning in Bath.

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CABINET 14 MARCH 2012

BATH PRESERVATION TRUST SPEAKING NOTES

15. RETROFITTING AND SUSTAINABLE CONSTRUCTION SPD

Bath Preservation Trust of course supports this SPD in general and are very pleased to see it brought forward as a priority. We are grateful for the acknowledgement in para 5.8 of our work on this topic, and are therefore all the more disappointed that the Trust is not mentioned in the 'sources of useful information' section.

We think that the draft could say more about the energy hierarchy, which emphasises the need to reduce energy consumption and improve efficiency before installing microgeneration methods.

In relation to the historic environment and listed building consents, we are not convinced that the document has gone far enough to clarify the likelihood or other wise of proposals receiving approval. Our detailed response to the consultation will seek to assist in that clarification. It is important to get this right if the document is to fulfil the aim of Policy CP1 to encourage and enable sensitive retrofitting of historic buildings.

We hope that other initiatives taken by the Trust will receive a similarly constructive and collaborative response from the Council in future!

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