

BATH AND NORTH EAST SOMERSET

CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Wednesday, 11th September, 2013

Present:

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Katie Hall	Cabinet Member for Community Integration
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

49 WELCOME AND INTRODUCTIONS

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

The Chair welcomed everyone to the meeting, particularly Councillor Katie Hall who was attending as a Cabinet member for the first time. He congratulated Councillor Hall on her election to the LGA as Chair of the Health and Wellbeing Board. He also expressed his congratulations to Councillor Vic Pritchard, who had been elected to the same Board.

The Chair welcomed the visiting film crew from YTN, South Korea, who were filming a programme about democracy in the UK. He felt it was a privilege that the film crew had chosen to film in Bath.

50 EMERGENCY EVACUATION PROCEDURE

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

51 APOLOGIES FOR ABSENCE

There were no apologies for absence.

52 DECLARATIONS OF INTEREST

There were none.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

54 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 31 questions from the following Councillors: Anthony Clarke (7), Brian Simmons, Brian Webber (5), Charles Gerrish (3), Colin Barrett (2), David Laming, David Martin, Geoff Ward (4), Marie Longstaff, Martin Veal, Patrick Anketell-Jones (3), Vic Pritchard (2).

There were 2 questions from the following members of the public: Duncan Hounsell, Andy Wait.

[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.]

55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

David Metcalfe (Co-Chairman, Cultural Forum) in a statement *[a copy of which is attached to these Minutes as Appendix 3 and on the Council's website]* applauded the fact that Cabinet had decided to take longer to consider arts development before bringing proposals forward. He made a number of points which he hoped would be adopted to ensure a visionary and vibrant arts policy.

The Chair referred David Metcalfe's statement to Councillor Ben Stevens for consideration and for a response in due course.

56 MINUTES OF PREVIOUS CABINET MEETING

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

RESOLVED that the minutes of the meeting held on Wednesday 10th July 2013 be confirmed as a correct record and signed by the Chair.

57 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

58 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

The Planning, Transport and Environment Policy Development and Scrutiny Panel at its meeting on 10th September had considered the Energy Efficiency and Renewable Energy Guidance. The Chair drew attention to the Notes of that meeting, copies of which had been placed in the Public Gallery before the meeting *[and a copy of which is attached to these Minutes as Appendix 2 and on the Council's website]*. The Chair asked the Cabinet to take the Panel's remarks into consideration when discussing this item later.

59 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

60 ENERGY EFFICIENCY & RENEWABLE ENERGY GUIDANCE FOR LISTED BUILDINGS AND UNDESIGNATED HISTORIC BUILDINGS

Councillor Charles Gerrish in an *ad hoc* statement asked, in the light of comments made by the PDS Panel, whether lessons should be learned from other places (eg Dublin, Edinburgh).

Councillor Sarah Bevan in an *ad hoc* statement asked for a further report to be considered by Cabinet on the subject of wind turbines and solar panels.

Caroline Kay (Chief Executive, Bath Preservation Trust) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 4 and on the Council's website*] welcomed the report. She asked for pilot projects to be undertaken in some of its own listed properties, which would demonstrate that the Council was leading the way.

Peter Andrews (Trustee and Energy Group Convenor, Transition Bath) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 5 and on the Council's website*] regretted that the report had been removed from the February 2012 agenda but was pleased that it was now being addressed. He emphasised that listed buildings should be seen as places to live and work; not as museum pieces. He urged the Cabinet to adopt the recommendations.

Richard James (Head of Asset Management, Curo) in an *ad hoc* statement read for him by Councillor David Martin [*a copy of which is attached to these Minutes as Appendix 6 and on the Council's website*] supported the recommendations in the report and committed Curo to engage with the Council to find solutions for maintenance and refurbishment works to benefit residents and the environment.

Councillor David Martin in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 7 and on the Council's website*] acknowledged the fact that the Council's ability to be permissive was constrained by national legislation. He therefore welcomed the intention to work with other local authorities and stakeholders such as Curo and the National Trust. He felt that the report was practical and constructive.

Councillor Tim Ball thanked those who had contributed to the preparation of the report and to the debate. He agreed with Councillor Charles Gerrish that much could be learned from other cities.

In response to the proposal put by Councillor Sarah Bevan, he said that there were no plans to introduce a renewable energy report because of the lack of officer resources. He thanked Caroline Kay for her comments and explained to Peter Andrews that the original report had been pulled in 2012 because the proposals did not go far enough at the time; this had now been put right in the current report. He recognised the need to bear in mind the legal constraints.

Councillor Ball explained that he would be moving a proposal which was different from the officer recommendations in the report. He explained the reasons for this. He moved the amended proposals.

Councillor David Dixon seconded the proposal. He reported a recent experience in a business in Bath which was too hot in the summer and too cold in the winter. He was concerned to discover that the building was owned by the Council. He therefore agreed with Caroline Kay that the Council should undertake some pilot projects of its own. The report was very clear in its aims; the Council now needed to set an example by taking the lead.

Councillor Paul Crossley endorsed the comments made by Peter Andrews. He observed that the legislative backdrop in Edinburgh was different from that in Bath. He nevertheless felt that the proposals would start a process of working closely with landlords, residents and businesses to improve the listed and historic stock in the area.

On a motion from Councillor Tim Ball, seconded by Councillor David Dixon, it was

RESOLVED (unanimously)

(1) To ADOPT the Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings as an appendix to the Sustainable Construction and Retrofitting SPD;

(2) To TEST the balance between sustainability and conservation agenda by looking at pilot projects in the Council's property portfolio and in association with Curo and other partnerships to prove the capacity of Bath & North East Somerset to demonstrate exemplar projects in a World Heritage site;

(3) To:

- Continue to progress the work through the Sustainability Team and engagement with the key stakeholders and other authorities;
- Continue to liaise with Central Government on legislative requirements;
- Constantly review the guidance to ensure that it does reflect existing legislation at any given time; and

(4) To ASK for a further report to come to Cabinet in one years time to report on progress.

61 CHILDCARE SUFFICIENCY ASSESSMENT 2013

Councillor Sarah Bevan in an *ad hoc* statement said that as the Council's Human Rights Champion, and as Vice-Chair of the Early Years, Children and Youth PDS Panel, she needed to ask the Cabinet to take note of the differences in composition of the minority communities in the area.

Councillor Michael Evans in an *ad hoc* statement felt that the report was thorough and informative. He expressed concern however at the cuts in Children's Centres and emphasised the importance of early years experience for children's development. He asked for an explanation of the meaning of the phrase "common assessment" the table on page 84 of the agenda pack. He also asked for an explanation of the context of the phrase "under supply" in paragraph 6.3 on page 92 of the agenda pack.

Councillor Dine Romero introduced the item by assuring Councillor Bevan that the equality issues would be fully considered. She responded to Councillor Evans that the report showed that there were in fact sufficient child care services and that children's centres were not necessary for the delivery of child care. She promised to arrange for an officer to provide an explanation of the context of the two phrases he had mentioned. She explained that the report was no longer required, but the Council had continued to produce it and that the areas of concern identified in the report had been addressed in the action plan.

She moved the proposals.

Councillor Simon Allen seconded the proposal and said that the level of detail in the report was impressive. This would enable Cabinet to make the right decisions. He agreed with Councillor Evans that the early years experience was critical for children's development and reminded Cabinet that there were now sufficient places in the area to meet the need of 2-year-olds. He welcomed the report.

Councillor David Bellotti welcomed the fantastic news which he believed all parents would welcome too. The report showed that there was sufficient provision in the area and how it could be funded. He reminded Cabinet that the government was now targeting its funding towards those who needed support. There had been no cuts in that provision and no cuts in the Designated Schools Grant in the last 3 years. Ofsted was finding much outstanding provision across the authority.

Councillor Paul Crossley thanked the Strategic Director (Place) and his team for the excellent paper. He was confident that the authority was planning for the future, particularly in the matter of increasing demand.

On a motion from Councillor Dine Romero, seconded by Councillor Simon Allen, it was

RESOLVED (unanimously)

(1) To NOTE the report; and

(2) To AGREE the recommendations and action plan set out in the report, within the resources available following publication of the 2013 assessment.

62 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2013 TO JULY 2013

Councillor David Bellotti introduced the item by observing that the income in the first 4 months of this year had been almost identical to that in the previous year. He reminded the Cabinet of a number of capital projects being undertaken, all of which were being welcomed by the local community.

He referred to the revenue budget, which was on target. The reduction in staff had been difficult but had been delivered sympathetically because of the emphasis on vacancy management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He referred to the overspend in his own portfolio which had occurred because the Council was consulting with staff over the proposals to introduce the green travel plan. He was delighted that the Council had responded so well to the challenges from government to save over £11.5M in this year alone. The Council had been able to cut its budget while maintaining essential services.

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

RESOLVED (unanimously)

(1) To ASK Strategic Directors to continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;

(2) To NOTE this year's revenue budget position;

- (3) To NOTE the capital expenditure position for the Council in the financial year to the end of July and the year-end projections;
- (4) To AGREE the revenue virements listed for approval; and
- (5) To NOTE the changes in the capital programme.

63 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2013

Councillor David Bellotti introduced the item. He referred to paragraph 5.1 of the report which showed that the Council had performed better than the investment return benchmark. The Cabinet had operated a policy of paying down debt as soon as possible, so as to minimise interest payments which in turn had fed back £0.5M into the revenue budget. Cabinet had been able in this way to avoid any new debt since it took office. This had been achieved by wise, active cash flow management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal and congratulated finance officers for managing the cash flow so effectively.

Councillor David Dixon agreed. He was impressed that the debt rescheduling approach had been so successful and that it so clearly worked. He referred to paragraph 5.7 which showed that the authority was still obliged to make annual interest and capital repayments for the debt inherited from Avon County Council.

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

RESOLVED (unanimously)

- (1) To NOTE the Treasury Management Report to 30th June 2013, prepared in accordance with the CIPFA Treasury Code of Practice; and
- (2) To NOTE the Treasury Management Indicators to 30th June 2013.

64 EMPTY PROPERTY POLICY: ENFORCEMENT ACTION

Councillor Dave Laming in an *ad hoc* statement welcomed the report. He asked for priority to be given to two specific but unnamed properties which he had made Cabinet members aware of privately. He asked whether enforcement action might also be taken for some properties along the waterfront.

The Chair asked all Cabinet members to confirm that they had read and considered the public interest test. All agreed.

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

RESOLVED (unanimously)

- (1) To AGREE that Appendices 1 and 2 constitute exempt information according to the categories set out in the Local government Act 1972 (amended Schedule 12A) because it contains information which relates to an individual or which is likely to reveal the identity of an individual, and therefore that the public interest is best served by exemption of the information;

Councillor Tim Ball introduced the item. He explained that it was necessary to update the Empty Property Policy which was attached to the report as appendix 3. The opportunity was also being taken to ask Cabinet to agree to take enforcement action over the properties named in the exempt appendices. He was delighted that

the list would have contained an additional property but the threat of enforcement had been sufficient to persuade the owner to comply. The cost of enforcing against the 2 properties would be £240K.

He moved the proposals.

Councillor Caroline Roberts seconded the proposal. She referred to paragraph 8.1 of the report which showed that one of the results of bringing empty properties back into use would be a reduction in crime and vandalism.

Councillor David Dixon said the report would be a start in improving the property stock in the area. He reminded Cabinet that a home was not a home until someone was living in it.

Councillor Katie Hall was delighted to see the report. She observed that enforcement action would send a very clear message to other property owners which would lead to more homes being made available without the need for action by the Council.

Councillor Paul Crossley was pleased that the Council had moved towards charging the maximum allowed Council Tax charges on empty properties. In other cities this had galvanised owners to get properties into use earlier.

On a motion from Councillor Tim Ball, seconded by Councillor Caroline Roberts, it was

RESOLVED (unanimously)

(2) To INSTRUCT the Head of Housing to undertake the appropriate and statutory steps to obtain Compulsory Purchase Orders on the two properties detailed in Appendix 1 and then to dispose of the properties on the open market with a contractual requirement that they shall be brought back into residential use within 18 months; and

(3) To ADOPT the updated Empty Property Policy.

The meeting ended at 8.00 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 11th September 2013

REGISTERED SPEAKERS

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

- David Metcalfe (Co-Chairman, Cultural Forum for the Bath Area)
Re: B&NES Council Arts Development Policy

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Brian Webber
<p>On 10 April, in answer to my question about repairs to the high pavement at the Vineyards, Bath, Councillor Roger Symonds said that £10,000 had been allocated in 2013/14 for preparing a detailed cost estimate and programme of remedial works for implementation during 2014/15. Please may I have an update on progress – in particular, on talks with the private owners about their share of the costs?</p>		
Answer from:		Councillor Caroline Roberts
<p><i>Officers are still working on the cost estimate. Once this is finalised, we will be in a position to open the dialogue with the private owners. Officers expect to be in a position to start those discussions by the end of December 2013.</i></p>		

M 02	Question from:	Councillor Brian Webber
<p>Is there a routine for checking the continuing entitlement to an ‘advisory’ disabled parking space and to refreshing the white marking? There are many such markings on the highway, which are often very faint leaving other drivers uncertain whether they are still expected not to park there.</p>		
Answer from:		Councillor Caroline Roberts
<p><i>There is currently no routine checking and, in common with other authorities, we rely on residents in possession of an advisory disabled person’s bay and other road users to notify us when a bay requires remarking.</i></p> <p><i>The declaration signed by applicants before installation requires them to contact us if they are moving house or when a bay is no longer required. This does not always happen and, in light of the circumstances that could require the bay to no longer be needed, it is unrealistic to expect this to reliably happen. We therefore often have to rely on neighbours or subsequent house occupants contacting us to enquire about a bay. In such circumstances, we attempt to contact the applicant and if no response is obtained within a specified time limit, the bay is removed</i></p>		

M 03	Question from:	Councillor Brian Webber
<p>Is the Council the owner of both sides of the river bank between Pulteney Weir and</p>		

North Parade Bridge? If so, does that give the Council authority to control the mooring of boats against the bank? Are boats permitted to moor against the bank of the Parade Gardens? What are the present arrangements for collecting mooring fees, particularly if the boat is unattended? Is the Council under any duty to ensure that boats are safely moored?

Answer from:

Councillor David Dixon

The Council is the owner of both sides of the bank along this stretch of the river but currently has no enforcement powers to control the mooring of boats against the bank. Any boats moored without authorisation are trespassing and we can take civil action to remove them, through the Courts.

We do not give permission for boats to moor against the bank of Parade Gardens as there are no proper moorings in place.

Users of boats which are authorised to be moored on the Recreation Ground side of the River Avon are expected to pay a fee to Aquaterra Leisure for use of the leisure centre facilities. Aquaterra visit the moorings area frequently and if a boat which has not paid is unattended, a note is left to explain they are required to pay at the Leisure Centre.

The Council does have a general duty of care to ensure that boats are moored safely.

Supplementary Question:

Does the Cabinet member have any plans for strengthening the Council's powers to control unauthorised mooring?

Answer from:

Councillor David Dixon

I have been surprised to see the level of unauthorised mooring. I am looking first at powers to evict, then at steps to take full ownership.

M 04

Question from:

Councillor Brian Webber

Many businesses, especially restaurants, necessarily place large wheely-bins on the highway for the storage of their general waste pending collection. Are they required to obtain the Council's permission? If so, is any licence fee charged? If not, should it be? Does the identity of the authorised user(s) of the bin have to be displayed on the bin? If not, should it be? Should it be a requirement that the lid of the bin be kept closed (and perhaps locked) on penalty of a 'fine'? Should the Council stipulate that large wheely-bins in public places should be of a neutral colour? If we must have these bins on display (which usually we do) does the Cabinet Member agree that we could do more to render them less unsightly and less susceptible to attack by wildlife?

Answer from:

Councillor David Dixon

Businesses are not currently required to get formal permission to place trade waste bins

on the highway but they must ensure that the bins do not cause an obstruction. No fee is charged.

We are not aware of any powers which would provide for the Council to charge for placing a trade bin on the highway. There is no legal requirement for the identity of the bin user to be displayed on the bin but labelling the bin would help ensure that the waste is identifiable to a particular business, so it is good practice to do so.

Under Section 34 of the Environmental Protection Act 1990, there is a duty on the producer of any waste to prevent the escape of the waste under his/her control. In practical terms, this means ensuring that any waste receptacle is able to keep waste enclosed securely (e.g. a bin with a lid that can be properly closed). Failure to comply with this provision is an offence.

There are no powers for the Council to stipulate that large bins should be any particular colour although those supplied by the Council in the city centre area are coloured to match Bath stone. Many waste contractors provide bins in this area so achieving uniformity is unlikely although it may be possible to request that the BID considers specifying this as part of their Waste Collection Contract.

The key to improving the management of trade waste is ensuring that businesses take full responsibility for their trade bins by managing their collection and condition appropriately. The Council aims to do this through enforcement activities such as in Operation Sunrise, where we carry out early morning patrols to raise awareness with businesses about their management of waste on the streets and in working with the BID to improve the containerisation of waste.

M 05	Question from:	Councillor David Laming
Does the Cabinet agree with me that a most photographed and iconic stretch of the River Avon between Pulteney Weir and North Parade Bridge has been despoiled by the commercial and residential boats moored long term on both sides of the river, some for over eighteen months?		
Answer from:		Councillor David Dixon
Yes, I have asked officers to treat the removal of all unauthorised vessels as a matter of urgency. I have recently been updated on progress and we now have a clear way forward.		
Supplementary Question:		
“With regard to the Boat House, which will become the home of the Riverside Trust, will the Cabinet give powers to the Trust to prevent this intrusion?”		
Answer from:		Councillor David Dixon
Yes in principle, subject to any legal issues and further work.		

M 06	Question from:	Councillor Patrick Anketell-Jones
<p>Is the cabinet aware that Bath's Taxi Marshals who work antisocial hours for modest wages have to buy their own protective equipment? The post-midnight economy can be an intimidating and threatening environment for officials trying to maintain good order so, at the very least, could B&NES and/ or the BID pay for their protective vests?</p>		
Answer from:		Councillor David Dixon
<p><i>This is a service which the Council procures through Bath Business Improvement District. If the marshals feel that they need protective equipment then that is an issue that they should raise with their employer.</i></p>		

M 07	Question from:	Councillor Vic Pritchard
<p>What is the Council policy regarding the eradication of Japanese Knotweed, particularly where it impedes a public footpath?</p>		
Answer from:		Councillor David Dixon
<p><i>The Council does not have an adopted policy with regard to the eradication of Japanese Knotweed on public rights of way although the Council's working practice is to eradicate Japanese Knotweed in line with the Environment Agency's Japanese Knotweed Code of Practice if it is impeding members of the public on a public footpath.</i></p>		
Supplementary Question:		
<p>I'm encouraged by the response since Stowey Sutton got no response to several similar enquiries. Will the Cabinet member respond positively if I give you the exact location?</p>		
Answer from:		Councillor David Dixon
<p><i>Yes, I will pass the information on to officers and ask them to deal with it.</i></p>		

M 08	Question from:	Councillor Marie Longstaff
<p>Given the significant number of developments either underway or due to take place in Keynsham in the coming years, including the town centre redevelopment, Riverside redevelopment, Somerdale redevelopment, and the K2 A&B developments, and the impact these will have on traffic and transport in the town, does the Cabinet Member agree that now is the right time to produce an overarching Transport Plan for</p>		

Keynsham, and will the Cabinet Member agree to begin work on producing such a Transport Plan?

Answer from:

Councillor Caroline Roberts

I agree that we will need a Transport Plan for Keynsham to manage the growth in traffic from the developments identified by Cllr Longstaff. We are currently undertaking detailed modelling of the proposals within Keynsham, including the impact of the new Town Hall development. This will allow us to consider what improvements we can bring forward for the High Street and provide the basis for a wider plan for Keynsham as a whole. However we will need to consider how to develop this plan further in the light of the costs involved and the extent of the work proposed. In addition an officer development group chaired by Louise Fradd, director of Place Department, has been set up to coordinate the various development and regeneration initiatives coming forward in Keynsham

M 09

Question from:

Councillor Charles Gerrish

When does the Cabinet Member anticipate publishing the Council's traffic proposals for Keynsham High Street, which were deferred when the planning application was submitted for the town centre redevelopment? What consideration has the Cabinet Member given to undertaking trials of a one-way system on the High Street as well as a trial full pedestrianisation?

Answer from:

Councillor Caroline Roberts

We are currently undertaking modelling of the proposed developments in Keynsham, including the impact of the new Town Hall development, which will allow us to consider what improvements we can bring forward for the High Street. Once we have fully understood the impact of these developments I will ask officers to develop improvements to the High Street which could include a trial of a one-way system. I recognise that a trial of full pedestrianisation would be very attractive but would require significant traffic management measures to be successful.

Supplementary Question:

Would the Cabinet member agree that the pending planning application involving two sets of traffic lights near Keynsham High Street should wait until the results of the research on Keynsham High Street have been received?

Answer from:

Councillor Caroline Roberts

Yes, I agree.

M 10	Question from:	Councillor Anthony Clarke
What is the current expected completion date for the Rossiter Road/Widcombe Parade traffic project?		
Answer from:		Councillor Caroline Roberts
<i>Officers are currently working on the detailed design of the scheme. The indicative programme assumes a 20 week construction period starting on site in July 2014 and completing in November 2014. The final programme, including any utility service diversions, will be agreed with the appointed contractor as part of the normal tender process.</i>		

M 11	Question from:	Councillor Anthony Clarke
When is the current expected completion date for the Newbridge Park and Ride expansion?		
Answer from:		Councillor Caroline Roberts
<i>As with the Widcombe Parade scheme, the detailed design of the scheme is being finalised and the timescales are the same for both schemes. The indicative programme assumes a 20 week construction period starting on site in July 2014 and completing in November 2014. The final programme, including any utility service diversions, will be agreed with the appointed contractor as part of the normal tender process subject to Planning Approval.</i>		
Supplementary Question:		
Thank you for the reply. Is there any additional cost caused by the delay?		
Answer from:		Councillor Caroline Roberts
<i>I will get back to Councillor Clarke with figures.</i>		

M 12	Question from:	Councillor Anthony Clarke
When does the Cabinet Member expect to implement to Dorchester Street bus gate?		
Answer from:		Councillor Caroline Roberts
<i>Work has started on preparing the Temporary Traffic Regulation Order. Following for</i>		

this, the manufacture and delivery of new signs and arranging site works, it is anticipated that the restriction will be implemented in November 2013.

M 13	Question from:	Councillor Anthony Clarke
When does the Cabinet Member expect a preferred location for an East of Bath Park & Ride to be announced?		
Answer from:	Councillor Caroline Roberts	
<i>I anticipate that the preferred location for this facility should be identified by the Bath Transport Strategy and then included in the Council's Placemaking Plan.</i>		

M 14	Question from:	Councillor Anthony Clarke
Noting the long-running difficulties experienced with the 'real time' information displays installed at bus stops within the Somer Valley area, when does the Cabinet Member expect all of the 'real time' information displays at bus stops to be fully operational throughout all parts of the authority?		
Answer from:	Councillor Caroline Roberts	
<i>Since July all the displays in the Somer Valley have been turned on and should be working properly. My staff are monitoring the situation to ensure that the displays work efficiently.</i>		
<i>The Council and its contractors have learned lessons from the problems encountered within the Somer Valley area and have taken steps to ensure that they will not be repeated. Real time information is being expanded across Bath through the Bath Transportation Package with Real Time Information displays being provided at key bus stops and with more buses being fitted with tracking devices. This project is due for completion March 2015.</i>		
<i>Further limited funding secured from the Local Sustainable Transport Fund and through the Better Bus Area Fund will deliver improvements at a limited number of stops outside of Bath'</i>		

M 15	Question from:	Councillor Anthony Clarke
When does the Cabinet Member anticipate launching the previously promised consultation with residents of Saltford on the possibility of reopening a train station in		

the village, and has the Cabinet Member liaised with local ward Members in the village regarding this consultation?

Answer from: Councillor Caroline Roberts

I am hopeful that the consultation will still be undertaken in October and I will liaise with the local ward Members prior to this to allow their input into the process.

M 16 **Question from:** Councillor Colin Barrett

How many agency staff were employed by BANES in the financial years 2011/12 and 2012/13 and which Departments were they employed in? What were the financial implications for the Authority for the years 2011/12 and 2012/13?

Answer from: Councillor David Bellotti

Based on numbers of staff engaged through the Council's core agency contract the approximate breakdown of Agency Staff working on behalf of the Council is as follows:

- 2011/12 – 130
- 2012/13 – 140

The total financial costs to the Council are set out below although for accounting purposes, agency staff costs will include interim staff and contractor support payments as well as costs related to the Council's core agency contract:

- 2011/12 - £5,191k including schools (£4,114k without schools)
- 2012/13 - £5,575k including schools (£4,373k without schools)

It is anticipated that going forwards, the Council's policy relating to trainees and apprentices will help to reduce the numbers of agency staff.

M 17 **Question from:** Councillor Colin Barrett

How many staff were made redundant and in which Departments in 2011/12 and 2012/13? As a result of staff being made redundant in the years 2011/12 and 2012/13 what were the financial implications to the Authority?

Answer from: Councillor David Bellotti

The total figures quoted below differ from the details provided in the annual accounts as these relate purely to redundancy figures only and are based on actual date of payment.

2011 - 2012

Strategic Director	Division	No of staff	Costs
<i>Adult Services</i>		4	£96129.84
			£96129.84
<i>Chief Executive</i>	<i>Democratic & Legal</i>	2	£105279.77
	<i>Major Projects</i>	2	£26650.89
	<i>I & P</i>	1	£17889.71
			£149820.37
<i>Education Services</i>		1	£67772.69
			£67772.69
<i>People & Communities</i>	<i>Learning & Inclusion</i>	3	£237303.48
	<i>Children Young People & Families</i>	3	£11719.13
	<i>Health & Strategic Planning</i>	1	£9938.73
	<i>Schools</i>	12	£291561.02
	<i>Youth Services</i>	2	£12914.24
			£563436.60
<i>Resources</i>	<i>Risk & Assurance</i>	1	£55011.79
	<i>Finance</i>	1	£28453.25
	<i>Customer Services</i>	1	£4800.24
	<i>Policy & Partnerships</i>	1	£2684.90
	<i>Property & Facilities</i>	1	2662.45
			£93612.63
<i>Service Delivery</i>	<i>Environmental Services</i>	13	£452516.44
	<i>TLC</i>	4	£85251.61
			£537768.05
Total			£1,508,540.18

2012 – 2013

Strategic Director	Division	No of staff	Costs
<i>Chief Executive</i>	<i>I & P</i>	1	£36332.03
			£36332.03
<i>LEP</i>		1	£86600.74
			£86600.74
<i>People & Communities</i>	<i>Learning & Inclusion</i>	2	£130359.28
	<i>Schools</i>	7	£256135.48
			£386494.76
<i>Resources</i>	<i>Policy & Partnerships</i>	1	£19214.87
	<i>Property Services</i>	8	£124373.58

	<i>Risk & Assurance</i>	<i>1</i>	<i>£47153.52</i>
			£190741.97
<i>Service Delivery</i>		<i>1</i>	<i>£34860.53</i>
	<i>Environmental Services</i>	<i>1</i>	<i>£19061.23</i>
	<i>TLC</i>	<i>1</i>	<i>£1753.67</i>
			£55675.43
	Total		£755,844.93

M 18	Question from:	Councillor Vic Pritchard
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How much of the £249,260 allocated to the B&NES Social Fund for this financial year has so far been used?

Answer from:	Councillor David Bellotti
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With effect from the 1st April 2013 Customer Services has created a Welfare Support Team to handle customer contacts about a variety of Welfare Support issues that are not included in the general administration of Housing Benefits or Council Tax Support, with a view to creating a single gateway across the Council for supporting those customers who find themselves vulnerable and unsupported by the basic Welfare provisions.

To-date the team has handled a total of 1320 requests for help and support ranging from:-

Help with Council Tax; Meeting a shortfall in their Rent; Meeting fundamental Living Needs that would previously have been met by the Social Fund.

Total of 889 individual awards have been made to these customers within the first 5 months (April to August).

Summary of Spend & Budgets for the Social Fund element is as follows:-

Type	Annual Budget	Spend to-date	Balance
<i>Social Fund</i>	<i>£249,260.00</i>	<i>£54,722.92</i>	<i>£194,537.08</i>

Social fund spend includes 685 awards for things such as:-

- Online shop;*
- Retail Vouchers;*
- Household items; and*
- Council Tax*

A detailed report about this and other Welfare Reform changes will be presented to Resources Scrutiny Panel at the end of September.

M 19	Question from:	Councillor Brian Webber
<p>Street entertainers are popular and add 'colour' to the city. However, many residents and traders – and, one imagines, many visitors as well – would be supportive of additional measures to better control busking. Some performances are repeated too often; amplification is abused; and some acts and their audiences can occupy so much space as to impede pedestrian movement. How does Councillor Dixon intend to investigate these matters and when might we see specific proposals published by the Cabinet?</p>		
Answer from:		Councillor David Dixon
<p><i>The Council recognises the vibrancy that street entertainers bring to the city. It is also aware that some buskers can create a nuisance to residents, businesses and visitors through amplified noise whether this is during the day or extending into the evening. Historically, the Council has taken the approach that the busker community should be self-regulating but in view of complaints received, I am seeking views and comments on how buskers could be better controlled, possibly through a permitting-type system. This consultation has been promoted in the local media and is currently taking place.</i></p> <p><i>Anyone wishing to put forward their views can email them to environmental_protection@bathnes.gov.uk where they will be acknowledged and recorded. Those views will be considered with officers and it is anticipated that any proposals for new arrangements will be submitted before Cabinet by the end of this year.</i></p>		
Supplementary Question:		
<p>London authorities have powers to control busking. Should this Council not press to be given similar powers?</p>		
Answer from:		Councillor David Dixon
<p><i>I would love to have extra powers such as the ones described by Councillor Webber. We could look at bye laws, but this is expensive. Antisocial behaviour laws are difficult to enforce. I will pass on his comments to Don Foster MP who has some responsibilities in this area within government.</i></p>		

M 20	Question from:	Councillor Patrick Anketell-Jones
<p>As you will be aware, the Culture Secretary recently wrote to local councils urging them to make public the information they jointly own with BT relating to rural broadband programmes. This information is vital for those community groups and community interest companies wishing to set up their own broadband improvement programmes. Can the Cabinet Member please state when B&NES will be releasing this information, and in particular when it will be publishing a detailed roll-out timetable showing which</p>		

areas within B&NES will benefit from superfast broadband and when?	
Answer from:	Councillor Ben Stevens
<p><i>The Connecting Devon and Somerset (CDS) team has developed a map to demonstrate the end position (subject to change) for the area once the programme is complete in December 2016. This map complies with the outcomes from the Public Accounts Committee and the commitment from BT that local programmes can publish an outline of the deployment plan. The map is awaiting approval from the CDS programme board; following approval the map will be published on to the website. In addition, with each new phase, a more detailed map will be developed and published on the website (www.connectingdevonandsomerset.gov.uk) to inform residents and businesses of what is expected from that particular phase.</i></p>	
Supplementary Question:	
My question asked for a date when the information would be released. Can the Cabinet member not give a rough answer?	
Answer from:	Councillor Ben Stevens
<p><i>Not really. The ownership rights of the information are complex but we are working to make this available as soon as possible.</i></p>	

M 21	Question from:	Councillor Geoff Ward
<p>For the benefit of residents concerned about the future of their public conveniences, can the Cabinet Member please provide some clarity on the future of the public toilets which the Council has not included in its recently announced maintenance contract. In each case can the Cabinet Member please confirm whether or not alternative toilet provision has been found and agreed, and whether or not the Council still intends for them to close if no alternative is found, either in this or future financial years. Specifically, please provide information on the future of the public toilets in: Weston, Larkhall, Gullock Tynning, Peasedown, Paulton, Ashton Way, RVP Pavillion, Batheaston, Oldfield Park, Charlotte Street.</p>		
Answer from:		Councillor David Dixon
<p><i>I refer Councillor Ward to the papers published to support the debate at Council (tomorrow) as these provide information on these issues.</i></p>		
Supplementary Question:		
Thank you for the response. We are aware that a large contract is about to be awarded; will the Cabinet member say whether more toilets could not have been		

saved?

Answer from:

Councillor David Dixon

The tender process started 2 years ago. We would be able to add more toilets to the contract, or to amend the service level for existing toilets. We have obtained good value and we will ensure this continues as the contract rolls forward.

M 22

Question from:

Councillor Geoff Ward

A previous report to the Economic and Community Development PD&S panel stated that the Council was seeking to reduce its support for leisure services, activities and events from approximately £1m p.a. to zero as part of its Leisure Strategy and new leisure contract. Is this still the Council's ambition?

Answer from:

Councillor David Dixon

Yes. The Leisure Strategy work currently being undertaken is exploring options for the future delivery of the leisure contract as well as the community based services that we provide. Feasibility studies are in progress to look at the most effective ways to drive down the level of overall subsidy required to support the provision of leisure services. These studies will be delivered in December 2013.

M 23

Question from:

Councillor Geoff Ward

Over the lifetime of the planned new public toilets maintenance contract, how much revenue is anticipated to be raised from charging for the use of the toilets, and will B&NES or the private contractor receive the revenue from these charges?

Answer from:

Councillor David Dixon

Based on particular scenarios modelled through the tender process, the revenue estimate is £60k per year. This income will contribute to meeting running costs and will be closely monitored through the contract. The contractor will manage the practical coin collection and banking processes as part of the contract. The Council will benefit from the revenue because this will offset running costs.

M 24

Question from:

Councillor Patrick Anketell-Jones

What discussions has the Council held in recent months with neighbouring and nearby

authorities in relation to the problems associated with urban gulls, and is the Council progressing the idea of organising a West of England-wide gull conference with nearby authorities to discuss and agree upon coordinated cross-boundary action to address this issue?

Answer from:

Councillor David Dixon

There has been no agreement or request to me for such a conference. May be the member might like to let me know when I received such a request.

It is encouraging to read that our continued action and current 'Don't Feed the Animals' campaign is in line with that evidence. You can find more on this campaign and the advice at <http://www.bathnes.gov.uk/dontfeed>. We will be stepping up the promotion of this over coming months.

Officers are in regular discussions with our neighbouring authorities over common gull issues.

Council representatives attend meetings of the Gloucestershire Gull Action Group which normally meets on an annual basis. This group is attended by local authorities within the Severn Estuary and its aims are to share best practice and information on the intervention methods which local authorities are adopting.

After local resident and keen community activist Kirsten Elliott approach myself and then Policy Development and Scrutiny, the Council is progressing arrangements for a Scrutiny Inquiry Day on the subject of urban gulls which will take place in November 2013. In preparation for this day, the Council is intending to survey other local authorities to understand the impact urban gulls have on their communities, the intervention methods they are adopting and the cost of these methods. The aim is for this event to identify actions which can be taken forward by the Council and shared with our neighbouring authorities.

The MP for Bath Don Foster has secured some very helpful evidence from DEFRA which I am sure will be valuable as part of that and has reaffirmed much of our thinking on the current coordinated approach to reducing the impact of gulls in our district.

M 25

Question from:

Councillor Anthony Clarke

What level of income has been received so far since the new parking charges were introduced at Royal Victoria Park, broken down by month?

Answer from:

Councillor Caroline Roberts

The income collected from Royal Victoria Park Pay & Display machines by month is shown in the table below. It should be remembered that the objective of this scheme was not to make money but to reduce the long stay parking within the park and this has been achieved. Access for genuine park users is, as a result, now much improved.

Charges commenced 10th June 2013.

Month	Gross	Net
<i>June</i>	<i>£1,563.75</i>	<i>£1,251.00</i>
<i>July</i>	<i>£8,219.70</i>	<i>£6,575.76</i>
<i>August</i>	<i>£11,119.30</i>	<i>£8,895.44</i>
<i>Total</i>	<i>£20,902.75</i>	<i>£16,722.20</i>

Supplementary Question:

Does the Council have comparative data of genuine park users? It seems to me that there has been a reduction in use despite the recent very good weather.

Answer from:

Councillor Caroline Roberts

We plan to review the situation in December to decide our future approach.

M 26

Question from:

Councillor Charles Gerrish

Has the Council responded to the Government's recent consultation regarding changes to the payment of New Homes Bonus and if so what has the Council's response been?

Answer from:

Councillor David Bellotti

Officers are currently working on a draft response to the "New Homes Bonus and Local Growth Fund – Technical Consultation". The consultation itself relates to the technical aspects of the future arrangements for New Homes Bonus announced in the Spending Review 2013 and, I will consider the response before it is submitted in accordance with the deadline of 19 September 2013. I will be happy to circulate a copy of the final response at that time.

M 27

Question from:

Councillor Charles Gerrish

Noting that at the time of this year's Council Budget, £150,000 was set aside to meet the set-up costs associated with a Tourism Levy, can the Cabinet Member please provide an update on what progress has been made on developing proposals for such a tourist levy in Bath and when he anticipates publishing specific proposals in relation to this?

Answer from:

Councillor David Bellotti

Officers are currently undertaking detailed feasibility work on a number of options for Visitor Charges. We anticipate that this will include further consultation with relevant stakeholders during September and October. The findings will then be reported at Open Cabinet before the end of the calendar year. The Cabinet will consider which of the options may be taken forward for implementation at this time.

Supplementary Question:

Will the arrangements be introduced from April, so that the full benefit will be achieved?

Answer from:

Councillor David Bellotti

As you can already see from my written answer we have not yet chosen from options for delivering the scheme in the 2014/15 financial year so I cannot answer that your supplementary question at this time.

M 28

Question from:

Councillor Brian Simmons

In the light of recent Council activity in respect of the River Avon, can the Cabinet Member advise of the level of engagement with the Bristol Avon Rivers Trust?

Answer from:

Councillor Ben Stevens

Bristol Avon Rivers Trust are part of the Bristol Avon Catchment group, which the Council set up in partnership with Wiltshire, South Gloucestershire, Bristol, Avon Wildlife Trust, Environment Agency, Wessex Water and is run on our behalf by the Avon Frome Partnership. The Council's ecologist sits on the Partnership and we will consult with them, as we do with other stakeholders, as part of any major developments along the River Avon going forward.

M 29

Question from:

Councillor Martin Veal

At the start of the current Administration promises were made to achieve an HGV weight restriction for the A36, A4 and the London Road that has the potential to threaten our World Heritage status. As the previous unsuccessful attempt to impose a weight limit on the Beckford Road was as a result of a lack of consultation with the Highways Agency and Wiltshire Council officers, has this situation now been rectified and are plans back in place to make a more professional attempt to consult on imposing a weight restriction for HGV's using our fragile road system to transit Bath?

Answer from:	Councillor Caroline Roberts
<p><i>Prior to proposing the restrictions for HGVs on Beckford Road we undertook extensive consultation with both Wiltshire and the Highways Agency on the potential benefits of the diversion for the City of Bath. Notwithstanding these discussions and attempts at reaching an agreed solution an appeal was successful lodged with DfT against these proposals. The appeal was allowed because of the impact of the proposals on the primary road network not because of a 'lack of consultation'.</i></p> <p><i>We have subsequently held discussion with both these Highway Authorities but they effectively have a veto on our proposals.</i></p> <p><i>We will continue to press the Highways Agency to recognise the problems that HGVs cause within the city of Bath.</i></p>	

M 30	Question from:	Councillor Geoff Ward
<p>As part of the tender process for the new public toilets maintenance contract, have any proposals been put forward which would enable more public toilets to be kept open whilst still achieving either all or the majority of the Council's desired saving?</p>		
Answer from:	Councillor David Dixon	
<p><i>Not specifically. The outcome of the procurement is the improvement/management package for the toilets being retained at a net annual cost which meets the available budget from 2014. Keeping open any additional locations would incur an additional cost which would need to be treated as a growth item in the Council's budget. The tender process looked to keep as many public loos open with the budget available. Priority locations being parks and open spaces, Avon Street coach park and Monmouth Street 24 hour provision.</i></p>		

M 31	Question from:	Councillor David Martin
<p>New legislation in the form of the Mobile Homes Act 2013 deals with buying and selling properties on park homes sites and with a range of site licensing and related matters. From 1 April 2014 Local Authorities will be able to require site owners to carry out necessary works. Can the Cabinet Member for Homes and Planning confirm that the Council will use these powers to ensure that site licensing requirements and housing conditions for residents of mobile homes in Bath & North East Somerset are kept to the necessary standards.</p>		
Answer from:	Councillor Tim Ball	
<p><i>Mobile Homes Act 2013 amends existing caravan site and mobile homes legislation. It brings the licensing regime more closely in line with other local authority licensing</i></p>		

regimes, such as HMO licensing, including the ability to charge for licences. The Act amends the scope of offences and powers to deal with breaches of licence conditions and introduces a new regime for buying and selling park homes removing the requirement for site owner approval. It also introduces new requirements about site rules and reform to the pitch fee review process.

The Cabinet Member for Homes & Planning fully supports these changes and will utilise the new powers where possible to the benefit of residents and the wider community. This follows the Council's established approach of mainstreaming this form of accommodation wherever possible, as demonstrated by the Council's Home Health & Safety Policy providing grants for low-income and vulnerable mobile home residents to fund essential repairs

Supplementary Question:

There is a park site near 120 residents in my ward. Will action be taken to ensure that licence conditions are met and that housing conditions are maintained?

Answer from:

Councillor Tim Ball

I visited the site last week and am concerned about some aspects of what I saw. We will take action to bring about improvements.

QUESTIONS AND ANSWERS - PUBLIC

P 01

Question from:

Duncan Hounsell

What steps has B&NES Council taken to implement the cabinet decision E2426 to undertake a High level Option assessment on Saltford Station. Which consultancy firm has been commissioned to carry out the studies? When are the studies expected to be completed and the findings available to the public? and what is the expected cost of these studies?

Answer from:

Councillor Caroline Roberts

As Mr Hounsell will know Halcrow have been commissioned to undertake this High Level Option Assessment of Saltford Station; picking up on the issue of parking which was raised at the public meeting in Saltford last year. We anticipate that the consultants will be in a position to undertake a public consultation on their work later in the year hopefully in October. The cost of this work is expected to be within the provision provided by the Cabinet in its original decision to commission this work.

P 02	Question from:	Andy Wait
Does B&NES Council intend to include consideration of a cycle-path adjacent to Keynsham Bypass in its Cycling Audit and Review?		
Answer from:		Councillor Caroline Roberts
<p><i>Sustrans have been appointed to carry out the Cycling Audit and Review. As part of the review, they will engage with the local community in order that they may put forward their own recommendations and also have an input to the emerging results of the review.</i></p> <p><i>This consultation will take place through 3 public consultation events across Bath & North East Somerset and through the use of a web-based mapping tool. The community will be able to plot their preferred routes (either existing or proposed) via this tool. This will enable a far larger number of people to engage with the project than would otherwise be possible through meetings alone.</i></p> <p><i>The dates and venues of the meetings, and the location of the mapping tool, will be advertised via the Council's website in due course. You will be able to put forward this suggestion via either route.</i></p>		

Statement to B&NES Council Cabinet, 11th September 2013

David Metcalfe, Co-Chair of the Cultural Forum for the Bath Area

The Cultural Forum for the Bath area champions the interests of around 80 diverse cultural sector enterprises operating in the city of Bath and the surrounding districts. We're one of the Council's key partners implementing B&NES' Cultural Strategy and, among other things, deliver, under contract with the Council, a programme of activity to improve the capacity and connectivity of the area's cultural sector.

The Cultural Forum applauds the withdrawal of the draft Arts Development Strategy 2014-2017 from its intended consideration by the Cabinet today. In our view the document was narrowly focused, not in the best interests of the arts sector as a whole, and didn't make enough of what the arts offers in terms of economic impact and social benefit.

Consequently, we're excited by the proposed development of a wider 'Place Strategy' to embrace economic development, regeneration, destination management, tourism, events and the arts; and we look forward to contributing to the development of this wider, joined-up strategic approach in due course.

What we're really concerned about now, though, is the interim Arts Development Business Plan 2014-2015 – so I'd like to make a few key points about it on behalf of our members as a whole.

- It's great that the Council is continuing to invest in arts activity, through its grants, contracts and commissions under the Business Plan, but we're concerned that the far-reaching implications of implementing the Plan have not been fully discussed at Cabinet.
- We're very worried that the radically different and unilaterally introduced commissioning process will prove divisive among our members, damaging to the existing vibrant arts ecology, and seriously strain the more cooperative and connected way of partnership working the arts sector now enjoys and which the Cultural Forum has championed. This isn't because we disagree with commissioning in principle: it's because we are concerned about the nature of the short-term business plan that's driving it, and because the new process is being introduced in a rush.

- We're extremely concerned that, if there are major cuts to key arts organisations resulting from this new approach, there is a real risk that the arts sector in B&NES will lose major funding from the Arts Council England and the potential for cultural funding from the West of England Local Enterprise Partnership.

So, what we'd like to ask for is:

- Time – say a year – to develop a better procedure (to introduce once the wider 'Place Strategy' has been developed) which would be more soundly-based and expertly advised on – not to mention less onerous in terms of administrative overheads for both our member organisations and the B&NES Arts Development Team.
- That this should be a partnership process, with a Steering Group bringing in expertise from the Arts Council England, the Local Enterprise Partnership, the University of Bath and Bath Spa University.
- That, in the meantime, the contracts and commissions element set out in the new Business Plan is either suspended or operated in practice to take account of the concerns mentioned above.

We therefore look to you to decide to modify the implementation of the Arts Development Business Plan 2014-15 as requested to ensure B&NES benefits from a visionary and vibrant arts policy.

Thank you for listening.

Planning, Transport & Environment Policy Development and Scrutiny Panel

10th September 2013

Agenda Item 11: Energy Efficiency & Renewal Energy Guidance for Listed Buildings and Undesignated Historic Buildings (appx to Sustainable Construction & Retrofitting SPD)

The Cabinet Member for Homes & Planning, Councillor Tim Ball introduced the item to the Panel. He explained that he was seeking their advice on the matter prior to the Cabinet making a decision on 11th September. He also placed before them two additional recommendations;

- (i) To test the balance between sustainability and the conservation agenda by looking at pilot projects especially in the Council's property portfolio and in association with Curo and other partnerships to prove the capacity of Bath and North East Somerset to demonstrate exemplar projects in a World Heritage Site.
- (ii) A further report to come to the Cabinet and this Panel in one years' time to report on progress.

The Historic Environment Team Leader added that conservation lies at the heart of sustainability and that he felt that the additional recommendations were very positive. He also said that significant discussions had been held in the past with Curo and that he would be happy to work with them on future projects.

Councillor Will Sandry commented that he did not think it was too far-fetched to suggest that Listed Buildings should be allowed to have double glazing.

Councillor David Martin, the Member Champion for Climate Change asked the Cabinet to look carefully at the measures that can be implemented and called for them to be as wide reaching as possible. He added that he would like to seek a change in national guidance through work with the National Trust and English Heritage. He stated that he welcomed both of the additional recommendations.

Councillor Lisa Brett asked if anybody could confirm if York had given permission for its Listed Buildings with timber framed windows to be replaced with double glazing.

The Historic Environment Team Leader replied that he would find it difficult to believe that they would have made a block decision on such a matter. He added that historic buildings needed to breathe. He also reminded the Panel of the work carried out at St. John's Hospital which involved the replacing of around 147 windows following incorrect mouldings and proportions from work carried out in the 1980s.

Councillor Douglas Nicol commented that he had met with Curo recently and was confident that they would like to be involved in this work area.

Councillor Liz Richardson suggested that if the guidance was to be modified in the future then conservation areas should become included.

Peter Andrews, Transition Bath addressed the Panel. He said that he had been asked to be part of a similar project several years ago and had thought that an SPD had been agreed but when the documentation was finally produced it had been heavily edited. He stated that felt around 400 – 500 jobs could be created through retro-fitting.

He said that he applauded the existence of the current document as the buildings concerned should be considered as places to live and work, not museums.

He agreed strongly with the part of the Cabinet recommendation that states to 'Progress the work through the Sustainability Team and engagement with the key Stakeholders and other Authorities'.

The Chair summed up the debate and stated clearly that the Panel supports the report that is going to Cabinet including the two additional recommendations.

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Bath Preservation Trust Statement to Cabinet on Sustainable development and retrofitting SPD for listed and traditional buildings, 11 September 2013

We welcome this document coming forward, and we have made detailed comments before, so I want to confine myself to commenting on the recommendations before you.

Having watched this develop in the 4 years now since the Trust embarked on Warmer Bath, I know that there has been some frustration in your sustainability team and Champion that in their view so little, relatively, can be done to retrofit listed buildings. Equally there has been frustration in your ever-diminishing conservation team that the constraints and statutory responsibilities which apply with listed buildings seem to have escaped the notice of those who deal with sustainability. This document probably feels to both sides to have elements of compromise but I believe that officers must be congratulated on reaching that position.

Looking forward, the document sets out what is possible and that should be embraced, rather than any continued fighting about what is not possible.

To that end I am very surprised to see a recommendation about lobbying Central government about historic environment legislation in this paper. I am surprised that the Council perceives that it has the resources to embark on something which is not really its remit and which is frankly unlikely to succeed. I am sure that you as a Cabinet are fully aware that the protection of listed buildings is governed by primary legislation; that the NPPF, which is guidance, not legislation, continues fully to recognise the protection of the historic environment; and that English Heritage continues to maintain that statutory protection and indeed to prosecute individuals and organisations – even Councils! - who do not fulfil their statutory obligations to look after listed buildings or who alter them inappropriately.

What this means is that, yes, there are limits to what can be done in listed buildings, but quite a lot CAN be achieved and any spare Council resources would be best applied to facilitating this. I would suggest that resources could be applied in two areas: first by ensuring that the planning department and conservation team is equipped to make professionally informed, legally compliant decisions on listed building consents for retrofitting in a timely manner, and secondly for B&NES to demonstrate by pilot projects in its own property estate how it wishes to lead the way as a Council responsible for such a high concentration of the nation's heritage assets.

I should therefore like to ask you to consider two changes to recommendation 2: first, in 2.1, by adding the word 'and Planning and Conservation teams' after the words 'Sustainability team'; secondly in 2.2, removing the recommendation about lobbying government, which in my view unlikely to succeed and will potentially raise questions about whether Bath is fulfilling its legal and statutory duties towards its listed buildings.

Finally you might like to consider a recommendation which looks at the possibility of B&NES bringing forward pilot projects in the substantial number of listed properties in its own ownership with which can then demonstrate legally compliant energy efficiency projects in listed buildings. This really would show that you can lead the way, potentially nationally, in achieving successful, appropriate retrofitting in a World Heritage Site.

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Over the past years Transition Bath had worked closely with BANES, Bath Preservation Trust and others on the Sustainable Construction & Retrofitting SPD with special emphasis on Listed Buildings. We attended seminars and spent considerable volunteer time engaging with the process. We thought a version of the SPD we, and the other parties were happy to recommend had been agreed.

When the final version appeared in February 2012 the entire Listed Building Section had been removed. There was no forewarning, there was no explanation and certainly no consultation.

This is not the way to behave if you wish to engage the community in the democratic process and formulate activities and plans for the good of the commonwealth of Bath.

We now find a new Annex to the Sustainable Construction & Retrofitting Supplementary Planning Document has been produced with virtually no consultation.

However, as an organisation Transition Bath is looking for practical solutions and whilst we would applaud the existence of the document there are changes we would to see.

We would ^{see} common sense prevail and our listed buildings treated as places to live and work in and not museum pieces.

As a general point we would like to see the emphasis on the positive – what you can do as well as what is not acceptable.

Also like to ^{point} ~~pin~~ out that not all owners of Listed buildings are 'well off'. An essential point when considering a charging structure for planning advice, applications etc

A more specific example would be in the case of secondary glazing. Secondary glazing is by its very nature a benign, removable and effective technology. Yet by making it compulsory to apply for consent to install it will mean that the less well off will be deterred from improving the comfort level and lowering the energy use of their house by the cost, complexity and general user unfriendliness of the planning process.

I would urge the council to adopt recommendation 2.2, to liaise with other councils nationally to lobby government, to consult with local organisations, and to bring the legislation and implementation of policy into the 21st Century. We must have a listed planning process that is fit for a living, working city – not a Georgian theme park.

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Curo representation for energy efficiency and renewable energy Cabinet paper

Curo own 12000 homes, a number of which are historic buildings. Curo want to provide high quality energy efficient homes for our customers. This can be challenging for historic buildings because generally they are hard and expensive to heat and have restrictions that limit energy efficient measures that can be provided due to the properties status.

Curo has been significantly involved in contributing to the development of the guidance. We would like to have had increased flexibility to make environmental improvement but understand the constraints placed on the council regarding these sensitive and important buildings.

Curo support the report recommendations and are keen to be involved in further engagement as proposed in item 2.2.

We will continue to actively engage with BANES planning department regarding acceptable solutions for a range of maintenance and refurbishment works that offer the best achievable energy efficient outcomes for our historic buildings and importantly for our customers.

Regards

Richard James
Head of Asset Management
11 September 2013

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The listed buildings guidance contains some very useful advice for householders. Clearly we do need to recognise that historic assets need careful consideration when energy efficiency improvements are proposed. Not least to conserve the fabric from damp; but also to improve the living conditions for occupiers.

The Council's ability to take a more permissive stance is constrained by national legislation and guidance. So I welcome the recommendation to work with other local authorities and other stakeholders, such as Curo, the National Trust, to liaise with Government about this issue.

One or more pilot projects would also be worth pursuing, and the experience gained will help the Council review the guidance in 12 months.

B&NES is a leader in developing guidance for listed buildings to improve energy efficiency consistent with conservation best practice, and this report helps take the Council forward in a practical and constructive manner.

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