

Wednesday, 12th April, 2017

Present:

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| Councillor Tim Warren | Leader of the Council and Conservative Group Leader |
| Councillor Patrick Anketell-Jones | Cabinet Member for Economic Development, Conservative Deputy Group Leader Bath |
| Councillor Charles Gerrish | Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset |
| Councillor Vic Pritchard | Cabinet Member for Adult Social Care and Health |
| Councillor Anthony Clarke | Cabinet Member for Transport |
| Councillor Martin Veal | Cabinet Member for Community Services |
| Councillor Michael Evans | Cabinet Member for Children's Services |
| Councillor Paul Myers | Cabinet Member for Policy, Localism & Partnerships |

82 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

83 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

84 APOLOGIES FOR ABSENCE

Councillor Liz Richardson had sent her apologies for this meeting.

85 DECLARATIONS OF INTEREST

Councillors Tim Warren and Vic Pritchard declared an other interest in item 15 (Chew Valley Neighbourhood Plan) as members of the steering group. Having taken advice from the Monitoring Officer, Councillors Tim Warren and Vic Pritchard would vote on this item.

86 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

87 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 14 questions from Councillors and 5 questions from members of the public.

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

88 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Andy Halliday read out the statement (*attached as Appendix and available on the Minute Book at Democratic Services*) where he expressed his concerns over Bath Central Library Resources.

David Worskett (Vice Chair of Clutton Parish Council) read out the statement (*attached as Appendix and available on the Minute Book at Democratic Services*) where he expressed his concerns over road safety in Clutton.

Councillor Tim Warren thanked David Worskett for his statement and suggested a site visit with Clutton Parish Council representatives, Councillor Anthony Clarke, Strategic Director for Place and relevant officers.

89 MINUTES OF PREVIOUS CABINET MEETINGS 25TH JAN 2017 AND 1ST FEB 2017

RESOLVED that the minutes of the meetings held on Wednesday 25th January 2017 and Wednesday 1st February 2017 be confirmed as correct records and signed by the Chair.

90 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

91 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

92 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

93 DETERMINATION OF STATUTORY NOTICES TO ENLARGE THREE PRIMARY SCHOOLS IN BATH, RADSTOCK AND WHITCHURCH

Councillor Dine Romero expressed her disappointment that the proposed enlargement of Bathwick St. Mary C of E Primary School would not go ahead at this time. Councillor Dine Romero asked what would happen with the funding that developers had put aside to enable expansion of the school.

Councillor Michael Evans responded to Councillor Romero's question that the Council had not reached that point yet.

Councillor Michael Evans moved the item by saying that recommendations 2.1 and 2.2 would stay the same though recommendation 2.3 would now read as: 'Defer the decision in respect of the enlargement of Whitchurch Primary School from 206 to 315 places and delegate this decision to the Cabinet Member for Children's Services to determine by 15th May as a Single Member Decision.' Councillor Michael Evans said that this would enable the Cabinet Member for Children Services to talk to parents of the Whitchurch Primary School, and take their comments on board before the final decision is made.

Councillor Michael Evans also said that the Local Authority was under a statutory duty to ensure that there were sufficient school places in their area. These places should, where possible, be provided in popular and successful schools serving the area of need in order to increase parental choice, contribute to raising educational standards and attainment and to facilitate sustainable methods of travel to school.

Councillor Tim Warren seconded the motion by saying that the Council would secure places in schools before the housing developments take place. The Council was successive in achieving high percentage of pupils going to their first choice of school.

RESOLVED (unanimously) that the Cabinet agreed:

- 1) Reject the proposed enlargement of Bathwick St. Mary C of E Primary School at this time to allow further discussion around school site issues to take place with the Governing Body.
- 2) Approve the enlargement of St. Nicholas' C of E Primary School from 270 to 420 places.
- 3) Defer the decision in respect of the enlargement of Whitchurch Primary School from 206 to 315 places and delegate this decision to the Cabinet Member for Children's Services to determine by 15th May as a Single Member Decision.

94 HERITAGE SERVICES BUSINESS PLAN 2017-2022

Councillor Patrick Anketell-Jones moved the recommendations by saying that recommendation 2.1 from the report would now read as: 'Approve the Heritage Service Business Plan 2017-2022 with a slight amendment to the Business Strategy section under "Roman Baths" to read: *"Increase admission charges in 2018 potentially with further increases in the other four years to be agreed with the relevant Cabinet Member and recognising the excellent value for money rating given by visitors."*

Councillor Patrick Anketell-Jones also said that the 2017-2022 Business Plan summarised how the Service had performed when benchmarked against other leading visitor attractions. Detailed commercially sensitive information had been provided in the exempt appendices which would be available to Cabinet Members upon request. The Plan also assessed the risk associated with assumptions on visitor volumes, including the threats posed by the development of competing visitor

attractions, and sets out a business, pricing and marketing strategy to maximise income earned from the visitor market.

Councillor Charles Gerrish seconded the motion by highlighting the hard work of the staff who was dealing with large number of visitors every year. Councillor Charles Gerrish emphasised the positive comments of the visitors to Roman Baths and stressed the contribution that Heritage Service had made to the overall budget.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Approve the Heritage Service Business Plan 2017-2022 with a slight amendment to the Business Strategy section under “Roman Baths” to read:

“Increase admission charges in 2018 potentially with further increases in the other four years to be agreed with the relevant Cabinet Member and recognising the excellent value for money rating given by visitors.”
- 2) Confirm that it wishes Heritage Services to continue to work to the business principles agreed by the Council Executive in 2004, as amended;
- 3) Approve the deferral of £100k of Approved capital expenditure on the implementation of the new Visitor Management System from 2017/18 to 2018/19;
- 4) Note that at its February meeting Cabinet gave Provisional Approval to the following capital projects:
 - a) Archway Centre Public Realm improvements at a cost of £226k to support funding already identified through the Roman Baths Infrastructure Programme and the Public Realm Improvement Programme to deliver essential safety and public realm works in the immediate area of the new Archway Project;
 - b) Roman Baths & Pump Room Infrastructure Programme totalling £495k including replacing heat-exchange equipment (£250k) and existing electrical distribution equipment that is at maximum capacity and no longer fit for purpose (£45k).
- 5) Note the investment contained within the Business Plan and approve the procurement of goods and services necessary to carry out this investment.

95 ADOPTION WEST UPDATE

Councillor Tim Ball addressed the Cabinet as special guardian of three children. Councillor Tim Ball expressed his concerns that special guardians had not been consulted on this paper. Councillor Tim Ball also said that special guardians were in different position from adoptive parents. Special guardians would need a support locally and not from other authorities. Councillor Tim Ball asked the Cabinet to consider position of special guardians locally before accepting this document

Chief Executive responded that he had fully recognised the position of special guardians as different from fostering and adoption. The proposal in the report would not affect special guardianship; in fact, it would recognise its position in the law.

Councillor Michael Evans moved the recommendations by asking the Cabinet to approve proposals for the establishment of the Adoption West Regional Adoption Agency (RAA). The purpose for requesting approval at this stage was due to the timescales for achieving commitment from multiple local authorities. In addition, the report would seek to provide certainty regarding each local authority's commitment prior to formal staff consultation and committing substantial project resources on drafting legal documentation and initiating support service commissioning.

Councillor Michael Evans reminded the Cabinet that, following the general election in May 2015 the context within which the Adoption West project was operating changed with the publication of 'Regionalising Adoption' (July 2015). In this document, the government had set out their proposals to move to Regional Adoption Agencies by the end of the Parliament in 2020 and invited expressions of interest from local partnerships. The paper had included an emphasis on getting adoption/permanence right for harder to place children whilst ensuring adoption support was available and accessible to these adoptive families and set out three key aims:

- To speed up matching and improve the life chances of neglected children
- To improve adopter recruitment and adoption support
- To reduce costs (through quicker placements for looked after children)

Councillor Martin Veal seconded the motion by saying that officers across the six authorities had worked well and hard for the establishment of the Adoption West Regional Adoption Agency (RAA) and highlighted the great work of Bath and North East Somerset in adoption.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Note the progress on this project;
- 2) Delegate authority for approving the detailed implementation plans, including financial, contractual and legal agreements to the Strategic Director (People and Communities) subject to council policies and procedures. Final approval will be subject to consultation with the Section 151 officer, Head of Legal Services and relevant elected member following scrutiny of the fully costed business case.

96 CHEW VALLEY NEIGHBOURHOOD DEVELOPMENT PLAN

Liz Brimmell (Chew Valley Neighbourhood Plan Steering Group) made a statement where she wished to thank the Chew Valley Neighbourhood Plan steering group and in particular the chair, Liz Richardson, without whose dedication over the last three years the NP would have not been possible to achieve.

Liz Brimmell also expressed her appreciation for the work of the Neighbourhood Plan examiner, and welcomed that the wording of CVNP's first policy HDE1 was modified to determine that '...development must conserve and not harm the characteristic rural features of the area including the undeveloped landscape setting of settlements'. The policy when adopted by B&NES would substantially protect all seven parishes within the Plan.

Councillor Vic Pritchard moved the recommendations by thanking Councillor Liz Richardson and Liz Brimmell to their work on the Chew Valley Neighbourhood Plan.

Councillor Vic Pritchard also said that Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree Parish Council had indicated that they would like to undertake a Neighbourhood Development Plan (NDP) in December 2013 and the Neighbourhood Area, the first formal stage in the process, was designated by the Council on 18th March 2014. The Plan was considered by an Independent Examiner in November 2016, who had recommended that it should proceed, with modifications, to the final stage, the referendum.

The referendum had taken place on the 16th February 2017. In accordance with the regulations, the question posed in the referendum was: 'Do you want Bath & North East Somerset Council to use the neighbourhood plan for Chew Valley Area to help it decide planning applications in the neighbourhood area?' There was a 24.9% turnout of the overall Neighbourhood Area electorate. A majority (90.8%) were in favour of using the Chew Valley NDP to help decide planning applications in the Neighbourhood Area.

Councillor Tim Warren seconded the motion by thanking everyone who had been involved in the development of the Plan. Councillor Tim Warren highlighted the hard work of Councillor Liz Richardson and Liz Brimell on the Plan.

RESOLVED (unanimously) that the Cabinet agreed to make and bring into force the Chew Valley Neighbourhood Development Plan, as set out in Appendix 1, as part of the Development Plan for the Chew Valley Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

The meeting ended at 5.00 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

CABINET MEETING 12th April 2017

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.

Public –

1. Andy Halliday re: Bath Central Library Resources
2. David Worskett (Vice Chair of Clutton Parish Council) re: Road Safety in Clutton
3. Liz Brimmell (Chew Valley Neighbourhood Plan Steering Group) re: Chew Valley Neighbourhood Plan

QUESTIONS AND ANSWERS - COUNCILLORS

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| M 01 | Question from: | Councillor Nigel Roberts |
| <p>The issue of hedges coming over the pavement has been an issue with a number of residents in Odd Down. Could the Cabinet Member clarify the policy on where hedges over hang the pavement - should the hedges be cut back to edge of the pavement or is there any other consideration made?</p> | | |
| Answer from: | | Councillor Anthony Clarke |
| <p><i>Overgrown hedges that present risk to the travelling public are dealt with under the Highways Act 1980. A notice is served on the property owner giving 28 days to remove offending foliage back to the property boundary. In the event of an owner failing to take action a further 14 day notice is issued. Failure to comply will result in the Council undertaking the work to cut back the vegetation and recharging the landowner.</i></p> | | |
| M 02 | Question from: | Councillor June Player |
| <p>Before issuing the new wheelie bins and gull-proof bags to residents would it not make sense/be a good idea to have a Section 46 Environmental Protection Act 1990 Notice attached to them in some way? This will achieve Stage 1 of the Enforcement Guidance, so should there be any issues with a household and their refuse / recycling then we are in a position to move onto Stage 2 immediately thus saving time and money and speeding up the process.</p> <p>With the Council's resources ever decreasing we need to ensure that we are in a position where we can act quickly. The system at the present time is very slow and costly, both for the Council (Officer time and service delivery) and very frustrating for surrounding residents. This will have the added benefit of helping contribute to good community relations.</p> <p>Additionally, the Section 46 Notice could be published in the Council Connect Magazine regularly and, because it goes to every household in B&NES there is no excuse for any residents not being aware of their responsibilities.</p> | | |
| Answer from: | | Councillor Martin Veal |
| <p><i>Thank you Cllr Player for this suggestion. Officers are exploring both the technical and legal feasibility of both of these options. Officers are also in contact with other authorities, in particular Oxford City, who have similar issues with large student populations, to exchange ideas and approaches.</i></p> | | |

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| M 03 | Question from: | Councillor June Player |
| <p>There is a landlord in my Ward of Westmoreland who has had the foresight to put up small brass plates outside by the front door of his tenanted properties giving his name, contact details including 'phone number. This has proven to be very useful and good public relations. His willingness to be contactable is very reassuring for the neighbours. Although the details are usually in the hall this is of no use if one cannot get anyone to answer the door. Also, although there is the HMO Register for these types of properties one is not able to quickly contact the owner because no 'phone numbers are given.</p> <p>This has shown a level of commitment to the neighbours and his tenants.</p> <p>Could the Council not make this approach be a stipulation to be included in the Additional Licensing?</p> <p>Anything we can do to improve Town & Gown initiative must surely be welcome.</p> | | |
| | Answer from: | Councillor Liz Richardson |
| <p><i>The legislation supporting HMO Licensing includes a statutory requirement to maintain a public record of the name and address of both the licence holder and the property manager. This is made available on the Council's website (www.bathnes.gov.uk/hmopublic).</i></p> <p><i>However, email addresses and telephone numbers are not included in this requirement and indeed are covered by the Data Protection legislation. That said we encourage all licence holders and property managers to be more open and in particular encourage them to give their telephone numbers to the occupants of neighbouring properties.</i></p> | | |
| M 04 | Question from: | Councillor June Player |
| <p>Please can you explain how HMO landlords/tenants are being advised as to what type of waste containers their properties are being allocated in view of the fact that HMOs are not liable for Council Tax and for those who are, their Notification is arriving with their Council Tax bill?</p> | | |
| | Answer from: | Councillor Martin Veal |
| <p><i>Where the Council Tax bill was sent to an address other than the property in question, a duplicate letter was sent direct to the occupiers. We will also be working with our housing, landlord and student liaison contacts to ensure occupiers and HMO landlords are aware of the container allocated to their property. All registered HMOs with 5+ in the property have automatically been allocated the larger 240 litre bin.</i></p> | | |
| M 05 | Question from: | Councillor Karen Walker |
| <p>Letters have been sent to all residential homes in Bath and North East Somerset, back in March 2017, explaining that waste services will be changing in November 2017.</p> | | |

The Letter states:

'If you are concerned that the container we have allocated is not appropriate for your specific property or, if despite recycling all you can, you feel that the household will not manage with the allocated container, please complete the online form.

We will investigate to see if your circumstances are appropriate for an alternative. We may visit you and help you make the best use of your recycling container.'

Residents have contacted Banes and have been told that, there are certainly situations where amendments have been made, but of course not in every case. We could not possibly hope to run an efficient service or viable service if we were to present a bespoke option to anyone that wasn't 100% happy with their allocation.

Residents from my ward of Peasedown St John, felt the option that they were given was not suitable to their properties or to their ability, because of age and disability.

So why, When asked to contact Banes, if residents felt the container was not suitable, their requested was not granted?

Answer from:

Councillor Martin Veal

At the request of a resident the Council will review their bin allocation to see if it is suitable for their property. When contacted we will review the property type, including aspects such as storage and space for containers, and talk through any particular quirks there may be with that individual property. Whilst the approach we are taking is one that seeks to be as flexible and accommodating as possible, if there is nothing out of the ordinary with the property then there may not be a strong rationale to change the allocation. If the solution isn't obvious then officers will arrange to visit the property. With regards to residents who are concerned about their ability to carry or move their waste container, the Council will provide assisted collections for those residents who need them due to infirmity or disability.

M 06

Question from:

Councillor Andrew Furse

Will the Cabinet confirm to residents that fortnightly waste presented in black bin bags will continue to be collected at the edge of property after 6 November? The Cabinet has, on record, stated that the new regime will not be a 'one size fits all' approach. Many residents do not want or are unable to store a wheelie bin and when recycling properly their black bag only contains un-recyclable packaging.

Answer from:

Councillor Martin Veal

Black plastic refuse bags must be contained in the container given by the Council - either a wheeled bin or a reusable rubbish bag. This will ensure that split bags and street litter are reduced and that waste is contained securely. Reducing street litter is a key priority for this administration.

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| Supplementary Question: | | |
| Will the Cabinet Member address the fact that residents have been told that wheeled bins would be the only choice in Weston and that scheme the conservation area would be littered with these bins whether in the front garden or on the pavement? | | |
| Answer from: | | Councillor Martin Veal |
| <i>We intend to send waste officers to find out what issues may crop up. We already said that this will not be a 'one size fits all' approach. Officers will speak to residents if there are real issues and I am asking all Councillors to help getting this message out.</i> | | |
| M 07 | Question from: | Councillor Ian Gilchrist |
| One of my residents in Gordon Rd has apparently been advised that if he does not like the black wheelie bin which he and all neighbours will be issued with then he should 'decorate it to make it less ugly'. Is this a serious piece of policy relating to the roll-out of the new scheme, or might we hope for a bit more flexibility when it comes to residents preferring gull-proof bags, which will be less unsightly? | | |
| Answer from: | | Councillor Martin Veal |
| <i>We have received some questions from residents asking if they can personalise their bins, which they can if done so appropriately. If there is a specific reason why a wheeled bin cannot be used at a particular property then the Council will of course be flexible and offer an alternative such as assisted collection or reusable rubbish bag. However, if there is no particular reason that a property is unable to store a wheeled bin or the individual is unable to use a wheeled bin, it is not feasible to change allocations solely on the basis of personal preference-this would simply not be operationally or financially practical. Nonetheless, where the Council receives concerns or requests from residents regarding their allocation we are always happy to discuss and investigate this with the resident to seek a resolution.</i> | | |
| Supplementary Question: | | |
| Can you confirm that aesthetic considerations will not play a part when determining whether to allow wheeled bins? | | |
| Answer from: | | Councillor Martin Veal |
| <i>Officers will go out and deal with any issues that residents may have. If that particular issue crops up then they will deal with it.</i> | | |
| M 08 | Question from: | Councillor Dine Romero |
| Could the Cabinet Member update us on the running total of requests from residents for a different waste container (wheelie bin or sack) or a different size than allocated? How | | |

many of these requests have been refused and how many complaints has the Council received about the scheme in general?

Answer from:

Councillor Martin Veal

As part of the roll out campaign, we have encouraged residents to contact us.

The total number of requests from residents for a different waste container is as follows:

Number of Requests 1221 (61% on line, 39% by phone) Equivalent to approx. 1.5% of households

Reviewed so far 638

Accepted 420

Not accepted 218

(Still to be reviewed 583)

Customers who have queried their decision have had a full and detailed response provided. At this stage there have been no formal complaints received.

M 09

Question from:

Councillor Dine Romero

Following the public consultation on the Bath "Modern Library" proposal, can the Cabinet Member please confirm when the promised statistical and business case options analysis will be published and when the second phase of consultation will take place?

Answer from:

Councillor Martin Veal

We have published answers to a number of frequently asked questions relating to the Modern Library proposals on our web pages and in hard copy on the 10th April 2017 following the first round of consultation. We are developing the options and a business case for consideration by cabinet later in the summer and all relevant information will be provided in advance of any decision being taken.

Supplementary Question:

As you know the Council used to receive and income from renting out the exhibition space. How many community groups and how much revenue have been lost since the exhibition space has been used simply for storage?

Answer from:

Councillor Martin Veal

I will reply in 5 clear working days.

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| M 10 | Question from: | Councillor Dine Romero |
| What risk assessment was undertaken before sites B and F were selected as the potential locations for the East of Bath park and ride? | | |
| | Answer from: | Councillor Anthony Clarke |
| <p><i>All of the risks associated with the development of sites B and F, as well as the risks associated with not proceeding with this project, were considered in the Cabinet report in January. You will be aware that this was preceded by a comprehensive review of all options for improving access from the east of the city following the Council resolution in November 2015. The report to cabinet considered in some detail all of the relevant factors in making the choice of which site to promote through the planning system as a new P&R; for example risks were considered in paragraph 3.3 regarding finance, paragraph 4.39 with respect to the development pressure arising from the Council's EA, Section 6 considered planning, paragraph 6.22 highlighted the need for HE's approval, whilst section 8 considered all of these in guiding Cabinet to its final decision, including that of the ownership of site B.</i></p> | | |
| M 11 | Question from: | Councillor Dine Romero |
| Could the Cabinet Member please give an update on progress towards allocating places at other schools for pupils currently attending Bath Community Academy? | | |
| | Answer from: | Councillor Michael Evans |
| <p><i>The families of the current BCA Year 9 students were invited to express their top three preferences for an alternative school for September. Forty seven of these students have been allocated their first or second school preference. The vast majority of students got their first preference for the Bath Studio School and the remaining students were allocated their preference at one of the Bath secondary schools, or at Wellsway, Writhlington or Norton Hill. Parents were being informed of the outcome on Friday 8th April.</i></p> <p><i>Work is ongoing to agree the most suitable places for the remaining three students who have a complex range of needs.</i></p> <p><i>The Year 9 student group was prioritised first as they will be commencing GCSE modules in September. A similar process will follow to ensure a well-managed transition for the current Year 7 and 8 pupils, who are able to remain at BCA until it closes in July 2018.</i></p> | | |
| Supplementary Question: | | |
| <p>Whilst I am pleased to see that good number of children has received 1st or 2nd preference of school, I am disappointed that some children have not. How many of these children will now receive home to school transport and for how long will this be in place?</p> | | |

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| Answer from: | Councillor Michael Evans |
| <i>I will reply in 5 clear working days.</i> | |
| M 12 | Question from: Councillor Neil Butters |
| With reference to my previous question of 14 November 2016; I understand that some remedial works have been carried out to fill in potholes on Station Road in Wellow; however please could the Cabinet Member let us know when this road will be prioritised for resurfacing and making fit for purpose? | |
| Answer from: | Councillor Charles Gerrish |
| <i>The Council has a limited budget for the maintenance of our assets. Any works to this informal parking area will need to be considered against the remainder of the backlog of maintenance items. No decision has yet been made.</i> | |
| M 13 | Question from: Councillor Ian Gilchrist |
| Can the Cabinet Member please clarify the intended planning process for the proposed cable car? | |
| Answer from: | Councillor Liz Richardson |
| <p><i>Curo have advised that they are using A Transport and Works Act Order (TWAO) to progress their infrastructure project. This is a statutory instrument which can be made by the relevant Secretary of State in accordance with the Transport and Works Act 1992 (TWA 1992). All applications are made to the TWAO Unit at the Department for Transport.</i></p> <p><i>The process is as follows:-</i></p> <ol style="list-style-type: none"> <i>1. TWAOs are routinely utilised to authorise transport schemes (e.g. schemes for short railways, light rail and trams) and operations to waterways. A TWAO can provide a number of consents within a single order to construct, maintain and operate a transport system.</i> <i>2. The TWA 1992 does not limit who can apply for an order. Applicants can be private companies and public authorities. Typically TWAOs are applied for by passenger transport executives, Transport for London and local authorities.</i> <i>3. A TWAO does not in itself grant planning permission, so an associated application for deemed planning permission would be submitted and considered by the Secretary of State at the same time. Conditions could be attached to the deemed planning permission which may reserve matters for approval of the local planning authority.</i> <i>4. There are numerous formal steps which must be taken in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 before an application can be made. These rules prescribe various documents which are required to submit a legally compliant TWAO application.</i> | |

5. Applicants need to demonstrate that they have properly considered possible alternatives, and can present a convincing case for their preferred scheme.
6. Applicants need to consult thoroughly on proposals with relevant statutory bodies, statutory undertakers, persons likely to be affected and the public.
7. Once an application for a TWAQ has been made, there is a 42 day period for objections to be submitted. If there are a substantial objections to the application for the TWAQ, or the case raises complicated issues, the Secretary of State is likely to arrange for a public inquiry to be held by an independent inspector. The procedures to be adopted at a public inquiry are governed by the Transport and Works (Inquiries Procedure) Rules 2004.
8. Following the conclusion of a public inquiry the inspector reports privately to the Secretary of State, with the report only being published at the time of the Secretary of State's determination. The purpose of the procedure is to allow the Secretary of State to come to an informed view on whether it is in the public interest to make the TWAQ.

Curo's Indicative programme is as follows:

April 2017 – First public consultation on transport options

Summer 2017 – Review responses and consider taking the project further

Autumn 2017 – If decision made to proceed, second consultation on preferred alignment

Winter 2017/2018 – Review responses and design scheme

Spring 2018 – Third consultation on the preferred scheme

Autumn 2018 – Submission of the application for the TWAQ

Autumn/Winter 2019 – Consent obtained

2020 – Scheme construction

2021 – Scheme operation

M 14

Question from:

Councillor Tim Ball

With regard to the uncertainty faced by EU citizens from other EU countries, many of whom work in the health and care sectors: have there been any reports from any of our partner agencies of problems recruiting and/or retaining care staff?

Answer from:

Councillor Vic Pritchard

I can confirm that partner agencies have not, to date, reported problems in recruiting and/or retaining care staff as a result of uncertainty faced by EU citizens from other EU countries.

Supplementary Question (1):

Will the Cabinet Member update the Cabinet and Council if and when there was a problem with agency staff retaining their employees from EU?

Answer from:

Councillor Vic Pritchard

I can only provide you with factual answer which is that to date there were no problems whatsoever and that is how I envisage to continue.

Supplementary Question (2):

Can the Cabinet Member clarify if he will be updating the Cabinet and Council if there is a problem with agency staff be report to him in retaining EU citizens?

Answer from:

Councillor Vic Pritchard

Should there be a problem then yes, I will make the Council aware of it. I don't see any problem at the moment and I can assure that you will be informed if there is.

QUESTIONS AND ANSWERS - PUBLIC**P 01****Question from:**

Caroline Ambrose

1. At the March 13th Communities & Transport Meeting, Councillor and Chair John Bull mentioned that the first he and most people heard about the library moving was in the Council's press statement published in the Bath Chronicle on December 19th. As this announcement included quotes attributed to Councillor Veal, can he show where the decision to move the library is recorded?

2. In the minutes of the Feb 1st Council meeting, Councillor Veal said the Lewis House library site plus the 189 sq m in the Guildhall basement would represent an 8% reduction on space. As Bath Central Library currently occupies a 2,344sq m site, and each floor of Lewis House has less than 400 sq m net space, can he explain his maths?

Answer from:

Councillor Martin Veal

1. *We have clarified that no decision has been made to move the library and that we are at the beginning of a 3 year programme to deliver our modern library agenda.*
<http://www.bathnes.gov.uk/services/libraries-and-archives/modern-library-service>

2. *Details regarding the available space were answered in a Cabinet question to Cabinet on the 1st February*
<https://democracy.bathnes.gov.uk/documents/g4649/Public%20minutes%2001st-Feb-2017%2016.00%20Cabinet.pdf?T=11>

P 02**Question from:**

Dionne Pemberton

1. At the March 13th Communities and Transport Meeting, Council Director Andrew Pate said that he was not sure the £800k annual savings being claimed for the library

was achievable and that he saw it more as "a target". Given this, and the estimated £5.9m for the project, can Cllr Warren explain why he is still presenting this as a savings driven project in this week's Bath Chronicle?

2. With trust in democracy at an all-time low, I trust the Council will agree that those in local government need to be seen to be acting fairly. Given that the plan to move the library was announced in December, was repeated by Councillors variously on the TV, on the radio, in the Chronicle, in Council meetings, Council emails, on the Council's website, leaflets and even on a 2m sign in the library, can Councillor Warren explain why he is now saying that the decision was never made?

Answer from:

Councillor Tim Warren

1. *The Council has to make £37million of savings over the next three years, the Modern Libraries programme impacts the whole of Bath & North East Somerset and will contribute to those savings whilst protecting and even enhancing services. At this stage the Council has only approved the budget for the current year but it has to look at the three year programme now in order to deliver its objectives. The £800k annual saving target from the Modern Libraries and Workplace project is planned to be delivered by Year 3 (2019-20) through developing new ways of working across the whole of Customer Services, this will form part of the full business case in due course, at this stage the £5.9million figure is only a provision and will be subject to the normal financial process.*
2. *The Council has accepted that some of the early material published about the proposals for Bath library implied that a decision had been taken over the future of the library when in fact this was just the first stage of public consultation on proposals to merge services. It has since corrected this and clarified that the process will mean there is to be a further period of consultation and full business case produced before any final decisions are taken. I would like to assure you that all the comments the Council has received will be taken on board before such decisions are taken.*
- 3.

P 03

Question from:

Sian James

On 1 March 2017 I raised an FOI request (ref 397/17). After 20 days I chased for a response, after a further 2 days I chased again but this time I did get a reply saying that it would be 'early next week' - this was week ago and still nothing has been forthcoming.

It is a perfectly simple request - why have I not heard anything from BANES? And when will I get a response?

Answer from:

Councillor Anthony Clarke

We apologise for the delay of seven working days in responding, however due to the volume of information requested - which included over 100 pages - and the fact that

information related to a third party organisation - Highways England - it took longer than initially anticipated to respond to the request. A full response was sent on the 10th April.

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| P 04 | Question from: | Sian James |
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The Parking Strategy is obviously central to any work on congestion and pollution in Bath. The consultation was before Christmas. When is the due date of publishing the strategy for review?

The Air Quality action plan is due to be consulted on from May - shouldn't the Parking Strategy inform the air quality action plan debate?

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| Answer from: | Councillor Anthony Clarke |
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The Parking Strategy is due to be finalised during May. It will then go out for public consultation. The Air Quality Action Plan will be out for consultation at the same time so interested parties will be able to comment on both documents and officers will cross reference responses to both documents.

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| P 05 | Question from: | Christine Boyd |
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The Cabinet has requested that the business case for the east of Bath park and ride be brought back to them. When are you expecting to see this?

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| Answer from: | Councillor Anthony Clarke |
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The report considered by Cabinet on 25th January 2017, entitled Park & Ride East of Bath, stated (at paragraph 2.4) 'Cabinet approves all necessary expenditure to enable the site to be secured and requests the development of a full business plan for appropriate executive approval'. This decision remains unchanged so the appropriate executive approval will be sought once the full business plan, which is currently being worked on, has been completed.

I am here to claim back the Exhibition room in Bath Central Library, claiming it for the In house Library clubs-some planned for Children, For Artists looking in their groups to use our key City Centre location plus, the popular Craft Markets-for December and Easter organised in their own time by Dedicated library staff but cancelled after you briefed library staff and council connect, to take no future bookings for the room, and they had to cancel all booked events. The December craft fair was cancelled despite full bookings, but the room remained un used for 3 months, till in February, your engineers advised the wall planned to be demolished for creating a temporary library was load bearing and they recommended had to remain in place.

At the same time the creaking rolling stack which first broke in 2014,renaining in repaired finally became truly unsafe, and so the Exhibition room was designated as a book store for reserve stock, Meanwhile week on week the council has been paying Pickfords removals to crate and remove local studies and archive materials to a store in Hayden, and to the new centre in Guildhall Records department, This moving is I am advised by staff on the scene, creating spaces in store room areas, I would suggest that this is where the reserve stock could go, freeing up the Exhibition room for our public hiring, resulting in potential income generation, from both hire and commission sales, and usually we have also seen an increase footfall from the groups /Artists teams. Sadly we have also lost many of the Bath Festivals experiences

I would ask that after a 4 month plus closure that before we leave this evening somebody tells the residents of BANES when this much valued facility will be bookable again. Ensuring Library staff, and Council Connect are also kept in the loop-as recently sadly we have noticed mixed messages being delivered on the Library proposals .

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PUBLIC SUBMISSION TO B&NES CABINET BY DAVID WORSKETT ON BEHALF OF CLUTTON PARISH COUNCIL

Thank you for the opportunity to make this submission.

I am David Worskett and I am the Vice-Chair of Clutton Parish Council. My personal and professional background includes a long spell in the transport sector, including a period, some years ago now, as the Department of Transport's Director of Road Safety. I am a Fellow of the Chartered Institute of Highways and Transportation.

In Clutton we have for some time been greatly concerned about the decision to change the configuration of the junction between Maynard Terrace and Clutton Hill. This change is being made to facilitate the development of 36 houses by Curo on a site known as Maynard A. However this is a connecting route of importance to the whole community and not just for the new development.

We know that the basic decision to reconfigure the junction cannot be reversed. Our concerns relate to the detailed technical planning and layout of the changed junction, which appeared to us to be seriously inadequate, notably in respect of the safety of pedestrians, including children walking to the village schools, and in respect of turning vehicles. The Parish Council therefore commissioned its own, completely independent Stage 2 Road Safety Audit. This was undertaken by a professional firm and headed by a member of the Society of Road Safety Auditors. Apart from showing the auditors the junction, the Parish Council had no input to the report or its conclusions.

Those conclusions confirmed that our concerns are justified. As currently proposed, the new junction would be less safe than present arrangements and we are sure that cannot be acceptable to anyone. Were the current design to be allowed to go ahead unchanged and there were then to be a serious accident, the position of the local highway authority would be very exposed given the professional reservations that have now been properly documented.

With the help of Cllr Clarke and Cllr Warrington, we have discussed the report with officers, who have undertaken to look carefully at the findings and how to reduce the risks. It should be possible to make the new junction safer if the right design changes are implemented. We have so far had no further feedback from officers.

That is what the Parish Council believed must now be done and we therefore seek the Cabinet's support in:

- (a) insisting that this now happens, consistent with the priority being given to road safety and in particular the safety of pedestrians and children

**PUBLIC SUBMISSION TO B&NES CABINET BY DAVID WORSKETT ON
BEHALF OF CLUTTON PARISH COUNCIL**

- (b) ensuring that the financial interests of the developer are not allowed to over-ride the need to achieve acceptable safety standards and

A copy of the independent RSA 2 for the record has already been provided to the Committee Secretary along with a copy of this submission.

12 April 2017