

BATH AND NORTH EAST SOMERSET

CABINET

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

Wednesday, 22nd July, 2020

Present:

| | |
|---------------------------|---|
| Councillor Dine Romero | Council Leader and Liberal Democrat Group Leader |
| Councillor Rob Appleyard | Cabinet Member for Adult Services |
| Councillor Tim Ball | Cabinet Member for Housing, Planning, and Economic Development |
| Councillor Neil Butters | Cabinet Member for Transport Services |
| Councillor Paul Crossley | Cabinet Member for Community Services |
| Councillor Kevin Guy | Cabinet Member for Children's Services |
| Councillor Richard Samuel | Deputy Council Leader and Cabinet Member for Resources |
| Councillor Sarah Warren | Cabinet Member for Climate Emergency and Neighbourhood Services |
| Councillor David Wood | Cabinet Member for Climate Emergency and Neighbourhood Services |
| Councillor Joanna Wright | Cabinet Member for Transport Services |

23 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting by explaining that this meeting is being held under The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The Council has agreed a protocol to cover virtual meetings and this meeting would operate in line with that protocol. The meeting has the same status and validity as a meeting held in the Guildhall.

24 APOLOGIES FOR ABSENCE

There were no apologies for absence.

25 DECLARATIONS OF INTEREST

The Senior Democratic Services read out the following declaration of disclosable pecuniary interest on behalf of Councillor Shaun Hughes in respect of his question to Councillor Richard Samuel;

'Further to my question regarding support of our retail tenants I wish to declare that I rent a serviced office within Unit 22 Midsomer Enterprise Park, and this building is owned and run by BANES council.

To be clear, my business at Unit 22 has not applied for or received and grants or benefits from this Council. Other tenants within this building have applied for support; however, I have no interest in this and to further clarify my business is not in any way

a retail business and my question is regarding the survival of our retail business sector.'

There were no other declarations of interest made.

26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

27 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 10 questions from Councillors and 2 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 1 and are available on the Council's website.]

28 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

The Chair informed the meeting that there were 14 registered speakers for this meeting.

Note: All statements were read out after item 10 of the agenda.

David Redgewell read out a statement *[a copy of which is attached to the Minutes as Appendix 2 and on the Council's website]* where he expressed his concerns around the transport in ex-Avon area and with the Western Gateway Transport Plan.

Councillor Mark Elliott addressed the Cabinet by saying that residents of Lansdown Ward would prefer not to see change of use of Lansdown approach golf course. Councillor Elliott added that he was aware of financial pressures the Council was under, but the site was an iconic green space in the centre of Bath and the best option would be to find a specialist golf provider to manage the site. Councillor Elliott concluded his statement by saying that there would be a need for a proper public consultation if there was a proposal for significant change of use for this site.

Adam Gretton (the Chair of More Trees BANES) read out a statement *[a copy of which is attached to the Minutes as Appendix 3 and on the Council's website]* where he spoke in support of Avon Wildlife Trust's bid for Entry Hill Golf Course.

Robin Kerr (Chair of the Federation of Bath Residents' Associations) read out a statement *[a copy of which is attached to the Minutes as Appendix 4 and on the Council's website]* where he suggested that the criteria for marking bids should be

made public, and that the final decision should be made either by the Cabinet of Full Council.

Emilio Pimentel-Reid (Chairman Friends of the High Common) read out a statement *[a copy of which is attached to the Minutes as Appendix 5 and on the Council's website]* where he welcomed comments from Councillor Paul Crossley that there would be no physical changes to the park, no additional allotments built and no change from the current golf activities.

Elizabeth Hallam addressed the Cabinet about Entry Hill Golf Course, by saying that the course was not yet out for the count. Nearby golf courses were flourishing, and the consultation was against continuing golf provision at this golf course. The golf proposal has attached more than 1,000 signatures and the bid from local businessman should be supported.

Nicolette Boater read out a statement *[a copy of which is attached to the Minutes as Appendix 6 and on the Council's website]* in regards of Future of Entry Hill and Approach Golf Courses agenda item.

Katina Beckett (Chair of the Entry Hill Community Association) read out a statement *[a copy of which is attached to the Minutes as Appendix 7 and on the Council's website]* where she had a number of suggestions for the Entry Hill Golf Course.

Amy Coulthard (speaking as Bath resident and Director of Conservation at Avon Wildlife Trust) read out a statement *[a copy of which is attached to the Minutes as Appendix 8 and on the Council's website]* where she urged the Council to make addressing the ecological and climate crisis the most important factor in determining the future of all their land holdings which would instigate a green recovery for the city.

Adam Reynolds (Walk Ride Bath) read out a statement *[a copy of which is attached to the Minutes as Appendix 9 and on the Council's website]* where he asked the Council to ensure that any use of Entry Hill would facilitate the long term delivery of Scholars Way, by ensuring that walking and cycling routes across the grounds at the top and bottom of the site are planned and agreed before awarding any contracts.

Councillor Winston Duguid read out a statement *[a copy of which is attached to the Minutes as Appendix 10 and on the Council's website]* where he supported the proposal to go out to tender as soon as possible and reach a decision based on the four criteria mentioned in the report in respect of Entry Hill Golf Course.

Patricia Ludlam (Sion Hill and Summerhill Road Residents Association) read out a statement *[a copy of which is attached to the Minutes as Appendix 11 and on the Council's website]* where she said that the residents want the golf to continue on the 18-hole Approach Golf course

Councillor Lucy Hodge addressed the Cabinet by saying that residents of Lansdown Ward would prefer that Approach Golf Course should not change its use. The site should be well maintained and not over commercialised. It is an iconic site for Bath. A provision of golf as a recreational opportunity with affordable price for visitors to Bath should be supported.

Nicolette Boater read out a statement *[a copy of which is attached to the Minutes as Appendix 12 and on the Council's website]* in regards of Update on Corporate Strategy Progress and Issues agenda item.

29 MINUTES OF PREVIOUS CABINET MEETING

On a motion from Councillor Rob Appleyard, seconded by Councillor Kevin Guy, it was **RESOLVED** that the minutes of the meeting held on Thursday 2nd July 2020 be confirmed as a correct record and signed by the Chair.

30 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

31 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

32 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note that there were no Single Cabinet Member decisions made since the previous Cabinet meeting.

33 FUTURE OF ENTRY HILL AND APPROACH GOLF COURSES

The Chair invited Councillor Paul Crossley to introduce the report.

Before reading out the statement, Councillor Paul Crossley thanked to all speakers who addressed the Cabinet today and responded to speakers' statements by highlighting the following points

- The anti-social behaviour was not unique just for golf courses; it was an issue that the Council would be taking up across all parks in Bath and North East Somerset.
- There were nearly 2,000 responses from postcodes in BANES, out of which 10% was from young people, which was quite unique and welcome.
- The decision would not be made based on bias.

- The fact that people were cycling around, and up and down the course, would not mean that the Council would want to create cycle route. The Council would go through the consultation responses and then make final decision.
- Signage would have to improve.

Councillor Paul Crossley read out the following statement:

'First of all I would like to thank the leisure section of the Council who have put so much time and effort into this item, to Lemon Gazelle who ran our consultation, GLL and to the many many residents who engaged in the process at the consultation , on line and also via the many hundreds of emails I have had on these proposals. I recognize and understand the passion with which people hold their favourite pastime in.

The two sites have been closed since the start of the consultation so that our debt does not increase and the sites will remain closed until we have appointed new operators for the sites.

We originally anticipated making a decision on the future of the Entry Hill site based on the results of the consultation that took place a few months ago.

However the consultation process ignited a lot of interest in the site and this has led to a number of parties submitting bids or proposals that respond well to the criteria that were set out in the consultation. These were 1. Addressing climate change 2. Encouraging more people to be more active, more often and 3. Ensuring the site does not require a financial subsidy from the Council in the future.

And then came Covid.

In addition to a climate emergency and a nature emergency we also now have a financial emergency.

This has resulted in us supporting GLL and working with them in partnership on getting our sporting facilities back in use. And that is why The Approach 12 hole and Approach 18 hole have been added to the decision.

In recent weeks at least 3 leisure trusts have gone out of business, locked up the facilities and handed the keys back to the local Council.

We do not want that to happen here.

Sport and leisure is a very important part of what makes living in Bath and NE Somerset such an attractive option for all our residents.

The interest that has been sparked by this consultation and is in marked contrast to the previous time the golf offer was put out under a previous administration when no interest was shown.

At this point I will describe the 3 sites:-

EH 9 hole par 3 Golf on the Wellsway. Over recent years it has seen a decline in use. There are other comparable course in the area. However it has a very loyal group of users especially older lady players. It is also popular with dog walkers.

Approach 18 18 hole par 3 Pitch and Putt and a very important part of the open visual landscape for central Bath. It has several public rights of way across it and is well used by a variety of groups in addition to golfers including dog walkers.

Approach 12 par 3 Pitch and Putt and also an important part of the landscape that makes Bath special.

What is certain is that with our financial situation as it is and with the cuts we are making we CANNOT continue to subsidise the current model of operation at Entry Hill and Approach.

The losses at Entry Hill are well advertised through the consultation and run in excess of £80k pa. The losses at Approach are less well known but the last 3 years have been £40.7K, £29.6K and £31.9K. Whatever else it is not right for the tax payer of B&NES that public money is continued to be used to support the current model of operation at these two sites.

We have had detailed proposals on new ways of working and new ideas for use of the sites ranging from golf to disc-golf to cycling to sculpture parks to allotments to forest school.

These proposals have different levels of detail in them and so are difficult to compare easily.

Indeed some are just outline ideas.

Awarding a contract to one of these proposals or making a decision on the future of any site at this stage would not be a fair and equitable approach and would not meet the Council's procurement regulations.

In fact the proposals are evolving over time as they start to consider how other ideas can complement their key proposal.

As a result of this the Council has concluded that an open procurement process that is evaluated against the same criteria that were used during the consultation process as well as taking into account the results of the consultation is the most appropriate way forward at this time.

To be fair to all the bidding parties and the various users of the sites we will hold this exercise as speedily as is possible under procurement rules.'

Councillor Paul Crossley moved the recommendations as per report.

The Chair seconded the motion by thanking to all of those that came today to make a statement on the future of Entry Hill and Approach Golf courses, and also to everyone who took part in the consultation. The Cabinet felt that it was important that the future of these courses was moved on to the next stage, as soon as possible. The responses received in the consultation would move this issue forward.

Councillor Paul Crossley clarified that the Cabinet Members would be briefed on regular basis on this matter before making the final decision.

Councillor Kevin Guy commented that community views and opinions must be taken fully into account with full and open transparency along the way.

Councillor Tim Ball said that the Cabinet would need to make quick decision on this matter due to ongoing cost for those sites. Councillor Ball welcomed that Cabinet Members would be briefed on regular basis before making the final decision.

Councillor David Wood thanked all those who participated in the consultation and said that this was great example on how a consultation should be conducted. Councillor Wood also agreed that the decision must be transparent, and it would need to take climate, ecological and financial emergency into account.

Councillor Richard Samuel gave some clarification on what would happen next. Once the Cabinet agree with the recommendations, the tendering process would commence. The officers would produce a tender report, which would analyse the results of tenders' proposals in line with its appropriate weighting to the different types of proposal. After that stage, Councillors Crossley and Samuel would be consulted on the outcome of that tender process. If there were any concerns about the delegation to the Director of Environment in appointing the contract then it would probably come back to the Cabinet, for final decision. Councillor Samuel added that sufficient safeguards were in place and expressed his support for this matter to go forward.

Councillor Rob Appleyard also supported the motion by adding that certain amount of importance is given to mass participation and use of the site rather than just focused on too narrow a group of people.

RESOLVED (unanimously) that the Cabinet agreed to:

- 2.1 Agree the next steps for the future uses of Entry Hill and Approach golf courses
- 2.2 Note the results of the community consultation exercise in relation to Entry Hill
- 2.3 Recommend that an open procurement exercise is undertaken that allows all proposals to be properly considered and evaluated against an agreed set of criteria. Proposals for community and sporting provision only will be considered. Ensure that bidders are able to tender for one or both of the sites as desired.
- 2.4 Delegate to the Director of Environment authority to appoint a contractor in accordance with the Council's prescribed governance and procurement process in consultation with the Cabinet Members for Finance and Communities

34 BATH CLEAN AIR PLAN GRANT SETTLEMENT - JULY 2020

3.40pm - The Chair adjourned the meeting for a short break

3.48pm – The Chair reconvened the meeting.

The Chair invited Councillor Sarah Warren to introduce this report.

Councillor Sarah Warren read out the following statement:

'It is my pleasure to introduce this paper on the grant settlement in relation to Bath's Clean Air Zone. As you know, poor air quality is one of the most significant threats to public health in the UK. Bath is under a legal imperative to bring in a Clean Air Zone, introducing a daily charge for the most polluting vans, buses, taxis and HGVs entering the city centre, to reduce illegal levels of nitrogen dioxide pollution.'

In the last 4 months, we have seen a significant and welcome reduction in nitrogen dioxide around the city, accompanying the reduction in traffic due to coronavirus lockdown. However, traffic levels are unfortunately now returning to more usual levels, and with them, pollution. We received written confirmation last week from Ministers that we must therefore go ahead and implement the Clean Air Zone, as per the full business case submitted to the Joint Air Quality Unit earlier this year. We were asked by Government to defer our original start date of November this year, to early 2021, due to coronavirus, and we are on track to deliver in time for this new deadline. No specific date has yet been agreed with Government. As soon as we have an agreed date, we will inform the public, and run an extensive media and communication programme running up to “go live”, to ensure everyone who needs to know, is aware.

Over the past few months we have been in negotiation with Government, challenging the initial funding offer for the Clean Air Zone, which fell significantly short of our original request. Government has now agreed to provide up to £15.5m to implement the scheme and support affected businesses, bringing the total funding package to £23.5m. Having already completed much of the build, and revisited our financial models, we feel confident that this will be sufficient. We are still negotiating with Government around the costs of running the central service to operate the zone. Since the start of lockdown, we’ve been talking to a wide range of businesses and trade associations to understand the impact the pandemic has had on them, and how they see the road to recovery unfolding, and we have been considering how we might improve our support package for them, whilst still achieving our air quality objective.

We have now amended the terms of our financial assistance scheme to provide further help, in the form of additional flexibility for businesses applying for grants and interest-free finance to upgrade polluting vehicles. Temporary exemptions will also be granted to businesses that have placed orders for fully electric vehicles and are waiting for them to be delivered.

As a Cabinet we remain committed to innovation to improve air quality for the health of all residents and visitors to the city, whilst being mindful of the need to balance this imperative with the social and economic impact on businesses affected by the pandemic. I believe the proposal before you today will achieve this balance.’

Councillor Sarah Warren moved the recommendations as printed in the report.

Councillor Joanna Wright seconded the motion by saying that poor air quality generated by polluting vehicles had a significant impact on public health. The Council was working diligently to implement a clean air zone as quickly as possible in 2021. This settlement would make sure that the air we all breathe would become healthier, as outlined by Councillor Warren. The Council has been mindful of the need to balance clean air with the social and economic impact on businesses affected by the pandemic.

Councillor Richard Samuel commented that it was almost three years since he moved the motion to Council calling for a Clean Air Zone to be introduced in Bath, and that he was glad about the latest developments on this important issue. Councillor Samuel was pleased with the settlement. This was a really important step for the City of Bath, particularly in regard to nitrogen dioxide pollution which has been far too high for far too long. Councillor Samuel thanked all those involved.

Councillor Tim Ball also welcomed the report by saying that he has seen difference in the air during the lockdown, and with the less traffic on Bath streets.

RESOLVED (unanimously) that the Cabinet agreed to:

2.1 Consider the settlement as negotiated and if supported, delegate authority to the Director - Partnership & Corporate Services to formally accept the additional grant determination and assurance letters from government providing up to £15.508M in additional funding for the scheme, bringing the total funding package to £23.452M.

2.2 With reference to recommendation 2.2 in the September 2019 Cabinet report and subject to the approval of the recommendation above, approve the incorporation into the Council's capital programme of an additional £12.437M, bringing the total Clean Air Zone (CAZ) budget to £18.381M.

2.3 With reference to recommendation 2.12 in the January 2020 Cabinet report regarding the delegated authority to progress the operational agreements, note that these negotiations are ongoing and include discussions regarding the ongoing cost of providing the CAZ Central Service (which may now be subject to a separate Statutory Instrument).

2.4 Note the progress made towards implementing the scheme during the COVID-19 restrictions.

2.5 Delegate authority to the Director - Partnership & Corporate Services, the Director of Legal and Democratic Services and the S151 Officer, in consultation with the Cabinet member for Climate Emergency and the Deputy Leader, to negotiate and agree with government a new launch date following the Minister's letter dated 3 April 2020 which required a delay to the scheme, bearing in mind also the legal obligation to deliver compliance with NO2 limit values in the shortest possible time.

2.6 Note that the financial assistance scheme has been kept under review and in recognition that some local residents and businesses may be suffering in light of the COVID-19 pandemic, that it has been amended to provide further support.

35 UPDATE ON CORPORATE STRATEGY PROGRESS AND ISSUES

The Chair introduced the report by saying that the Council adopted a four-year Corporate Strategy in February 2020, with an overriding purpose to improve people's lives. Also, there were two key policies that went with this; one was around addressing the climate emergency and the second was giving people a bigger say. Covid19 impact had put a huge amount of pressure on staff, on services, and on finances. This has given the Council an opportunity to rethink on how to deliver some services with better partnership working. The Chair expressed her concern on how reliant the Council has been on tourism and retail, and how the lockdown has enabled the Council to speed up adoption of new technology and new ways of communication, such as live remote meetings. For example, the Chair has hosted a number of webinars with different subjects. However, there were many residents who were not online, and the Council must make sure that they have access to updated information. The Council would continue to prepare for the future, whatever that may look like, and would remain committed to net zero carbon by 2030. The partnership working has proven to be a real lifeline for many residents, as demonstrated by the success of the Compassionate Communities Hub partnership working and engagement has been invaluable with key stakeholders during the most intense periods of the pandemic. The Engagement Board has had representation from a

wide range of bodies, including the police, fire rescue and both universities, as well as health providers. The Economic Recovery and Renewal Board had been set up as a tool to drive and to influence business recovery. The Chair concluded her statement by saying that she would like to ensure all that the work would continue to make sure that Council has solid foundations of good governance and clear lines of cooperation, corporate control and oversight.

The Chair moved the recommendations as printed in the report.

Councillor Kevin Guy seconded the motion.

Councillor Richard Samuel welcomed the report and said that he was pleased with the proposed workplan. The whole Covid19 situation had great impact on the Council in terms of ways of working and use of technology. Councillor Samuel also said that there would be a huge challenge in finance and the property portfolio. Nevertheless, the new Medium-Term Financial Strategy and the Budget would be produced in the coming months.

Councillor David Wood also welcomed the report by updating the Cabinet on the latest within Waste Services, in particular about opening waste recycling centres across the area, with some being open 7 days in a week, and 'Don't Be A Tosser' litter campaign.

Councillor Rob Appleyard welcomed the report by highlighting the importance of partnership working during Covid19, and paid his respect to the wider community, and those organisations that have blended together to make this experience as less painful as it could be.

Councillor Sarah Warren welcomed the report by saying that the Council had been running a number of webinars in terms of climate emergency, and how this medium (virtual meetings) had been quite successful in engaging the community. Councillor Warren also informed the Cabinet on the ongoing work of bringing the Local Plan in line with climate emergency.

Councillor Tim Ball also welcomed the report and took the Cabinet through the latest developments within his portfolio, main highlights being helping 16 individual rough sleepers with accommodation and situation within social housing and temporary accommodation.

Councillor Joanna Wright took the Cabinet through the developments within her portfolio by highlighting success in putting through low traffic neighbourhoods' residence parking zone, charging points for electric vehicles, and the delivery of the transport delivery plan.

RESOLVED (unanimously) that the Cabinet agreed to:

2.1 Note the impacts of the Council's Covid-19 response and recovery on the delivery of its Corporate Strategy, including opportunities to bring forward delivery where appropriate

2.2 Adopt the key actions this year set out in Appendix 1 of the report, designed to deliver key Corporate Strategy commitments

2.3 Note the case studies attached in Appendix 2 of the report, which set out how delivery of the Strategy has been “kickstarted” during this period and will be built upon

36 TREASURY MANAGEMENT OUTTURN REPORT 2019/20

The Chair invited Councillor Richard Samuel to introduce the report.

Councillor Richard Samuel introduced the report by saying that this was a positive report which has shown that the management of the Council's finances was stable and well run. Councillor Samuel used this opportunity to thank Andy Rothery and his staff for the presentation of this report. Councillor Samuel said that this report included details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2019/20. Councillor Samuel also said that the same report would be presented to the Full Council meeting on 23rd July and highlighted the following sections in the report: summary of returns and borrowings, strategic and tactical decisions, future strategic and tactical issues, PWLB borrowing rate increase, and budget implications.

Councillor Richard Samuel moved the recommendations.

Councillor Kevin Guy seconded the motion by thanking Councillor Samuel and the officers for an excellent financial management during this challenging year.

Councillor Sarah Warren welcomed the report, in particular the progress that has been made towards disinvesting the treasury management fund from fossil fuel funds.

Councillor Tim Ball also thanked the officer for the report, and also praised the officers within his portfolio for delivering great services during this difficult year.

RESOLVED (unanimously) that the Cabinet agreed to:

2.1 The Treasury Management Report to 31st March 2020, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.

2.2 The Treasury Management Indicators to 31st March 2020 are noted.

37 REVENUE & CAPITAL OUTTURN 2019/20

The Chair invited Councillor Richard Samuel to introduce the report.

Councillor Richard Samuel introduced the report by saying this was very important report because it marked the end of the position for the first financial year of this current administration. Council Samuel said that one of the things that he set as the target was to balance the books every year, if possible. This year the budget was actually under budget, just around the £250,000. Councillor Samuel took the Cabinet through the report (as printed) and thanked the officers for the report.

Councillor Richard Samuel moved the recommendations as printed.

Councillor Neil Butters seconded the motion by thanking Councillor Samuel and the officers for this report.

RESOLVED (unanimously) that the Cabinet agreed to:

- 2.1 Note the revenue budget outturn under budget position of £0.12m for 2019/20, after allowing for carry forwards.
- 2.2 Approve the revenue carry forward proposals listed in the tables in paragraph 3.5.
- 2.3 Approve that all over budgets are written-off as an exception to the Budget Management Rules for 2019/20.
- 2.4 Approve the transfer of the net underspend of £0.12m to the Revenue Budget Contingency Reserve.
- 2.5 Note the revenue virements for 2019/20 reported for information in Appendix 2(i)
- 2.6 Note the reserve positions and the use of flexible capital receipts shown in paragraphs 3.16-3.18;
- 2.7 Note the outturn position of the 2019/20 capital programme in paragraph 3.24, and the funding outlined in paragraph 3.26;
- 2.8 Approve the capital rephasing and write-off of net underspends as listed in Appendix 3. This reflects the outturn spend position on projects against final budgets as detailed in Appendix 4(ii).

38 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL 2020 TO JUNE 2020

The Chair invited Councillor Richard Samuel to introduce the report.

Councillor Richard Samuel introduced the report by saying that it covered the first quarter of the 2020/2021 financial year. It was very different report that it would normally expect the Cabinet to receive at this time of year but this was due to the coronavirus crisis. The Cabinet had already approved a financial recovery plan a few weeks ago, and although the position set out in this report was very worrying, it was something that the Council expected to deal with. Councillor Samuel said that he had heard that Robert Jenrick was talking about support for losses of Council Tax and Business Rates income, which was encouraging. Nevertheless, the Council should continue with business as usual, in terms of reporting actual facts and figures, and not trying to conceal them.

Councillor Richard Samuel moved the recommendations as printed in the report.

Councillor Rob Appleyard seconded the motion by saying that Councillor Samuel, and his team of officers, should take credit for the work that has actually been done. Councillor Appleyard also praised Chief Executive, Corporate Director and a number of other Council services and teams who have worked so hard to continue provision of services to the community during the pandemic.

RESOLVED (unanimously) that the Cabinet agreed to:

- 2.1 To note the 2020/21 revenue budget position (as at the end of June 2020).
- 2.2 To approve the revenue virements listed for approval in Appendix 3(i) and to note those virements listed for information only.
- 2.3 To note the capital year-end forecast detailed in paragraph 3.39 of this report;

2.4 To note the changes in the capital programme including capital schemes that have been agreed for full approval under delegation listed in Appendix 4(i).

The meeting ended at 4.50 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 22nd July 2020

STATEMENTS FROM PUBLIC AND COUNCILLORS

1. David Redgewell – Transport provision during Covid19

Future of Entry Hill and Approach Golf Courses

2. Councillor Mark Elliott
3. Adam Gretton
4. Robin Kerr
5. Emilio Pimentel-Reid
6. Elizabeth Hallam
7. Nicolette Boater
8. Katina Beckett
9. Amy Coulthard
10. Adam Reynolds
11. Councillor Winston Duguid
12. Patricia Ludlam
13. Councillor Lucy Hodge

Update on Corporate Strategy

14. Nicolette Boater

QUESTIONS AND ANSWERS - COUNCILLORS

| | | | |
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| M | 01 | Question from: | Councillor Shaun Hughes |
| <p>For years we have enjoyed the support and financial benefits of our retail & commercial tenants, through rents and business rates they contribute hugely to our finances. They are now looking to us to support them and the future of our retail sector.</p> <p>It's time for us as both as a Council and Landlord to step up to the challenge as it's our responsibility to show some understanding and leadership.</p> <p>Would you agree that we should be cancelling short term rent payments to secure the long term survival of our retail sector?</p> | | | |
| Answer from: | | | Councillor Richard Samuel |
| <p><i>In response to the above question, I would respectfully direct Cllr Hughes' attention to the statement which was recently published on the Council website below:</i></p> <p>https://newsroom.bathnes.gov.uk/news/cautious-welcome-given-council-income-compensation-scheme</p> | | | |
| M | 02 | Question from: | Councillor Karen Warrington |
| <p>Regarding Liveable Neighbours: Whilst recognising the need to protect the environment and encourage wildlife I note that there is a statement to improve Air Quality by reducing car trips by 25%. I understand that it is possible to reduce the reliance on the car in Bath and towns where public transport is available but how will this be measured across the district as there is little available public transport in rural areas with cycling and walking considered dangerous by many villagers, due to narrow roads that are shared by vehicles, cyclists, walkers and horse riders?</p> | | | |

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| Answer from: | | Councillor Joanna Wright |
| <p><i>Within the report on the progress against the Climate Emergency declaration to Full Council in October 2019, a range of scenarios were considered, and the analysis identified potential measures for each priority area, including transport, which is responsible for approximately 29% of overall carbon emissions in BANES. The figures referred to were not concrete targets for these measures but indicated the scale and speed of ambition we need to have in B&NES to realise our 2030 goal. The statement is set out below:</i></p> <p><i>Transport – A major shift to mass transport, walking and cycling to reduce emissions. For example: a 25% cut in car and van mileage per person per year by 2030, coupled with a 76% switch to electric cars, 14% to petrol/EV hybrid, leaving 10% petrol/diesel on the road by 2030, and, full electrification of passenger rail by 2030.</i></p> <p><i>As noted, the reduction in mileage per person is a target to achieve the aims of the climate emergency declaration. We would always consider that those with the most access to safe and suitable alternatives, including public transport, should be able to reduce their mileage by more than this target whilst recognising that those with less access or with specific needs such as disabilities may not be able to reduce their mileage at all. However, achieving the climate outcomes still requires all residents to consider whether their journeys are necessary or could be undertaken in another way such as by walking, by bicycle or even whether they need to be undertaken at all.</i></p> <p><i>Additionally, within the Low Traffic Neighbourhood Strategy we recognise that some rural areas do have issues, such as rat running, that may be addressed by using some or all of the tools as set out within the strategy and these will be considered as appropriate with Local Ward Members and communities to further improve road safety and access for those who are not car dependant.</i></p> | | |
| M | 03 | Question from: Councillor Karen Warrington |
| <p>Your Low Traffic Neighbourhood Strategy has now been published. As I feared the strategy is extremely Bath-centric, with examples taken from built up areas such as Brixton. Rural areas such the villages that lie on rat-runs to the airport and A38 and those that lie on the A37 with an average of 18,000 vehicles a day have barely received a mention. What is this Administration going to do to ensure that our villages will receive attention and how will the money be distributed?</p> | | |

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| Answer from: | | Councillors Joanna Wright/Neil Butters |
| <p><i>As you would expect, the strategies do focus on where the highest levels of traffic are experienced within residential neighbourhoods and in many cases this will be within the urban areas. However, the Low Traffic Neighbourhood Strategy does clearly recognise that some rural areas do have issues such as rat running, that may be addressed by using some or all of the tools as set out within the strategy and these will be considered as appropriate with Local Ward Members and communities to further reduce rat running, improve road safety and access for those who are not car dependant. Low traffic neighbourhoods seek firstly to move traffic out of unsuitable and residential areas and on to main arterial routes that are designed to carry high levels of traffic.</i></p> <p><i>We would always consider that all motorists, particularly those with the most access to safe and suitable alternatives including public transport, should be seeking to reduce their number of journeys and overall mileage significantly in light of the climate declaration whilst recognising that those with less access or with specific needs such as disabilities may not be able to reduce their mileage at all.</i></p> | | |
| M | 04 | Question from: Councillor Karen Warrington |
| <p>On Page 325 paragraph 6.2 in the CAZ Report it is stated that 'surplus revenue generated by the enforcement scheme will be held in a Revenue Reinvestment Reserve. Will an appropriate proportion of that Reserve be used to tackle Air Quality along the A37 and through Chew Magna which is used as a cut through for the airport and for the A38 to access the M5/M4 and M49?</p> | | |
| Answer from: | | Councillor Sarah Warren |
| <p><i>The Revenue Reinvestment Reserve must be used to support local sustainable transport policies, and this could include improving air quality by:</i></p> <ul style="list-style-type: none"> <i>• supporting work on improving the way health impacts, air quality and traffic monitoring is assessed</i> <i>• supporting work in other Air Quality Management Areas, such as Temple Cloud and Farrington Gurney;</i> <i>• supporting and encouraging the use of zero and low emission vehicles</i> <p><i>Allocation of funding to specific projects will be overseen by the Revenue Reinvestment Steering Group as set out in Annex 5 of the draft Charging Order which is attached.</i></p> | | |

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| M | 05 | Question from: | Councillor Paul May | |
| At the Council meeting concerns were expressed about the levels of Government support being provided for Covid19. This did not record and show all of the funding promised to the community such as the business grants direct Adult and Children's funding. At the Children's, Adults WellBeing Committee clearly additional funding in excess of £800,000 has just been allocated and the B&NES revenue support funding this Council put into Children's services will be refunded. Further additional funding has been promised. Could you please supply a simple schedule showing all of the funding received or promised by the government? | | | | |
| Answer from: | | | Councillor Richard Samuel | |
| Please find the full schedule of Government grants awarded to the Council below, this includes the grants administered by the Council for supporting business across Bath and North East Somerset. | | | | |
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| Reopening High Streets Safely Fund | | 50 | 0.173 | N | 0 |
| Emergency Assitance Grant for Food and Essential Supplies | | 63 | 0.143 | N | 0 |
| Council Tax Hardship Fund | | 500 | 1.288 | Y | 1.288 |
| Small Business Grants Fund & Retail, Hospitality & Leisure Grants - Amount of grants paid to businesses as at 13th July 2020 | | 12300 | 39.345 | Y | 39.345 |
| Small Business Discretionary Local Authority Grants - Amount of grants paid to businesses following first application window | | 617 | 0.725 | Y | 0.725 |
| New Burdens Grant - Small Business Grant Fund & Retail, Hospitality & Leisure Grants - Administration Costs | | Tbc | 0.170 | Y | 0.170 |
| Sub Total - Other Covid19 Grants & Support | | 14,430 | 44.882 | | 43.472 |

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| M | 06 | Question from: | Councillor Paul May |
| Following the CAWB committee report could you please confirm how many local authorities in the South west are currently rated by Ofsted as good or above? | | | |
| Answer from: | | Councillor Kevin Guy | |
| <i>Since the last Ofsted inspection of Bath & North East Somerset’s Children’s Social Care Services in May 2017, the Ofsted inspection framework has changed and a number of authorities have now been inspected under that new framework. The South West region now has 4 Councils (in addition to the Isles of Scilly) graded by Ofsted as Good or better, as set out in the attached summary. We can expect to be inspected under the new framework in early 2021.</i> | | | |
| <i>The local area inspections on SEND (jointly undertaken by Ofsted and CQC) are summarised in a letter highlighting local strengths and areas for development – but no graded judgment is issued. 8 out of 11 South West areas whose reports have been published were required to produce a ‘Written Statement of Action’ to address areas of significant concern. We were very pleased to be one of the few areas not in that position following our inspection which was undertaken last March 2019 and published May 2019.</i> | | | |

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| M | 07 | Question from: | Councillor Paul May |
| Following the Covid 19 budget issues can you confirm if any officer posts are under threat? | | | |
| Answer from: | | | Councillor Richard Samuel |
| <p><i>As you know the financial recovery plan includes some staff savings through managing vacancies and reorganising work where it is necessary and reasonable to do so.</i></p> <p><i>With the announcement of the additional funding package from the government, we have committed to use some of that funding to remove the £2.8M budget pressure on staffing.</i></p> | | | |
| M | 08 | Question from: | Councillor Paul May |
| The community of Whitchurch village and the wrong road group appreciate that you followed up your promise made at an earlier Council meeting to continue to consult with them. The previously stated cost of £2m spent by B&NES on the JSP has now been written off. As the responsibility for the strategic planning has now transferred to WECA will they cover the full Council's costs? | | | |
| Answer from: | | | Councillor Tim Ball |
| <p><i>The overall cost of JSP was set out in response to a question raised by Councillor May during a B&NES Cabinet meeting on 12 September 2019: "work across the 4 Unitary Authorities is £1,311,525 from the period covering 1st April 2015 to the 6th September 2019".</i></p> <p><i>The funding arrangements for the WECA Spatial Development Strategy were set out in the report (Item 15) to the Joint meeting of West of England Combined Authority Committee and West of England Joint Committee held on Friday, 19 June 2020.</i></p> <p><i>Furthermore, With the failure of the JSP we must learn the lessons of why it failed. All works done inside WECA on a new plan must be evidence based and be open and honest in the way it is analysed. All information will come through the LDF steering group for discussion. Bath and North East Somerset is very able to hold its ground at WECA and will not tolerate any vanity road show by other</i></p> | | | |

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| <i>political leaders.</i> | | |
| M | 09 | Question from: Councillor Paul May |
| Has Covid 19 affected the JLTP5 logic and thinking post pandemic? | | |
| Answer from: | | Councillors Joanna Wright/Neil Butters |
| <i>Covid 19 has changed the way people work and move. Whilst we continue at a national, sub regional and local level to monitor closely traffic volumes it is unclear at this stage what the future looks like in terms of the new normal and undoubtedly the pandemic will guide our thoughts as we develop the JLTP5. However, the key principles within JLTP4 continue to remain valid as the focus on mode shift away from the private car; the support of cycling, walking and active travel; increased bus and rail patronage; the need to manage demand and reduce the overall need to travel; and the support that these bring to decarbonisation and climate issues, are all consistent with the current challenges we are facing through Covid-19 as well as longer-term scenarios post Covid-19.</i> | | |
| M | 10 | Question from: Councillor Brian Simmons |
| The pedestrianisation of Keynsham High Street has taken place for the length of the Covid19 emergency; when does this Council intend to make it permanent as outlined in appendix 3 of the previous Cabinet papers? | | |
| Answer from: | | Councillors Joanna Wright/Neil Butters |
| <i>An answer will be provided withing 5 clear working days.</i> | | |

QUESTIONS AND ANSWERS - PUBLIC

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| P 01 | Question from: | Emilio Pimentel-Reid |
| <p>From Friends of the High Common -</p> <p>The majority of users of the High Common / Approach Golf course are not golfers. How specifically will the council guarantee the continued unfettered use of our local green space by families, vulnerable walkers, Nordic walkers and dog walkers etc who have coexisted in harmony with golfers for over 60 years -given that a commercial operator is likely to want to exclude non-paying residents from the park?</p> | | |
| Answer from: | | Councillor Paul Crossley |
| <p><i>GLL is already a private operator and no attempt has been made to exclude people walking on the paths through this pitch and putt course and none are planned. We have in the past put up signs advising all users that pitch and putt is being played and that golf balls are dangerous and so people using the space for other than golf need to be aware of the dangers. This arrangement will be written into any agreement made with any new operator.</i></p> | | |

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| P 02 | Question from: | Emilio Pimentel-Reid |
| <p>From Friends of the High Common -</p> <p>Why was there no consultation with residents regarding the specific issues of the Approach Golf Course and High Common and when will there be a public consultation so that residents may have their opinions taken into account?</p> | | |
| Answer from: | | Councillor Paul Crossley |
| <p><i>Approach golf course is used for golf derived sports such as pitch and putt and public access to use the paths that cross the site. There are no plans to change this mix of uses and therefore a specific public consultation looking at uses of the site was not deemed necessary. The statutory process of consultation required before any lease or transfer of Public Open Space to a 3rd party takes place under S.123 Local Government Act 1972 will take place however. The law requires the disposal to be advertised on site and in a newspaper circulating in the area on 2 occasions.</i></p> <p><i>The Council is facing huge financial pressure and the Approach Course loses money under its current operational model. We are seeking to work with operators who specialise in golf derived sports and who can operate the site more efficiently and at a profit.</i></p> | | |

TRANSPORT ACT 2000

Bath Clean Air Zone Charging Order 2019

Made []
Coming into force *In accordance with articles 1 and 2*

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

BATH CLEAN AIR ZONE CHARGING SCHEME

1. Interpretation
2. Designation of roads in respect of which charges are imposed
3. Relevant vehicles
4. Compliant vehicles
5. Non-chargeable vehicles
6. Emissions standards required of compliant vehicles
7. Imposition of charges
8. Amount of charge payable by purchase of a licence
9. Payment of charges
10. Register of compliant and non-chargeable vehicles
11. Penalty charge for non-payment of charge
12. Immobilisation of vehicles
13. Removal, storage and disposal of vehicles
14. Duration of scheme
15. Transitional provisions – temporary non-chargeable vehicles
16. Ten and five year plans for net proceeds

ANNEXES TO THE SCHEME

1. Deposited plans
2. Non-chargeable vehicles
3. Emissions standards for compliant vehicles
4. Transitional provisions – temporary non-chargeable vehicles
5. Part 1 – the Council's general plan for applying its share of the proceeds of this Scheme during the opening ten year period

Part 2 – The Council’s detailed programme for applying its share of the proceeds of this Scheme during the opening five year period

Whereas—

- (1) It appears to Bath and North East Somerset Council desirable, for the purposes of facilitating the achievement of Bath and North East Somerset Council’s and the West of England Combined Authority’s local transport policies, that it should make the following Order:
- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, Bath and North East Somerset Council, in exercise of the powers conferred on it by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order is made on the [] day of [] [2019/20] and comes into force on the same day and may be cited as the “Bath Clean Air Zone Charging Order [2019/20]”.

The Scheme

2.—(1) The Scheme in the Schedule to this Order (“the Scheme”) has effect in accordance with paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on [].

(3) Article 7 of the Scheme comes into force on [].

THE COMMON SEAL of
BATH AND NORTH EAST SOMERSET COUNCIL
was hereunto affixed in
the presence of:

BATH CLEAN AIR ZONE CHARGING SCHEME

Interpretation**1.—(1) In this Scheme—**

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “alternative fuel vehicle” means a positive ignition vehicle constructed or retrofitted so as to be capable of being powered by liquid petroleum gas, compressed natural gas or bio-ethanol;
- (c) “approved retrofit scheme” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council;
- (d) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (e) “charging day” means the period of twenty four hours from midnight to midnight;
- (f) “Class M₁” vehicles are those falling within class M_{1(a)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (g) “Class M₂” vehicles are those falling within class M_{2(a)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (h) “Class M₃” vehicles are those falling within class M_{3(a)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (i) “Class N₁” vehicles are those falling within class N_{1(a)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (j) “Class N₂” vehicles are those falling within class N_{2(a)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “Class N₃” vehicles are those falling within class N_{3(a)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (l) “Clean Air Zone” means the area shown edged red and shaded pink on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (m) “Clean Air Zone Boundary Plan” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing the boundary in red and areas within the Clean Air Zone shaded pink;
- (n) “Clean Air Zone Plan” means the plan specified in Part 1 of Annex 1;
- (o) “commencement date” means [];
- (p) “compliant vehicle” has the meaning given by article 4;
- (q) “compression ignition engine” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space;
- (r) “compression ignition vehicle” means a vehicle powered wholly by a compression ignition engine;
- (s) “Council” means Bath and North East Somerset Council;
- (t) “deposited plans” means the portfolio of plans comprising the Clean Air Zone Plan and the Clean Air Zone Boundary Plans —
 - (i) deposited at the offices of the Council at []; and
 - (ii) consisting of the plans bearing the titles, sheet numbers, drawing numbers and revision numbers specified in Annex 1 to the Scheme;

- (u) “designated road” means one of the designated roads specified in article 2(2);
- (v) “electric vehicle” means a vehicle—
 - (i) that is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act; or
 - (ii) that the Council is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity, and has tailpipe CO₂ emissions of 0 grams per kilometre;
- (w) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (x) “ESC test” means a test as described in section 2.12 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendix 1, Annex III of that Directive;
- (y) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Council is satisfied replicates so far as practicable the standard ETC test cycle;
- (z) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (aa) “Euro 5” means the emissions limit values set out in Table 1 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (bb) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (cc) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (dd) “Euro V” means the emissions limit values set out in Row B2 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (ee) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (ff) “hybrid vehicle” means a vehicle that operates partly by means of an electrically powered propulsion system that draws motive power from a battery and partly by means of an internal combustion engine;
- (gg) “licence” means a licence purchased under article 9;
- (hh) “local road” means any road in respect of which the Council is the local traffic authority;
- (ii) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (jj) “Payment Body” means any body charged with receiving road user charges made pursuant to clean air zone charging schemes and administering the Payment Portal;
- (kk) “Payment Portal” means any standardised payment system through which payment of road user charges in clean air zones will be administered;
- (ll) “non-chargeable vehicle” is to be construed in accordance with articles 5 and 15 and Annexes 2 and 4;
- (mm) “NO_x” means oxides of nitrogen;
- (nn) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (oo) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;

- (pp) “positive ignition vehicle” means a vehicle powered wholly by a positive ignition engine;
- (qq) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (rr) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;
- (ss) “register” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Council and the Payment Body under article 10;
- (tt) “registered keeper” means—
 - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
 - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
- (uu) “relevant vehicle” has the meaning given by article 3;
- (vv) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle—
 - (i) in accordance with an approved retrofit scheme; or
 - (ii) in such other manner as the Council is satisfied is of equivalent efficacy to an accredited retrofit scheme;
- (ww) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
- (xx) “Type I test” means a test as described in section 5.3 of Annex I to Council Directive 70/220/EEC (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex III of that Directive;
- (yy) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
- (zz) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
- (aaa) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
- (bbb) “working day” means any day other than a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

(2) In this Scheme—

- (a) a reference in any provision to an instrument of the European Community is to that instrument—
 - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or,
 - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;
- (b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
- (c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

Designation of roads in respect of which charges are imposed

- 2.—(1) Charges are imposed by this Scheme in respect of the designated roads.
(2) The designated roads are all local roads within the Clean Air Zone.

Relevant vehicles

- 3.—(1) A relevant vehicle is a vehicle of a Class and type specified in paragraph (2) that is not—
(a) a compliant vehicle; or
(b) a non-chargeable vehicle.
(2) The vehicles specified for the purpose of paragraph (1) are—
(a) taxis and private hire vehicles of Class M₁; and
(b) all vehicles of Class M₂, Class M₃, Class N₁, Class N₂ and Class N₃.

Compliant vehicles

4. A vehicle is a compliant vehicle if—
(a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and
(b) particulars of the vehicle are for the time being entered in the register.

Non-chargeable vehicles

5. Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

Emissions standards required of compliant vehicles

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Council is satisfied that the vehicle is—
(a) an electric vehicle;
(b) a hybrid vehicle;
(c) an alternative fuel vehicle;
(d) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or
(e) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

Imposition of charges

- 7.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed in respect of any relevant vehicle of Class M₃, Class N₂ or Class N₃, for each charging day on which it is at any time used on one or more designated roads.
(2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class M₁, Class M₂ or Class N₁ for each charging day on which it is at any time used on one or more designated roads.

Amount of charge payable by purchase of a licence

- 8.—(1) The amount of a charge imposed by article 7(1) is £100 per charging day.
(2) The amount of a charge imposed by article 7(2) is £9 per charging day.

Payment of charges

9.—(1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.

(2) A licence must be issued in respect of a particular vehicle and for a single charging day.

(3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and—

- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
- (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.

(4) A licence may only be purchased—

- (a) on the charging day concerned;
- (b) on the next working day following that charging day; or
- (c) on a day falling within such period of days immediately preceding that charging day as the Council may specify on its website.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the Payment Portal, specify on its website as being acceptable.

(6) Where a licence is purchased otherwise than in cash and payment is not received (whether because a cheque is dishonoured, a direct debit, credit card or debit card payment is declined, or otherwise) before the end of the next working day following the charging day to which the licence relates, the charge to which the licence relates will be treated as not paid and the licence will be void.

Register of compliant and non-chargeable vehicles

10.—(1) The Council and the Payment Body will maintain one or more registers which will together identify compliant vehicles and non-chargeable vehicles (“the register”) for the purposes of articles 4 and 5 and Annexes 2 and 4 which require particulars of such vehicles to be entered in the register.

(2) An application to enter particulars of a vehicle on the register—

- (a) must include all such information as the Council or the Payment Body may reasonably require; and
- (b) must be made by such means as the Council or the Payment Body may accept.

(3) If the Council or the Payment Body is satisfied that a vehicle—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it will enter particulars of the vehicle in the register.

(4) If the Council or the Payment Body is satisfied that a vehicle, particulars of which are entered in the register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the register.

(5) Where the registered keeper of such a vehicle is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper must notify the Council or the Payment Body of the fact and the Council or the Payment Body may remove the particulars of the vehicle from the register forthwith, or from

the date notified to the Council or the Payment Body as the date on which it will cease to be such a vehicle.

(6) Nothing in this article prevents the making of a new application under paragraph (2) for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

Penalty charge for non-payment of charge

11.—(1) A penalty charge will be payable, in addition to the charge imposed under article 7, for each charging day on which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7;
- (b) that charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is served under regulation 7 of the Enforcement Regulations and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

Immobilisation of vehicles

12.—(1) Provided that—

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
 - (b) the conditions in paragraph (3) of that Regulation apply,
- an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.

(2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme —

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (a), will be released—
 - (i) if all outstanding charges under article 7 are paid;
 - (ii) if all outstanding penalty charges are paid; and
 - (iii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

Removal, storage and disposal of vehicles

13.—(1) Provided Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed—

- (a) all outstanding charges under article 7;
- (b) all penalty charges that are outstanding in relation to the vehicle;
- (c) a penalty charge of £200 for its removal;
- (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of scheme

14. This Scheme will remain in force indefinitely.

Transitional provisions – temporary non-chargeable vehicles

15. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

Ten and five year plans for net proceeds

16.—(1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

ANNEX 1 TO THE SCHEME
DEPOSITED PLANS

Article 1(1)

PART 1 – CLEAN AIR ZONE PLAN

| <i>(a)</i> <i>Title & Sheet No.</i> | <i>(b)</i> <i>Drawing Number</i> | <i>(c)</i> <i>Revision</i> |
|--|-------------------------------------|-------------------------------|
| Bath Clean Air Zone, Overview | 674726.BR.042.01-CH-DR-0050 | P01 |

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

| <i>(a)</i> <i>Title & Sheet No.</i> | <i>(b)</i> <i>Drawing Number</i> | <i>(c)</i> <i>Revision</i> |
|--|-------------------------------------|-------------------------------|
| Bath Clean Air Zone, Sheet 1 | 674726.BR.042.01-CH-DR-0051 | P01 |
| Bath Clean Air Zone, Sheet 2 | 674726.BR.042.01-CH-DR-0052 | P01 |
| Bath Clean Air Zone, Sheet 3 | 674726.BR.042.01-CH-DR-0053 | P01 |
| Bath Clean Air Zone, Sheet 4 | 674726.BR.042.01-CH-DR-0054 | P01 |
| Bath Clean Air Zone, Sheet 5 | 674726.BR.042.01-CH-DR-0055 | P01 |
| Bath Clean Air Zone, Sheet 6 | 674726.BR.042.01-CH-DR-0056 | P01 |
| Bath Clean Air Zone, Sheet 7 | 674726.BR.042.01-CH-DR-0057 | P01 |
| Bath Clean Air Zone, Sheet 8 | 674726.BR.042.01-CH-DR-0058 | P01 |
| Bath Clean Air Zone, Sheet 9 | 674726.BR.042.01-CH-DR-0059 | P01 |
| Bath Clean Air Zone, Sheet 10 | 674726.BR.042.01-CH-DR-0060 | P01 |
| Bath Clean Air Zone, Sheet 11 | 674726.BR.042.01-CH-DR-0061 | P01 |
| Bath Clean Air Zone, Sheet 12 | 674726.BR.042.01-CH-DR-0062 | P01 |
| Bath Clean Air Zone, Sheet 13 | 674726.BR.042.01-CH-DR-0063 | P01 |

NON-CHARGEABLE VEHICLES

Historic Vehicles

1. A vehicle is a non-chargeable vehicle if—

- (a) it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act; or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have been treated as an exempt vehicle in accordance with paragraph 1A(1) of Schedule 2 to the 1994 Act, and particulars of the vehicle are for the time being entered in the register.

Military vehicles

2.—(1) A vehicle is a non-chargeable vehicle if—

- (a) it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces; or
- (b) the Council is satisfied the vehicle is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used on a road by a member of a visiting force or a member of a headquarters or organisation,

and particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph “member of a visiting force” and “member of a headquarters or organisation” have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002.

Agricultural and similar vehicles

3.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);
- (d) paragraph 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

(2) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it would have fallen within sub-paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

Disabled vehicles

4.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act is a non-chargeable vehicle.

(2) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it

would have fallen within paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

Health service vehicles

5.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 7 or 8 (health service vehicles) of Schedule 2 to that Act is a non-chargeable vehicle.

(1) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it would have fallen within paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if the Council is satisfied that—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
- (c) in respect of all other vehicles, the Council is satisfied that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

| <i>(a)</i> Row No. | <i>(b)</i> Vehicle Class | <i>(c)</i> Maximum mass of vehicle, where relevant (kg) | <i>(d)</i> Reference mass of vehicle, where relevant (kg) | <i>(e)</i> EC emissions standard | <i>(f)</i> Limit values for NO _x | <i>(g)</i> Appropriate test |
|--------------------------|--------------------------------|---|---|---|---|-----------------------------------|
| (1) | M ₁ | not exceeding 2,500 | | Euro 4 | 0.08g/km | Type I |
| (2) | M ₁ | exceeding 2,500 | not exceeding 1,305 | Euro 4 | 0.08g/km | Type I |
| (3) | M ₁ | exceeding 2,500 | exceeding 1,305 and not exceeding 1,760 | Euro 4 | 0.10g/km | Type I |
| (4) | M ₁ | exceeding 2,500 | exceeding 1,760 | Euro 4 | 0.11g/km | Type I |
| (5) | M ₂ | not exceeding 2,500 | | Euro 4 | 0.08g/km | Type I |
| (6) | M ₂ | exceeding 2,500 and not exceeding 3,500 | exceeding 1,305 and not exceeding 1,760 | Euro 4 | 0.10g/km | Type I |
| (7) | M ₂ | exceeding 2,500 and not exceeding 3,500 | exceeding 1,760 | Euro 4 | 0.11g/km | Type I |
| (8a) | M ₂ | exceeding 3,500 | not exceeding 2,840 | Euro 4 | 0.11g/km | Type I |
| (8b) | M ₂ | exceeding 3,500 | not exceeding 2,840 | Euro IV | 3.5g/kWh | ETC |
| (9) | M ₂ | exceeding 3,500 | exceeding 2,840 | Euro IV | 3.5g/kWh | ETC |

| | | | | | | |
|-------|---------------------------------|--|---|---------|----------|--------|
| (10) | N ₁ sub-class (i) | | not exceeding 1,350 | Euro 4 | 0.08g/km | Type I |
| (11) | N ₁ sub-class (ii) | | exceeding 1,305 and not exceeding 1,760 | Euro 4 | 0.10g/km | Type I |
| (12) | N ₁ sub-class (iii) | | exceeding 1,760 | Euro 4 | 0.11g/km | Type 1 |
| (13a) | N ₂ | | not exceeding 2,840 | Euro 4 | 0.11g/km | Type I |
| (13b) | N ₂ | | not exceeding 2,840 | Euro IV | 3.5g/kWh | ETC |
| (14) | N ₂ | | exceeding 2,840 | Euro IV | 3.5g/kWh | ETC |
| (15) | M ₃ , N ₃ | | | Euro IV | 3.5g/kWh | ETC |

Table 2 — EURO 6/VI STANDARDS FOR COMPRESSION IGNITION VEHICLES

| <i>(a) Row No.</i> | <i>(b) Vehicle Class</i> | <i>(c) Maximum mass of vehicle, where relevant(kg)</i> | <i>(d) Reference mass of vehicle, where relevant (kg)</i> | <i>(e) EC emissions standard</i> | <i>(f) Limit values for NO_x</i> | <i>(g) Appropriate tests</i> |
|------------------------|---------------------------------|--|---|--------------------------------------|--|----------------------------------|
| (1) | M ₁ | | not exceeding 2610 | Euro 6 | 0.08g/km | Type I |
| (2) | M ₁ | | exceeding 2610 | Euro VI | 0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC) | WHSC and WHTC |
| (3) | M ₂ | | not exceeding 2610 | Euro 6 | 0.125g/km | Type I |
| (4) | M ₂ | | exceeding 2610 | Euro VI | 0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC) | WHSC and WHTC |
| (5) | M ₃ , N ₃ | | | Euro VI | 0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC) | WHSC and WHTC |
| (6) | N ₁ | | not exceeding 1,350 | Euro 6 | 0.08g/km | Type I |
| (7) | N ₁ sub-class (ii) | | exceeding 1,305 and not exceeding 1,760 | Euro 6 | 0.105g/km | Type I |
| (8) | N ₁ sub-class (iii) | | exceeding 1,760 | Euro 6 | 0.125g/km | Type 1 |
| (9) | N ₂ | | not exceeding 2610 | Euro 6 | 0.125g/km | Type I |
| (10) | N ₂ | | exceeding 2610 | Euro VI | 0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC) | WHSC and WHTC |

TRANSITIONAL PROVISIONS –
TEMPORARY NON-CHARGEABLE VEHICLES**Emergency service vehicles**

1.—(1) During the emergency service vehicles transitional period the Council will treat any qualifying emergency service vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(1) A vehicle is a qualifying emergency service vehicle if—

- (a) it is a non-chargeable vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6 and 7 (ambulances and health service vehicles);
 - (iv) paragraph 10 (mine rescue vehicles);
 - (v) paragraph 11 (lifeboat vehicles); or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen within sub-paragraph (a).

(2) In this paragraph “emergency service vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

Vehicles supporting the emergency services

2.—(1) During the emergency service support vehicles transitional period the Council will treat any qualifying emergency service support vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying emergency service support vehicle on any charging day if—

- (a) it is an emergency service support vehicle that has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) the Council is satisfied that on the charging day concerned it was used in relation to an emergency incident; and
- (c) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) An eligible person may apply to the Council to specify a vehicle as an emergency service support vehicle for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(6) An application to enter particulars of an emergency service support vehicle on the register pursuant to sub-paragraph (2)(c) shall—

- (a) be made by such means as the Council may specify on its website; and

- (b) be accompanied by such details of the emergency incident and the use of the emergency service support vehicle to which the application relates as the Council may reasonably require.
- (7) In this paragraph—
- (a) “eligible person” means any person who the Council is satisfied works for or acts on behalf of a voluntary organisation working to support a specified emergency service provider during emergency incidents;
 - (b) “emergency service support vehicle” means a vehicle used by an eligible person for the purpose of supporting a specified emergency service provider during emergency incidents;
 - (c) “emergency service support vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024;
 - (d) “specified emergency service provider” means—
 - (i) Avon Fire and Rescue Service;
 - (ii) Avon and Somerset Police; and
 - (iii) South Western Ambulance Service.

Blue badge holders

3.—(1) During the blue badge transitional period the Council will treat any qualifying blue badge vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying blue badge vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3) or (4);
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex;
- (c) it is being used for the transport of a disabled person and has a blue badge displayed in compliance with regulation 12 and regulation 13, 14, 15 or 16 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000; and
- (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) An eligible person may apply to the Council to specify a vehicle in relation to the blue badge held by that person for any charging day or days and, subject to sub-paragraph (5), to specify a different vehicle in place of a specified vehicle.

(4) An eligible organisation may apply to the Council to specify a vehicle in relation to any blue badge held by that organisation for any charging day or days and, subject to sub-paragraph (5), to specify a different vehicle in place of a specified vehicle.

(5) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) or (4) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(6) An application under sub-paragraphs (3) or (4) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(7) In this paragraph—

- (a) “blue badge” means any badge issued to an individual or institution under section 21 of the Chronically Sick and Disabled Persons Act 1970 or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;
- (b) “blue badge transitional period” means the period beginning with the commencement date and ending on 31 December 2022;
- (c) “eligible organisation” means any organisation issued with and holding a valid blue badge; and

- (d) “eligible person” means any person issued with and holding a valid blue badge.

Community transport vehicles

4.—(1) During the community transport vehicles transitional period the Council will treat any vehicle that is a qualifying community transport vehicle and that does not fall within paragraphs 1 to 5 of Annex 2 as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying community transport vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) it is being used pursuant to a community transport permit;
- (c) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex; and
- (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) A holder of a community transport permit may apply to the Council to specify a vehicle in relation to that permit for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(6) In this paragraph—

- (a) “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985; and
- (b) “community transport vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2022.

Vehicles used by registered healthcare providers

5.—(1) During the healthcare providers transitional period the Council will treat any qualifying healthcare provider’s vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying healthcare provider’s vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex;
- (c) the Council is satisfied it is used on that charging day—
 - (i) for the purposes of undertaking a regulated healthcare activity; and
 - (ii) by or on behalf of a registered healthcare provider; and
- (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) A registered healthcare provider may apply to the Council to specify a vehicle as a healthcare provider’s vehicle for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) In this paragraph—

- (a) “healthcare providers transitional period” means the period beginning with the commencement date and ending on 31 December 2022;
- (b) “registered healthcare provider” means a person registered as a service provider under part 1 of the Health and Social Care Act 2008;
- (c) “regulated healthcare activity” means any activity specified in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

Wheelchair-accessible taxis and private hire vehicles

6.—(1) During the wheelchair-accessible vehicles transitional period the Council will treat any qualifying wheelchair-accessible taxi or private hire vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying wheelchair-accessible taxi or private hire vehicle if—

- (a) it appears on a list of vehicles maintained under section 167(1) of the Equality Act 2010; and
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex.

(3) In this paragraph “wheelchair-accessible vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2022.

Commercial vehicles granted a temporary exemption under the Business Assistance Scheme

7.—(1) During the Business Assistance Scheme transitional period the Council will treat a qualifying commercial vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying commercial vehicle on any charging day if—

- (a) it has been specified by the Council under sub-paragraph (3) pursuant to an application under sub-paragraph (4);
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex; and
- (c) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) The Council shall specify a vehicle for the purpose of sub-paragraph (2)(a) if it is satisfied that—

- (i) the vehicle concerned has been the subject of an unsuccessful application to the Business Assistance Scheme for funding for the replacement of that vehicle with a compliant vehicle;
- (ii) pursuant to a successful application to the Business Assistance Scheme an order has been placed for the purchase of a compliant vehicle to replace the vehicle concerned but the replacement vehicle has not yet been made available for use; or
- (iii) pursuant to a successful application to the Business Assistance Scheme an order has been placed for the vehicle concerned to be retrofitted but the retrofitting has not yet been completed.

(4) An application to the Council to specify a vehicle must—

- (a) include such evidence—
 - (i) of the unsuccessful application to the Business Assistance Scheme for replacement of the vehicle concerned;
 - (ii) that a replacement compliant vehicle has been ordered;
 - (iii) that the an order has been placed for the vehicle to be retrofitted;
 - (iv) of the relevant replacement date;

- as the Council may reasonably require; and
 - (b) be made by such means as the Council may accept.
- (5) In this paragraph—
- (a) “Business Assistance Scheme” means the “Pre-Euro 6 Business Assistance Scheme” as set out on the Council’s website and as may be amended from time to time;
 - (b) “Business Assistance Scheme transitional period” means the period beginning with the commencement date and ending on the earlier of—
 - (i) the replacement date; and
 - (ii) 31 December 2022;
 - (c) “replacement date” means the date specified in any application under sub-paragraph (4) as the date on which either—
 - (i) a replacement compliant vehicle is to be provided for use in replacement of the qualifying commercial vehicle; or
 - (ii) the retrofitting of the qualifying commercial vehicle is to be completed.

Recovery vehicles

8.—(1) During the recovery vehicles transitional period the Council will treat any qualifying recovery vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

- (2) In this paragraph—
- (a) “qualifying recovery vehicle” means—
 - (i) a vehicle licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act;
 - (b) “qualifying recovery vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

Showman’s vehicles

9.—(1) During the showman’s vehicles transitional period the Council will treat any showman’s vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

- (2) In this paragraph—
- (a) “showman’s vehicle” means any vehicle that—
 - (i) is registered under the 1994 Act and is a “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act; or
 - (ii) is registered in a country other than the United Kingdom, in accordance with that country's rules governing the registration of such vehicles, in the name of a person following the business of a travelling showman and used solely by that person for the purposes of his business and no other purpose;
 - (b) “showman’s vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

Special vehicles

10.—(1) During the special vehicles transitional period the Council will treat any special vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “special vehicle” means—
 - (i) a vehicle registered under the 1994 Act that falls to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act;
- (b) “special vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

Special type vehicles

11.—(1) During the special type vehicles transitional period the Council will treat any special type vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “special type vehicle” means a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988; and
- (a) “special type vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

General haulage vehicles

12.—(1) During the general haulage vehicles transitional period the Council will treat any general haulage vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “general haulage vehicle” means—
 - (i) a vehicle registered under the 1994 Act that falls to be treated as a “haulage vehicle” within the meaning of paragraph 7 of Schedule 1 to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be treated as a “haulage vehicle” within the meaning of paragraph 7 of Schedule 1 to the 1994 Act;
- (b) “general haulage vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

Emissions standards for temporary non-chargeable vehicles

13.—(1) A vehicle meets the standards required of a temporary non chargeable vehicle if the Council is satisfied that—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the Euro 4, Euro IV, Euro 5 or Euro V emissions standards;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO_x specified for the vehicle in column (e) would not be exceeded during the appropriate test or tests specified in column (f) of Table A; or

- (c) in respect of all other vehicles, the Council is satisfied that the limit values for the emission of NO_x specified for the vehicle in column (e) would not be exceeded during the appropriate test or tests specified in column (f) of Table A.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table A — EURO 4/IV LIMIT VALUES FOR COMPRESSION IGNITION VEHICLES

| <i>(a)</i> Row No. | <i>(b)</i> Vehicle Class | <i>(c)</i> Maximum mass of vehicle, where relevant (kg) | <i>(d)</i> Reference mass of vehicle, where relevant (kg) | <i>(e)</i> Limit values for NO _x | <i>(f)</i> Appropriate tests |
|--------------------------|------------------------------------|---|---|---|---------------------------------|
| (1) | M ₁ | not exceeding 2,500 | | 0.25g/km | Type I |
| (2) | M ₁ | exceeding 2,500 | not exceeding 1,305 | 0.25g/km | Type I |
| (3) | M ₁ | exceeding 2,500 | exceeding 1,305 and not exceeding 1,760 | 0.33g/km | Type I |
| (4) | M ₁ | exceeding 2,500 | exceeding 1,760 | 0.39g/km | Type I |
| (5) | M ₂ | not exceeding 2,500 | | 0.25g/km | Type I |
| (6) | M ₂ | exceeding 2,500 and not exceeding 3,500 | exceeding 1,305 and not exceeding 1,760 | 0.33g/km | Type I |
| (7) | M ₂ | exceeding 2,500 and not exceeding 3,500 | exceeding 1,760 | 0.39g/km | Type I |
| (8a) | M ₂ | exceeding 3,500 | not exceeding 2,840 | 0.39g/km | Type I |
| (8b) | M ₂ | exceeding 3,500 | not exceeding 2,840 | 3.5g/kWh | ESC / ETC |
| (9) | M ₂ | exceeding 3,500 | exceeding 2,840 | 3.5g/kWh | ESC / ETC |
| (10) | M ₃ , N ₃ | | | 3.5g/kWh | ESC / ETC |
| (11) | N ₁ sub- class (i) | | not exceeding 1,350 | 0.25g/km | Type I |
| (12) | N ₁ sub- class (ii) | | exceeding 1,305 and not exceeding 1,760 | 0.33g/km | Type I |
| (13) | N ₁ sub- class (iii) | | exceeding 1,760 | 0.39g/km | Type I |
| (14a) | N ₂ | | not exceeding 2,840 | 0.39g/km | Type I |

| | | | | | |
|-------|----------------|--|---------------------|----------|-----------|
| (14b) | N ₂ | | not exceeding 2,840 | 3.5g/kWh | ESC & ETC |
| (15) | N ₂ | | exceeding 2,840 | 3.5g/kWh | ESC & ETC |

DRAFT

PART 1 –
THE COUNCIL'S GENERAL PLAN FOR APPLYING ITS SHARE OF THE PROCEEDS OF
THIS SCHEME DURING THE OPENING TEN YEAR PERIOD

It is proposed that the Scheme would commence on []. This plan therefore covers the ten-year period from [] to [].

The objective of the Scheme is to take steps towards meeting required limit values for nitrogen dioxide (NO₂) in the shortest possible time, and by so doing reduce the exposure of people to excessive levels NO₂. This would be done by applying a substantial daily charge so that operators would make an economic decision whether or not to take their vehicles into the clean air zone. The charge is set at such a level as to encourage operators to modify or replace their vehicles or change modes, and so maximise the air quality and health benefits of the zone.

The revenue generated by the Scheme would in the first place be used to cover the cost of operation of the Scheme, including the maintenance of cameras, operational staff, etc. It is not anticipated that the proposed Scheme would generate substantial net revenues. Indeed, the more vehicles that are compliant with the Scheme's standards the less revenue will be generated. However, in the event that net revenues are generated from the proposed Scheme over the opening ten year period, these proceeds would be applied in such proportions as may be decided by the Council, to directly or indirectly facilitate the achievement of the transport policies set out in the Joint Local Transport Plan, Getting Around Bath – A Transport Strategy for Bath and Balancing Your Needs – A Parking Strategy for Bath & North East Somerset and as may be amended or supplemented from time to time.

These improvements could include:

- improving air quality by supporting work on assessing the health impact, air quality and traffic monitoring improvements, other Air Quality Management Areas and zero and low emission vehicles
- providing attractive and safe walking and cycling networks, and initiatives to support the uptake of active travel including the promotion of Workplace and School Travel Plans and formation of low traffic neighbourhoods and school streets
- supporting and enhancing the existing public transport network, including home to school transport
- using technology to monitor traffic flows, keep traffic moving and improve the enforcement of traffic restrictions
- providing initiatives park and ride and sharing schemes to minimise the impact of single occupancy vehicles
- introducing measures to influence and better manage private car use
- enabling deliveries to be made more efficiently, such as supporting the development of freight consolidation centres and providing for distribution by less polluting modes

PART 2 –
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF THE
PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

It is proposed that the Scheme would commence on []. This plan therefore covers the five-year period from [] to [].

As set out in Part 1 of this Annex, it is not anticipated that the proposed Scheme would generate substantial net revenues. The Council's detailed plan for applying any net proceeds during this period would therefore depend to a large extent on:

- the level of net proceeds generated;
- the progress made towards meeting the required limit values for NO₂;
- to what extent the Scheme has impacted on the affected groups identified in the Equalities Impact Assessment for the Scheme;
- to what extent the proposed improvements have already been implemented by other means.

Given these uncertainties the Council intends to form a Revenue Reinvestment Reserve Steering Group comprised of councillors, senior officers and representatives from relevant business and other key interest groups to review and prioritise the proposed improvements and make recommendations to the Project Board for approval.

These improvements could include:

- enhancing the non-charging measures already being funded by the Government's Implementation Fund and Clean Air Fund;
- enhancing the monitoring and evaluation of the Scheme (and implementing the contingency plans if required);
- maintaining and enhancing the existing walking and cycling network and creating low traffic neighbourhoods;
- supporting walking, scooting and cycling to school initiatives and creating school streets;
- supporting and enhancing the public transport network, including home to school transport;
- maintaining and enhancing the public electric vehicle charge point network;
- supporting and enhancing sharing schemes such as the electric cycle hire scheme and car and van club network;
- providing additional park and ride capacity and security at the existing park and ride sites and on existing bus routes;
- providing schemes to reduce the impact of vehicles on the health and wellbeing of residents and visitors;
- supporting the development of a mobility as a service (MaaS) platform; and
- related research and policy development.

Appendix 1

Latest Ofsted Judgements

| Local Authority | Date of Inspection | Latest Main Inspection Judgement | Latest Focus Visit | Latest Joint Targeted Area Inspection | SEND |
|----------------------------|--------------------|----------------------------------|--|---|------------|
| Bath & North East Somerset | 24/04/2017 | ● | Arrangements for care leavers (26/11/2019) | | 18/03/2019 |
| Bmth Xch Poole | 16/07/2018 | ● | Planning & achieving permanence (05/11/2019) | | |
| Bristol | 10/09/2018 | ● | | Abuse and neglect (16/10/2017) | 30/09/2019 |
| Cornwall & Isles of Scilly | 14/10/2019 | ● | | Sexual abuse in the family (08/10/2018) | 03/07/2017 |
| Devon | 20/01/2020 | ● | CIN & CP (01/05/2019) | | 10/12/2018 |
| Dorset | 22/02/2016 | ● | CIN & CP (01/10/2019) | CSE, Gangs and Missing (21/05/2018) | 11/02/2019 |
| Gloucestershire | 27/02/2017 | ● | | | 13/06/2016 |
| North Somerset | 12/06/2017 | ● | First point of contact (19/03/2019) | | 14/05/2018 |
| Plymouth | 29/10/2018 | ● | First point of contact (01/05/2018) | Children's mental health (18/11/2019) | 10/10/2016 |
| Somerset | 07/11/2017 | ● | First point of contact (29/01/2019) | | |
| South Gloucestershire | 04/03/2019 | ● | | | 06/11/2017 |
| Swindon | 01/07/2019 | ● | Arrangements for care leavers (06/02/2019) | | 19/11/2018 |
| Torbay | 11/06/2018 | ● | | | |
| Wiltshire | 03/06/2019 | ● | | Abuse and neglect (04/11/2016) | 29/01/2018 |

Key ● Outstanding ● Good ● Requires Improvement ● Inadequate

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David Redgewell statement

Dear Councillors

We are still very concerned about the west of England bus recovery plan but we are pleased with the progress being made by the on bringing back bus services.

From the 2nd August 2020 the 37 trunk route service between Bath Spa bus and coach station to Weston, Kelston, Bitton, Longwell Green, Hanham, St George. Lawrence hill station, Bristol bus and coach station will be restored although

we still have 11 routes still not operational. including route 18 Bath bus and coach station via Keynsham, route 178 Bristol to Radstock via Brislington and Keynsham, route 96 Brislington to Hengrove via Knowle, X2 Bristol bus station to Yatton, Worle and Weston Super Mare.

With government instructions to bring the network level back to 80% we still do not have a proper bus service to Marshfield even after 4 months (route 35).

The Marshfield to Bristol City City Centre bus service stopped operation without any public consultation due to covid 19. As of the 31st March 2020 this was a South Gloucestershire council tendered bus service so can we again ask the WECA mayoral transport authority if this service is going to be retendered or reinstated

We want the Y2 Bristol bus and coach station to Yate bus station and Chipping Sodbury via Fishponds evening service reinstated as well as the T2 service from Bristol Bus and coach station via Gloucester road and Cribbs Causeway bus station to Thornbury as a matter of urgency.

There is an urgent need for these services to be reinstated for local journeys in the evening.

The WECA mayoral transport authority has a duty to provide services under Government guidance on Covid 19 by accessing the bus operators grant but is failing to carry this out with a passenger consultation like Somerset County Council Wiltshire or Gloucestershire County Council have done. The Government is not expecting the transport authority to reinstate evening and weekend services it seems.

Bus grants are helping to restore services in Gloucester, Cheltenham, Stroud, Swindon, Bournemouth, Poole, Christchurch, Cornwall and Plymouth in the South West region.

It is very disappointing that we still have no public enquiry line at the WECA mayoral transport authority.

Since public transport services transferred from Bristol city council, South Gloucestershire County Council and Bath and North East Somerset enforcement of face coverings is required on public transport but it is also the case that exemptions do apply for those who have respiratory/ health conditions including hypertension and masks should be made available to vulnerable public transport users by transport staff to those have been unable to obtain one. The mask wearing opt out is not well publicised by local authorities at bus stops or in the local new media and rigid mask wearing enforcement without the general public being informed of their rights could mean that vulnerable customers being refused travel. Can the issue of proportionate enforcement be raised with Sue Mountstevens, the Police and Crime Commissioner, and Chief Constable Andy Marsh, Bristol Port Police and the British Transport Police.

As bus regulations have changed to allow 18 passengers on a single decker and 35 on a double decker bus and 60 on a 3 car train on the Bristol Temple Meads, Filton Abbey Wood, Bristol Parkway, Yate, Cam & Dursey, Gloucester and Cheltenham services, the Severn Beach line and the main line to South Wales via Patchway and Pilning we need regular deep cleaning of buses and trains, bus shelters, bus and railway stations and enforcement on face coverings.

Realtime information is still not operational on bus stops, interchanges and bus stations.

We note that there are issues with bus and cycle lane paint markings fading on Metro bus routes and elsewhere which make them unclear for cyclists and other transport users and urge that an audit is carried out to rectify any problems. An example of this at the Lawrence Hill inbound bus lane by Ducie Road on the 37 route. It also appears that not all BANES bus shelters are being cleaned and that the passenger information points at Bath Spa bus and coach station and Wells bus station are still closed even though others at Stroud, Gloucester and Cheltenham have reopened.

Tourism is worth 1.4 billion pound to the economy of Greater Bristol and Bath and is important to public transport.

Western Gateway transport board.

We are also extremely concerned about the consultation of the western gateway transport board plan and the lack of public consultation on this vital regional plan during the covid 19 emergency.

The fact that the region has 2 transport boards is not supported by any environmental or transport group holds us back in the view of the regional Travel Watch South West organisation. We are unhappy that Somerset is split in half as a county a bit like East and West Germany. Partition is good in British history and now exists in the 7 countries of the South West.

This will also impact on local government proposed reorganisation in Somerset.

The issue that concerns us the most is the lack of a clear regional bus and coach network policy. There is no clear investment strategy for Transport interchanges such as Bristol Temple Meads station as a major station in the South West of England or Bristol Parkway, no clear regionally important bus or coach links such as Bristol bus and coach station to Cribbs Causeway bus station and Chepstow bus station, or Bath Spa bus station to Trowbridge, Warminster, Salisbury, Bristol Airport, Churchill, Bridgwater, Taunton, Cullompton, Exeter, Newton abbot, Plymouth apart from the limited South West Falcon coach services or Chepstow bus station to Gloucester bus station link nor are there services from Thornbury to Gloucester bus station. The 376 service from Bristol bus and coach station to Wells, Glastonbury and Street is now running at increased frequency.

We welcome the reference to the Bristol Bath city region bus network and Gloucester Cheltenham bus network.

Bournemouth Poole and Christchurch network.

The plan has no rural transport policy. We welcome the railway policy and reference to Metro West and Regional railway routes but we appear to have no clear priority on station investment with Greater Bristol competing with Bournemouth, Poole and Christchurch Dorset for public transport network investment.

There is again a wish list of rural road improvements in Wiltshire and Dorset. The main railway network from London Paddington, Bristol Temple Meads to Penzance via Taunton, Exeter and Plymouth is seen as less important than a road from Bristol and the M4 to Poole.

Ports and Airports investment are not made clear. Is investment more important in the port of Poole than Weymouth or the port of Bristol, or Bournemouth Airport, Bristol Airport or Exeter Airport.

The region's main focus is not Bristol to Bath and Bournemouth-Poole's road system as the main road and Rail links go to Gloucester Cheltenham, Birmingham, Bristol, Taunton, Exeter, Plymouth and Cornwall or from Bristol to Newport and Cardiff.

Having seen clear investment plans by the Northern Powerhouse and The Midlands Engine, this plan needs considerable work on it and integration with the South West transport board plans. This not a region transport plan for investment post covid 19 having read the West Midlands plan. These concerns are also expressed by Sera South West and Transport for Greater Bristol. The closing date for the consultation is 31st of July 2020.

David Redgewell South West Transport Network and Railfuture Severnside.

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Statement of Support for Avon Wildlife Trust's Proposal for Entry Hill Golf Course, Bath

By Adam Gretton, Chair, More Trees for Bath and north east Somerset

moretreesbanes@gmail.com | 07739 737274

22nd July 2020

Thank you for giving me the opportunity to speak. My name is Adam Gretton, and I'm the founder and chair of More Trees BANES, a non-profit community group, which has been going for 12 years.

We have been made aware of Avon Wildlife Trust's bid for Entry Hill Golf Course and would like to voice our support for their plans.

You, the council, have declared a climate emergency, and tomorrow are voting on whether you declare an ecological emergency. Whether this is voted through or not, we are in an ecological and climate emergency. The two go hand-in-hand and cannot really be separated from each other.

As you will see in this bid, AWT have pointed out that 41% of UK wildlife species are in decline and 15% are at risk of extinction, primarily due to the threats of climate change and habitat loss.

Although they are green and pleasant to look at, golf courses are typically quite sterile environments, where chemicals such as pesticides are used. Even where these aren't used, the frequent mowing and emphasis on certain grasses makes them deceptively barren places as far as wildlife goes.

Most of us are acutely aware of the importance of bees and pollinating insects, and yet we continue to allow widespread use of pesticides and removal of habitat.

We have a once-in-a-lifetime opportunity here to create a rich wildlife haven, which local residents and visitors can also enjoy. It's an innovative model and one which we hope to be part of. We're exploring the potential for More Trees BANES to have a Community Tree Nursery as part of AWT's plans for Entry Hill. This would see us engage with the local community and schools etc, to collect seed from local trees, germinate and grow these on, for planting out in the local area. We hope to be able to make it easier for you to hit your target of planting 100,000 trees by May 2023, and reduce the need for you to import saplings from abroad.

We have nothing against golf, but do feel there are plenty of other places to play locally. This nature reserve will appeal to a much broader and larger group of people.

I ask you to support Avon Wildlife Trust's bid and grab this incredible opportunity for Bath.

Thanks for listening.

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Future of Entry Hill and Approach Golf Courses

Speaking Note for 22nd July 20 Cabinet

FoBRA brings together 33 individual residents' associations across Bath, with a combined membership of around 5000. We citizens treasure our green spaces, both for recreation and for the appearance and beauty of this World Heritage City: *rus in urbe* being one of the key features of Bath's inscription by UNESCO in 1987. So residents are always worried when these 'lungs' are threatened with change. Clarity and consultation must be watchwords, therefore. Perhaps, as an added protection, one or both areas should be declared Local Green Spaces to ensure their conservation in perpetuity, particularly as the Local Plan is entering a review process.

The two sites which you are considering today are on opposite sides of the city and are very different: linked only by golf and the fact that both seem to be operating at a loss. There has been much consultation on the future of Entry Hill, but a worrisome variation in the origin of many respondents, seemingly from most of the country, whereas one would have expected both equal treatment and local interest to predominate. This casts doubt on the validity of the consultation. Nothing similar has yet been done for the Approach; so, if any material change is contemplated there, for example on the 12-hole course, consultation has to take place.

As far as golf is concerned, Entry Hill is a Handicap course, registered with British Golf, whereas Approach is not, so they are rather different animals. Both are also enjoyed by walkers, for relaxation and for observation of the wildlife, so some form of area management is vital, if only to prevent the kind of 'bad behaviour' which has sadly been seen there during Lockdown. They can't be allowed simply to 'go wild'.

It is right in these straitened times that you investigate whether the reported revenue losses can be reduced or eliminated, but let this not be at the expense of their continuing to be fine open spaces, freely available for recreation. In recent years the Cabinet paper shows Approach to have made a profit; and I understand that at least one of the commercial bidders is confident that this can soon happen again, and with both sites, if properly managed, thereby solving the financial problem as well as taking the risk from the Council. There are nearby examples which are profitable.

Uses other than golf have been proposed for Entry Hill, such as a biking park, which might be even more popular than golf. However, during the bidding process, the Council would have to make sure it was not left with an expensive white elephant, which might also cause more noise, traffic and parking in a quiet residential area than golf does. I would particularly urge therefore that the criteria for marking bids,

mentioned in para 2.3 of your paper, are made public, and that you insist on the final decision coming back to you, or even to a full Council meeting.

Thank you.

Robin Kerr, Chairman, final, 22nd July 20

22 July 2020

Cabinet Meeting

Statement: Emilio Pimentel-Reid/ Chairman Friends of the High Common

STARTS

I speak today as the chair of the Friends of the High Common regarding the future of our local green space.

This section of Royal Victoria Park which some of you know as the Approach Golf Course is currently officially closed for golf without any specific reopening date. In the meantime, it continues to experience anti- social behaviour, limited maintenance which endangers the greens and more generally the natural environment, and a general sense of loss of council control.

Unlike Entry Hill, where persons from as far as Scotland have apparently been able to have a say - and been consulted in a controversial 250 page plus report - at the High Common this has not been the case and we understand, even though we are local residents, we won't be formally consulted about its future.

Cllr. Crossley has confirmed on the record, that there is no threat to, in his words, to "public open access" to the High Common.

He claims there will be no physical changes to the park, no additional allotments built and no change from the current golf activities. It has been confirmed that a new specialist golf operator is being brought and that they can pay the full cost of maintenance, guaranteeing that the golf course will not need to be subsidised by the council at all.

I would emphasise that the efforts of Friends of the High Common were crucial in winning this clear statement, after months of confusion and concern.

However, residents wonder whether these guarantees sound too good to be true:

- We've been told that golf does not only mean golf but the nebulous 'golf derived sports' which can include golf frisbee and possibly anything else the new operator suggests can be played on a green field.
- We understand that the 12 hole course on the Western side of the park is likely to close - but this apparently doesn't qualify as a change of use, even if maintenance is dropped.
- Finally, there is the phrase public open access which a new specialist golf operator may choose to re-define the High Common, just as officious Council employees have done in the recent past, trying to limit residents previously established use.

In an environ when residents voices are increasingly not being heard, our community hopes that we won't see children, the vulnerable, dog owners, elderly residents, the Nordic walkers and many other local residents excluded and corralled onto narrow paths.

We look for commitment from the entire council to back up Cllr. Paul Crossley's promises –

AND the Friends of the High Common with support from local residents will continue to campaign to keep this vital green space in central Bath open ---as it has been for years, for All.

ENDS

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Statement to 22.7.20 B&NES Cabinet

Thank you chair.

I speak as a business strategy, policy & sustainability professional, and also as a citizen living a fifteen minute walk from the lower end of the Entry Hill golf course. Although I am well aware of the site's under utilised potential and am passionate about finding a more desirable and feasible future use, as yet I have no particular view as to what that might be.

My heart sank on first reading the agenda papers for this item, for it seemed that the Council has already decided the best use for the site and best way of procuring it, and that in so doing it hasn't learned from the costly environmental decision-making mistakes of the previous administration – lack of strategic contextual awareness, flawed stakeholder consultation and option evaluation processes, and pre-framing of politically and value sensitive decisions – to name but a few.

So, what could the Cabinet do to counter such perceptions (and perhaps would have done were they not dealing with a pandemic)?

1. Note the biases in the consultation process and deficiencies in the option evaluation methodology leading to the report authors' unwarranted inference of the Family Cycle Centre/Mountain Bike Park being the preferred option);
2. Recognising the complexities and uncertainties involved, align the Council's objectives and priorities for use of the site with those of its 2019-23 Corporate Strategy, as updated today in the light of crisis Covid19 response and amplified in tomorrow's declaration of a B&NES Nature Emergency;
3. Rather than design the procurement process around a particular preferred use, choose one most likely to generate desired longterm economic, social and environmental outcomes. For example, rather than the DBFO route suggested in the report, why not consider selecting a preferred partner or partners with whom to develop the site holistically thereby allowing bidders to bring their skill, judgement, creativity to bear in finding
 - uses for the site advancing the Council's vision and strategic priorities;
 - engaging and involving community stakeholders; and critically,
 - in attracting new sources of funding.

Rather than settle for a swift, utilitarian and 'good-enough' solution for the Entry Hill site, I urge you to seize this pivotal moment in our locality's journey towards a thriving greener future, and the opportunity the site's unique topography and relationship with the World Heritage City of Bath presents, to co-create something visionary, invigorating and inspiring and thereby proof the future of our esteemed landscape city.

Nicolette Boater, B.A.(Oxon.), M.Phil.

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Entry Hill Golf Course. A Green Future

Thank you Dine for allowing me the opportunity to speak this afternoon.

My name is Katina Beckett and I am the Chair of the Entry Hill Community Association.

We are the Residents Association closest to Entry Hill Golf Course.

I would like to start by expelling two myths! -

1 That the community on Entry Hill are not open to change.

2 That the residents on Entry Hill would welcome any proposal as long as traffic is diverted to Wellsway. Entry Hill Golf Course is a lovely green lung and a Conservation area on the doorstep of residential housing. It is already home to wonderful wildlife.

The site needs a sustainable proposal that maintains and enhances the ecology of the golf course.

The council shouldn't have to subsidise golf or any other activity at this site.

The recent consultation and survey saw the future of our golf course fall into the hands of individuals who, not only, did not reside in our area, but were actively lobbied accross the UK to respond to the survey - we believe this altered the results in favour of a bike park.

The mountain bike and sculpture park may have their appeal, but not at this site!

They are both tourist attractions. They require a substantial increase in outside visitors to make them viable.

In fact, the sculpture park has made provisions for coaches to arrive to the site via Entry Hill - feedback from BANES Traffic and Highways

confirms that this is not safe or practical.

Both proposals will need considerable money and excavation works in order to change, what doesn't need changing.

Our wildlife - Gone!

We will loose the current balance of grassland and woodland biodiversity and indeed the landscape.

The golf course also lies on contimated land, it contains domestic, commercial and industrial waste.

There is no doubt, that any upheaval has a very high risk of releasing toxic substances.

We have been active in communicating with one of the golf proposers:

He is local, has knowledge of grass species and ecology, he supports incorporating Scholars Way Cycling Path onto the site.

He would also include:

An outdoor education centre,

ecological trails

and, a new vibrant community cafe

with golf as the leisure activity - promoted to a wider BANES demographic.

He can step onto this site with very minimal disruption and costs, with a plan that ties in with the exisiting environment, and begin the recovery process.

We request please, that the Cabinet include the Golf Plus option as one of the proposals that goes through the tendering process.

Thank you.

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Entry Hill Golf Course, Bath – Statement to Cabinet

I am speaking today as both a Bath resident and Director of Conservation at Avon Wildlife Trust.

As the Council has recognised, we are facing a climate and nature emergency locally as well as globally, with accelerating declines in wildlife undermining the natural systems on which we depend. Entry Hill presents a significant opportunity to address the ecological, climate, health and economic crises we now face. Avon Wildlife Trust and Forest of Imagination have submitted a proposal to maximise this opportunity by creating a new nature and art park for Bath.

Bath is an internationally important area for wildlife so greenspaces like Entry Hill can provide vital links in the “wildlife corridors” needed to support nature’s recovery and deliver a net gain for biodiversity in Bath. Sites like Entry Hill can help to tackle air pollution through natural solutions such as tree planting and improving the ability of the land to absorb and store carbon through the restoration of soils and meadow creation. This is currently limited by intensive and damaging management.

Opening the site to everyone will enable people to get closer to nature and have enormous health and wellbeing benefits for residents and visitors, placing the importance of the environment, creativity and the arts at the heart of this process. Developing a new landscape scale outdoor offer for visitors to the city will aid a green recovery for Bath. It will offer something new for visitors and residents by establishing a nature-rich landscape and create valuable green infrastructure that contributes to the West of England Nature Recovery Network.

Bath and North East Somerset Council have limited assets available for such transformational projects with long term ecological, societal and economic benefits. A nature and art park at Entry Hill can incorporate multiple benefits for the local community, visitors, Bath’s economy and the environment whilst enabling the Council to deliver their ambitions to address the ecological and climate emergencies.

Nature urgently needs our help to recover and we need nature and creativity to thrive, it is not yet too late to make a difference. I urge Bath and North East Somerset Council to make addressing the ecological and climate crisis the most important factor in determining the future of all their land holdings and in doing so instigate a green recovery for the city.

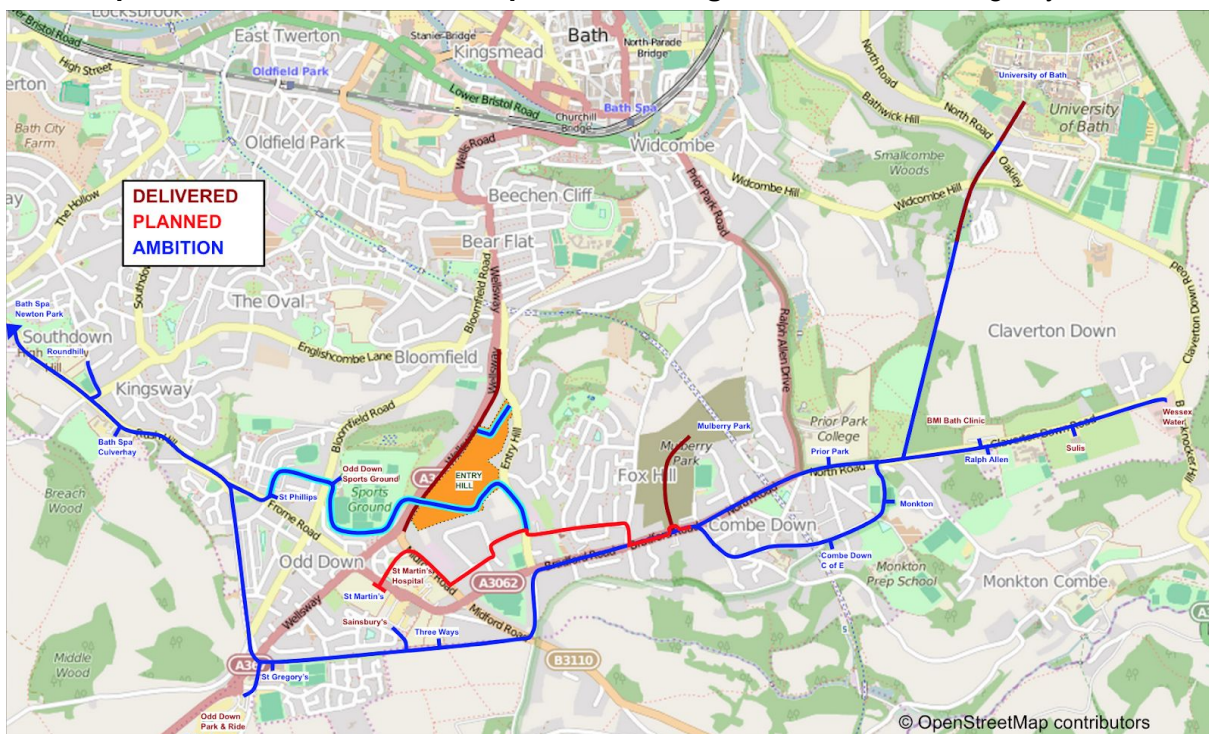
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Response to the Entry Hill Consultation

Walk Ride Bath Walk Ride Bath (WRB) recognises that any use of Entry Hill should be evaluated in terms of economic, social, and environmental benefits and is pleased that this evaluation was done as part of the consultation process.

Walking and Cycling Routes

WRB would ask the council to ensure that any use of Entry Hill would facilitate the long term delivery of Scholars Way, a route that connects over 23,000 students and residents to their communities and workplaces by ensuring that **walking and cycling routes across the grounds at the top and bottom of the site are planned and agreed** before awarding any contracts.



These walking routes provide good connections to regular bus services on Wellsway. Consideration should be made for access through the council's depot site above the current entrance to facilitate the most direct route from Hawthorn Grove to Wellsway.

Close Entry Hill Entrance to Vehicles

WRB would request that the council **closes the current vehicular access to Entry Hill** and re-open the existing entry point on Wellsway in line with the council's recently published Liveable Neighbourhoods strategy removing all unnecessary traffic from Entry Hill returning it to a quiet residential area.

In the consultation report many Entry Hill residents object to the Mountain Bike Park as this would generate too much traffic. The implication of this objection is that any proposal that would be really successful and generate an increase in traffic will have local opposition, ergo maintaining use as a

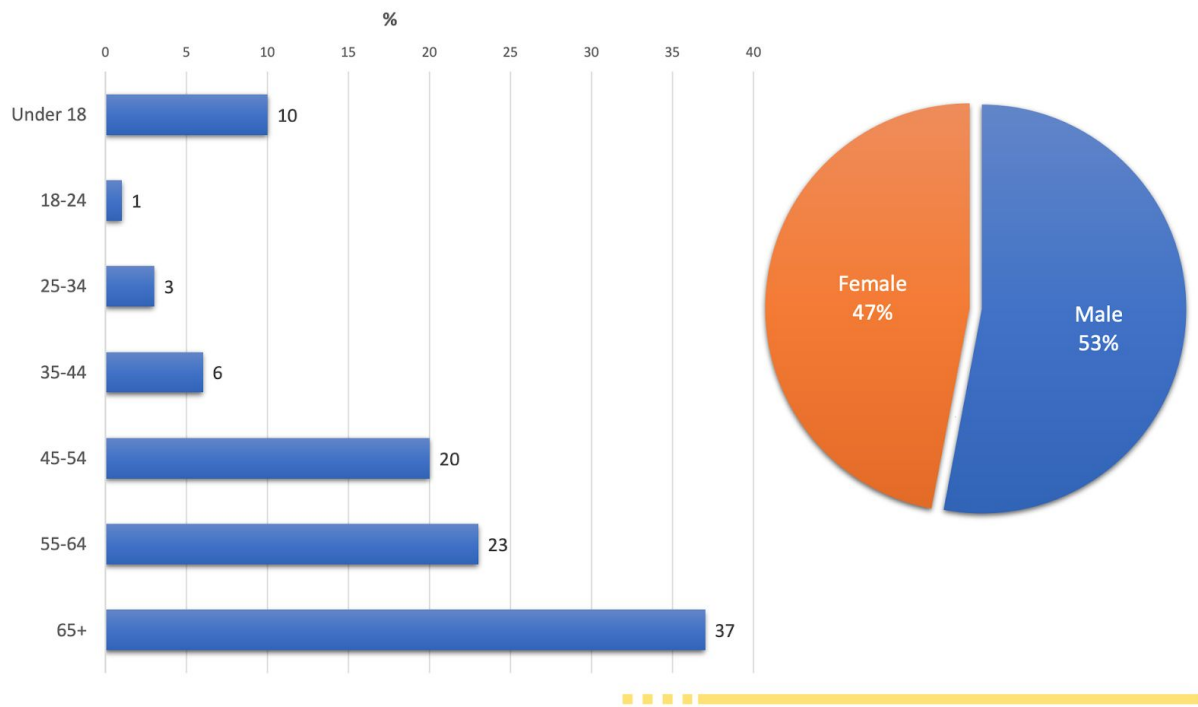
low-footfall unsuccessful golf course becomes the default goto political decision. The “we want it to stay as a golf course because nobody uses it” conundrum.

Moving the main entrance point to Wellsway removes this valid objection and allows the council to make an informed decision to maximise economic, community, and biodiversity benefits of the site for all Bath residents without impacting Entry Hill residents adversely.

Demographics, Climate Emergency, and Financials

It should be noted that the consultation attracted an unusually high level of feedback from under 18s (almost unheard of) and the council and consultants should be extremely proud of this achievement. It highlights a huge desire for something more appealing to all ages from the community.

3.2 Age and gender - Events



Lemon Gazelle Community Interest Company www.lemongazelle.co.uk Page 2

Examining the consultation scoring it is clear that the golf course fails on pretty much all counts with a very narrow demographic appeal.

4.7.1 A Café with a Park (plus)

| Climate Emergency | Score out of 100 |
|------------------------|------------------|
| Tree planting | 70 |
| Biodiversity | 60 |
| Sustainable management | 50 |
| Sustainable transport | 70 |

| Activity | Score out of 100 |
|------------------|------------------|
| Children | 50 |
| Teenagers | 20 |
| Young Adults | 20 |
| Middle Ages | 40 |
| Elder | 40 |
| Multi generation | 60 |

| Budget | Score out of 100 |
|---------------|------------------|
| Capital | 90 |
| Revenue costs | 20 |

4.7.2 Family Cycle Centre / Mountain Bike Park

| Climate Emergency | Score out of 100 |
|------------------------|------------------|
| Tree planting | 80 |
| Biodiversity | 80 |
| Sustainable management | 70 |
| Sustainable transport | 50 |

| Activity | Score out of 100 |
|------------------|------------------|
| Children | 50 |
| Teenagers | 80 |
| Young Adults | 80 |
| Middle Ages | 70 |
| Elder | 30 |
| Multi generation | 70 |

| Budget | Score out of 100 |
|---------------|------------------|
| Capital | 30 |
| Revenue costs | 80 |

4.7.3 Golf Course (under different operating model)

| Climate Emergency | Score out of 100 |
|------------------------|------------------|
| Tree planting | 20 |
| Biodiversity | 35 |
| Sustainable management | 40 |
| Sustainable transport | 30 |

| Activity | Score out of 100 |
|------------------|------------------|
| Children | 20 |
| Teenagers | 20 |
| Young Adults | 20 |
| Middle Ages | 60 |
| Elder | 80 |
| Multi generation | 20 |

| Budget | Score out of 100 |
|---------------|------------------|
| Capital | 70 |
| Revenue costs | 35 |

In terms of the Climate Emergency, it would actually be better for the council to abandon the site and leave nature to reclaim it rather than keep it as a golf course.

BaNES Residents Sub-report

WRB is concerned the council commissioned consultant's sub-report appears to try to restrict results to those that identify as "BaNES Residents" and then specifically examines "local" golfers within a 1-2 mile walk of Entry Hill.

1. Radial analysis of sentiment would have been much more useful. We are on the border of Wiltshire, Bristol, and South Glos. 1-30km radial analysis would have provided a significantly more informed understanding of commercial viability of each proposal.
2. 100% of golfers will be driving to golf courses so distances are irrelevant and the quality of the golf will be more important, not how close you live to Entry Hill. WRB recognises that any successful proposal will generate increased vehicular traffic. This would not be perceived as a negative thing if the entrance on Wellsway was opened.
3. No analysis of existing golf courses or bike parks was done to see what the financial success of each proposal would be and the size of the potential customer base.
 - a. Nearest golf course to Entry Hill is the much better Approach course (3 miles)
 - b. Nearest good bike park to Entry Hill is Longleat (18 miles)
4. No analysis of Entry Hill as a good quality golf course and whether a course on a steep hill suits the demographic that uses it (report identifies elderly). It should be noted that Entry Hill is rated 36th out of 37 courses in Somerset. WRB recognises the underinvestment over the coming years but nothing the council can do will fix the geography or that it can only support a 9 hole course.

Nature Park

The late addition of the Avon and Wildlife Trust/Forest of Imagination Nature Park is interesting but the failure of AWT/FoI to collaborate and create a Nature/Bike "Adventure" Park is disappointing.

WRB is of the opinion that there is room for many things on the 10 hectare site but keeping it as a golf course removes that possibility. Bath is better served by investing in the Approach golf course, moving the main entrance to Wellsway, and providing the opportunity for a mixed use "Adventure" park providing good public transport, walking, and cycling connections.

Conclusion (To be read out at the council meeting)

Walk Ride Bath would like to highlight the extremely high response rate from under 18 year olds to the consultation. Walk Ride Bath would also ask the council to recognise the strategic importance of Scholars Way on Bath's southern plateau, a walking and cycling network that connects 23,000+ students and communities to their places of work and the Odd Down Park and Ride. Walk Ride Bath would also ask the council to recognise the poor access to bus services that Entry Hill residents currently have. In light of these items Walk Ride Bath is requesting the council guarantee good walking and cycling routes are established across the Entry Hill site both at the top and bottom of the site.

Walk Ride Bath also recognises that any decision as to what to do with the site is coloured by the impact on local Entry Hill residents, particularly a major concern being any increase in traffic. Walk Ride Bath requests that the council opens the existing entrance on Wellsway and closes the Entry Hill entrance to vehicular access. This removes all unnecessary traffic from the quiet Entry Hill residential area in line with the recently published Liveable Neighbourhoods strategy while ensuring that decisions based on maximising Climate Emergency, Activity, and Budget criteria can be made without impacting the peace and quiet of the Entry Hill community.

The movement of the entrance to Wellsway enables the council to work with Bath BID, WECA, and LEP to develop the site into something that would create many job opportunities for Bear Flat, Odd Down, Fox Hill, and Combe Down residents while maximising Climate Emergency, Social, and Economic benefits for all of Bath.

Adam Reynolds
Chair Walk Ride Bath

Thank you Dine. The site is in our ward.

I think the process has been very helpful; it has stimulated discussion and debate and particularly for the bikers, a lot of out of area support. Of the 3200 respondents, 2500 have never been to Entry Hill or have rarely been -that's 78%. **I am particularly interested in the 960 who live in South West Bath.**

I support the proposal before you to go out to tender as ASAP and reach a decision based on the four criteria mentioned.

I share concerns of locals, who are now very keen to reduce traffic on Entry Hill that both the mountain bike option and that of the Sculpture wild life park are full blown visitor centres and to be successful, will create substantial extra footfall and considerably more car and even coach traffic. . Their scale on this site will be a radical transformation on what is there at present. **There are other better and more suitable sites in Banes for both, if it is still the desire of cabinet to extend the visitor economy into new areas.**

However neither do I see the existing rather sad run down golf operation, starved in the last six years of investment and marketing, and using outdated and harmful fertilisers and pesticides, being able to offer the community what it wants going forward.

Instead I am impressed by the new dialogue of those seeking a park with a café with local events, a forest school, an outdoor education and some sort of sports activity who are **talking** with those that want a reinvigorated golf offering aimed at a younger demographic, using sustainable grass species that both bring down course maintenance and will give an enhanced grassland and woodland biodiversity net gain.

It looks a robust proposal and I commend the newly formed Entry Hill residents association in bringing together these parties and forming a powerful coalition of local support.

Couple that prospect with a cycle and pedestrian path on the southern end of the site that links Hawthorn Grove to Wellsway, then we have an easier route for local residents to get to and from buses and a safer cycling route for

students at Ralph Allen and the University of Bath ,as well as cycling commuters. **Some have christened this Scholars 'Way.**

This would be a win win for the site. **But there is a prospect of another win win.** I also believe it is feasible to consider a smaller mountain bike experience on the Odd down sports ground in the woodland area that the council owns. **I am not pretending that It would be Longleat in scale or black runs ,** but it would offer a future of a three in one experience of mountain biking with the existing facilities of road biking and BMX. Combine that with a cycle lane down Bloomfield Road and a pedestrian crossing across Wellsway and we create a safe passage for cyclists from the twin tunnels going up to the University of Bath at relatively low cost. **Now we are talking joined up thinking—pedestrian and cycling routes linking to a cycling centre of excellence at Odd Down, a mouth watering prospect worthy of a Lib Dem manifesto!**



Future of Approach Golf Course

Statement for 22nd July Cabinet Meeting

Patricia Ludlam

I am representing Sion Hill and Summerhill Road Residents Association concerning the future of the Approach Golf Course.

Sion Hill borders the northern side of the Golf Course on High Common and many of our properties have boundaries with the Common and access gates onto it. Other properties overlook the Course.

Because of this very close association with the Common and hence the Golf Course, Sion Hill residents are particularly concerned about any change that could affect the land that has been here as a wonderful green and open space, for over a century. Golf has been played here for 60 years and with careful management of the land for golf, a tranquil setting has been maintained that walkers and golfers can enjoy in harmony.

Our residents want the golf to continue on the 18-hole course. We appreciate the financial constraints but note that the Approach Course actually made a profit 3 years ago and with good management and enterprise could surely do so again. Golf is played on the Approach by young and old and seems popular with students.

The Course is now closed, and we are told is unlikely to open until a new operator has taken over. As this could take months, we are concerned that the lack of management of the site has led to anti-social behaviour.

During Lockdown, High Common has been enjoyed by large numbers of residents who have come for exercise, picnics or just admiring the wonderful views from the top. Golf is still played by those who have their own clubs, although with some difficulty when people are sitting on the greens.

Unfortunately, there have been groups, mostly youths, who spoil it all. Some bring bikes and ride around the greens, later racing down the Course at speed. Others noisily set up football games on the greens. Groups of young people gather in the evening and often stay on after dusk sometimes until midnight, drinking, playing loud music, and creating a disturbance.

There are no controls in place that one can refer to. There used to be a sign saying 'no cycling' on the Course, but this has been removed. We urge the Council to address the problem of the anti-social behaviour occurring during this interim period. New signs, with restrictions such as seen for the Botanical Gardens could be installed at the entrances.

Thank you

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Statement to 22 July 2020 B&NES Cabinet

Thank you chair.

As both a citizen and sustainable development professional, last February I welcomed the Council's mould-breaking 4 year Corporate Strategy and integrated Corporate Delivery Programme and budget.

I similarly welcome, and find much to support, in the Corporate Strategy update later in today's agenda evaluating the impacts of Covid-19 on its robustness and deliverability, and it is in this context would like to make some observations on the key issues and actions it identifies.

1. In further developing 'quick and easy online engagement', please be aware that from the perspective of one wanting to constructively engage with the council, this can be frustratingly uninteractive, time inefficient and shallow -- a complement rather than substitute for the sort of collaborative working that resulted in the Community Engagement Charter.
2. Whilst references are made to the need to address adverse equality impacts in the Corporate Strategy update, there seems to be little in the renewal workstreams to ensure that this permeates the activities of those delivering it, or providing assurance that the perspectives, interests and insights of those bearing the brunt of economic recession (such as the growing numbers of precarious workers, and the disproportionately affected BAME, female, and young) are taken into consideration in creating the desired green, resilient economy in which all citizens and communities thrive.
3. The recently formed [Bath & North East Somerset Economic Renewal Partnership](#) seems to be largely composed of senior representatives of established Bath based institutions in currently dominant sectors of the B&NES economy. Given that the Council's renewal vision will require systemic change in our economy, surely a broader membership would be advisable (including for example champions of innovative purpose-led not-for-profit businesses and of excluded groups)?

Nicolette Boater, B.A.(Oxon.), M.Phil.

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