

BATH AND NORTH EAST SOMERSET

CABINET

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

Thursday, 9th September, 2021

Present:

Councillor Kevin Guy	Leader of the Council, Liberal Democrat Group Leader
Councillor Dine Romero	Cabinet Member for Children and Young People, Communities and Culture
Councillor Tim Ball	Cabinet Member for Planning and Licensing
Councillor Richard Samuel	Deputy Council Leader (statutory) and Cabinet Member for Economic Development and Resources
Councillor Sarah Warren	Deputy Council Leader and Cabinet Member for Climate and Sustainable Travel
Councillor David Wood	Cabinet Member for Neighbourhood Services
Councillor Tom Davies	Cabinet Member for Adults and Council House Building
Councillor Alison Born	Cabinet Member for Adults and Council House Building
Councillor Manda Rigby	Cabinet Member for Transport

50 WELCOME AND INTRODUCTIONS

The Chair (Councillor Kevin Guy) welcomed everyone to the meeting.

The Chair invited all Cabinet Members to introduce themselves.

The Chair also informed the meeting that speakers will have their opportunity to address the Cabinet before questions from public and Councillors.

51 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the evacuation procedure with health and safety notice.

52 APOLOGIES FOR ABSENCE

There were no apologies for absence.

53 DECLARATIONS OF INTEREST

There were none.

54 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Susan Charles read out a statement on behalf of Helen Dudden *[a copy of which is attached to the Minutes as Appendix 1 and on the Council's website]* where she questioned availability of accessible housing for a powered wheelchair user.

Susan Charles read out a statement *[a copy of which is attached to the Minutes as Appendix 2 and on the Council's website]* where she highlighted the risks that bicycles, electric scooters, skateboards etc. used on the pavements have on the vulnerable people.

Ceris Humphreys read out a statement *[a copy of which is attached to the Minutes as Appendix 3 and on the Council's website]* where she asked the Cabinet to restrict all HGVs traffic through Bath.

Martin Grixoni addressed the Cabinet by saying that he was proud to live and work in Bath, and the Council and its officers did work hard to get the best out of the area. However, he was concerned at some of the directions and priorities that the Council took where, in his words, they made it difficult for disabled people to access an increasing number of places. Martin Grixoni also said that he received a feedback from some residents about the state of the city streets. Martin Grixoni claimed that, aside from rough sleepers, there were people begging which was a hassle for tourists and businesses. Martin Grixoni felt that, in his view, these people should be better controlled, and dealt with.

Martin Grixoni also criticised the Council about Cleveland Bridge progress.

Councillor Vic Pritchard addressed the Cabinet by suggesting that the disabled residents were affected due to the lack of blue badge parking at the city centre. Councillor Pritchard also said that City Centre Security Measures have had adverse effects on the blue badge holders and invited the Cabinet to abandon the decision made in July this year and instead to allow a degree of access for blue badge holders.

Councillor Pritchard added that, in terms of the Clean Air Zone, there was no evidence to suggest that Nitrogen Dioxide reduction was a direct result of the CAZ, and it could be more to do with the COVID-19 lockdown and people still working from home, the closure of Cleveland bridge, and people being away for summer holidays, resulting in fewer cars on the road than normal.

56 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 38 questions from Councillors and no questions from members of the public.

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

57 MINUTES OF PREVIOUS CABINET MEETING

RESOLVED that the minutes of the meeting held on Tuesday 20th July 2021 be confirmed as a correct record and signed by the Chair.

58 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

59 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

60 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

61 CLEVELAND BRIDGE UPDATE AND OPTIONS REPORT

The Chair invited Councillor Manda Rigby to read out her statement.

Councillor Rigby read out the following statement:

'Firstly, I'd like to thank the officers for their officers' report, but more specifically, I think we owe them huge thanks for the exceptional way this work on the bridge has been done.

The Cleveland Bridge renovation is a very significant project for this Council. This is a 200-year-old bridge, never intended for this volume and weight of traffic, and the mitigations put in place in 1927 are also struggling to handle the wear and tear.

We are replacing degraded concrete, ensuring that the iron work is sound, and waterproofing to prevent any further damage caused by water ingress.

We aren't at the end point yet, but despite: COVID cases, materials being delayed, and more work than anticipated once the scaffolding was up; we currently hope to reopen the bridge to cars, as well as pedestrians, cyclists and emergency vehicles, 3 months after it shut as planned, which would be an amazing achievement.

I can't think of any other project of this scale, and on a Grade 2 listed structure, anywhere in the country that has come in anywhere near on time.*

In the interim, we have been working hard on what to do next, and I'd like to share my thoughts on progress so far, and what I'd like to see happening next.

The current situation is that: on completion of the works, the weight limit which was in place prior to them will expire, and there will be no limits on the type of traffic which can use the bridge, unless we manage to get such a limit put on it.

This is because it forms part of the primary route network, therefore decisions about its usage are not in our hands.

Whilst appreciating the officer report in front of us tonight, which outlines several ways forwards, and understanding the rationale behind why it was written in this way, I think it does not go far enough. We need to be bolder in looking at absolutely all options in front of us.

One of the existing proposals is a strategic study with regional partners – where all the region's authorities examine plans for cross region transport, specifically looking

at the best way to get freight to and from the M4 to the Southern ports, and there may well be a plan for a different North South link proposed.

Work on this Western Gateway project is currently ongoing, but the amount of time this will take is counted in decades not years. We can't assume regional agreement will be reached and we can't just wait for this to be the solution.

The people of Bath can't wait another 10-15 years for relief from through traffic HGVs.

Because there is the rub. In order to change the status of the road and take it out of the Primary Route network, Wiltshire Council has to agree. Despite our best efforts, such agreement does not appear to be achievable, not even for temporary diversions during work.

This is a great shame.

A lot of the A350 route has been widened to dual carriageway now, at great public expense. It does not pass immediately by anywhere near as many houses to get from the M4 to the South coast, and those it does pass are not primarily Listed. It is mainly on the plain, not in a valley trapping pollution.

We are not in the business of exporting our problems elsewhere, but we are in the business of standing up for our community, and to us, it is only right that all parts of the network, including Wiltshire, take their fair share of traffic.

It is unreasonable to have had the amount of money spent on upgrading their roads, way in excess of any grant for Cleveland Bridge, and then not to take the HGVs.

Indeed, if they continue to refuse to do this, we will all suffer, as within a much shorter period of time, we will be back to closing the bridge for repairs again.

It was never meant to carry this volume and this weight of traffic, and remember, this is about through traffic using Bath as a rat run, not those lorries delivering goods into Bath.

The £3.5m we are spending from the public purse now will need to be spent again in 10-15 years' time if HGVs go back to pummelling the bridge as before. It would be so much better to fully fund a permanent solution.

So, what can we do? The answer is: we have looked and will continue to look at all mechanisms possible.

We have already sought advice on whether we could reintroduce tolling and set it at a level which would deter the heaviest vehicles, could we use any other charging mechanism for just one class of vehicle?

In terms of TROs – a traffic regulation order which is necessary to change the rules on a certain road – although the attempted TRO weight limit one failed in 2012, after a legal challenge from Wiltshire, a lot has changed since then. The climate emergency has been declared and millions of pounds have been spent on upgrading Wiltshire roads. It stands a better chance of success now than it did.

A TRO based on air quality may fail as it would be considered double jeopardy, with charges already in place via the CAZ, but we don't yet know what the future of the CAZ will be once we get all the data necessary, so this option should also be explored.

A TRO based on protecting the heritage asset? If there's a place in the UK where this should be possible, its Bath, with its overarching World Heritage status and its new Great Spas of Europe World Heritage listing as well.

It's possible that none of these might work, I must make you aware of that, but they definitely won't work unless we try them and give them our very best resource.

If we don't manage to find a mechanism to reduce HGVs using Bath as a through-route, then it won't be for the want of trying every possible way. We are fighting for cleaner air, reduced through traffic and a better environment.

Whilst acknowledging and noting the officers report, I'd welcome amendments moved to instruct myself and officers to progress all the mechanisms possible to limit

HGVs, for the benefit of all in Bath, and support our neighbouring authorities to get further funding where adaptations to their roads would make it better for HGVs to use them. I am convinced that there must be a solution which gives a net benefit to the region, I am equally convinced that keeping with the status quo is not the right thing to do.

If we can restrict HGV through traffic, it will benefit the whole city and the surrounding area. Doing nothing is not an option.'

The Chair invited Councillor Richard Samuel to read out his statement and move the revised recommendations.

Councillor Richard Samuel read out the following statement:

'Bath has many traffic problems that bedevil the city. The fact of inconvenient geography and the historic UNESCO setting precludes the by-passes many other similar cities have built. The lack of sufficient bridges and the impossibility of building new ones for vehicles is a further problem. Added to which the situation is the situation of the city in a deep valley bowl with strong planning and environmental designations in place.

In the past 50 years another problem has crept up on the city and those of us who are concerned for its care and protection are faced today with dealing with it. That problem is the centralised distribution and delivery arrangements our economy demands and the dominance of large supermarkets. These arrangements are serviced by increasingly large HGVs of up to 44 tonnes and if the government has its way will soon be followed by the 48 tonne megalithic lorries as used in continental Europe. Here I use the term megalithic to describe not only the size but also the outdated form of freight distribution they represent.

The impact of HGVs on the historic city of Bath is corrosive. Road surfaces are damaged constantly by the hammering they take from these beasts, historic structures have been hit, the sheer difficulty of manoeuvring these HGVs causes congestion and delays. In a nutshell Bath's street were not built for these giants. But there is another insidious problem. That is the pollution these vehicles emit both NOx and CO2. The former has a serious impact on health for residents along roads where these vehicles travel. NOx emissions have undoubtedly fallen in recent years as cleaner vehicles have been introduced and that of course was one of the reasons for introducing the Bath Clean Air zone that I campaigned for in 2017. Nationally it is estimated that HGVs emitted 19.5m metric tonnes of CO2 per year – the second largest emitter after private cars. The non-monetarised dis-benefits such as impacts on physical or mental health have never been quantified as far as I am aware but arguably these are the most important issues for the community.

I now turn to the direct impact on my ward of Walcot. The London Road from Batheaston roundabout to Cleveland Place takes the highest volume of HGVs in the city. It also has the highest levels of NOx. But the most serious impact is on the quality of life for the thousands of residents who live on or near London Road. Their quiet enjoyment is daily disturbed by the continuous roar of HGVs. Cycling on the carriageway is unpleasant and at times unsafe. Life as a pedestrian whether walking with children to school or going to work is a dispiriting polluted experience.

It is our duty as councillors in cabinet, and for me as a ward councillor to say on behalf of my and Bath's residents enough is enough. It is time to put an end to the daily procession of oversized lorries through our historic streets and in particular over the historic Cleveland Bridge. This report has considered some options but for me it does not go far enough, and I cannot support it in its current form. I say this because I am long enough in the tooth to recognise something being kicked into the very long

grass. The Western Gateway study whilst welcome is in essence the do-nothing option. When it does report if it gathers support then it will be a long time before a better safer route to the east becomes a reality. I therefore propose that the cabinet note this report for now but call for further work to examine more radical options to control and limit the use of Cleveland Bridge by HGVs.'

Councillor Richard Samuel moved the following recommendations:

The Cabinet to agree that the Council should continue to:

- 1) Work with Wiltshire and Dorset Councils and the Sub-Regional Transport Board (STB) Western Gateway to complete a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route and limiting HGV use of Cleveland Bridge as part of the Governments Road Investment Strategy 2 (2020-25).
- 2) Assess and review the position after completion of the study, recognising that any investment that would resolve the core issue would be considered, at the earliest, as part of the Road Investment Strategy 3 which covers the period 2025-30. The study would also inform discussions between BANES and the other stakeholders. It is considered that this approach is the one most likely to result in a positive outcome for both B&NES and the other stakeholders involved.
- 3) Continue to make representations to Government about the need to improve the traffic situation at Cleveland Bridge, highlighting the changes to road conditions within Bath and the wider area since 2012 such as the changes to the A350 as part of the planned improvement and upgrade and the introduction of the Clean Air Zone in Bath.
- 4) Officers are requested to:
 - A. Prepare a draft Traffic Regulation Order seeking to restrict HGV movements over Cleveland Bridge in order to preserve or improve the amenity of the area through which the road runs, in this case the grade 2* listed Cleveland Bridge structure and environs including the London Road and Bathwick St, in accordance with the Road Traffic Regulation Act 1984.
 - B. Investigate and consider any other options that may exist for achieving a similar end to a TRO and report on both actions including the draft TRO to the November meeting of this Cabinet.
 - C. Consult with appropriate heritage and amenity groups in Bath including Residents' Associations in the course of preparation of the TRO.

Councillor Manda Rigby seconded the motion.

Councillor Alison Born commented that Cleveland Bridge has been closed to repair the damage to the structure, caused by vehicle sizes weights and volumes that could not have been anticipated at the time that the bridge was built. The current closure has caused significant disruption, but the repairs could not have been done when the bridge was open, and importantly, the full extent of the damage would not be assessed. Councillor Born also said that the bridge was not designed to carry today's traffic and the repairs have been essential to safeguard the structure and uses of the bridge. The Cabinet would need an assurance that the bridge would not be subject to more repairs in the future due to heavy HGV traffic, and for those reasons Councillor Born suggested that the officers should commission an external consultants to examine the bridge at the end of works, and reporting its predicted longevity under the scenarios of an 18 tonnes limit.

Councillor Dine Romero commented that HGVs travelling through and around Bath have been a concern for residents across the city not just around the bridge itself with more HGVs on roads in Southdown, such as on Whiteway Road have been reported. Councillor Romero asked for an assurance that the full consequences for all residents in the city and around the city would be considered before implementing any long-term measures restricting heavy lorries across this bridge.

Councillor Tom Davies agreed with the comments made by other Cabinet Members on this matter and added that the inevitable damage of the bridge, caused by HGVs in the past, would continue to happen, and that the Council must do everything to stop HGVs using Cleveland bridge, and to find a solution that would work for all.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Work with Wiltshire and Dorset Councils and the Sub-Regional Transport Board (STB) Western Gateway to complete a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route and limiting HGV use of Cleveland Bridge as part of the Governments Road Investment Strategy 2 (2020-25).
- 2) Assess and review the position after completion of the study, recognising that any investment that would resolve the core issue would be considered, at the earliest, as part of the Road Investment Strategy 3 which covers the period 2025-30. The study would also inform discussions between BANES and the other stakeholders. It is considered that this approach is the one most likely to result in a positive outcome for both B&NES and the other stakeholders involved.
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 - B. Investigate and consider any other options that may exist for achieving a similar end to a TRO and report on both actions including the draft TRO to the November meeting of this Cabinet.
 - C. Consult with appropriate heritage and amenity groups in Bath including Residents' Associations in the course of preparation of the TRO.

62 BATH CLEAN AIR PLAN- UPDATE

Councillor Sarah Warren introduced the report by saying that Bath's Clean Air Zone (CAZ) was an important public health measure, introduced because levels of harmful nitrogen dioxide in Bath were above legal limits.

CAZ went live on 15th March this year and the Cabinet would be updated quarterly on progress, and this was the first quarterly report covering the period from April to June of this year.

The update has covered a very short period, and over that time traffic levels were initially extremely low, and an average of 10% down on the equivalent period of 2019

over the quarter. These were still early days, but air quality was improving with some promising signs following CAZ introduction.

Councillor Warren took the Cabinet through the highlights of the report.

And added that, in the wider context, CAZ was just one of sustainable transport measures, aimed either at enabling alternatives to driving into the city centre, or reducing the emissions of those vehicles that do. The Council would encourage all drivers to be aware of the impacts of air pollution, and to think about each journey. By choosing an alternative means of transport, people have the power to directly help reduce air pollution and protect their own and their neighbours' health. People could also consider upgrading their vehicle to a more modern and less polluting one – bearing in mind that there were still grants and loans available to support those whose vehicles are chargeable in the CAZ.

Councillor Sarah Warren moved the recommendations.

Councillor Dine Romero seconded the motion by saying she was pleased to see this report with a general trend downwards of nitro dioxide concentration levels although it was disappointing that the concentration levels in 8 locations have remained above the legal limit, with one site showing an increase.

Councillor Romero added that she was glad that her concerns over displaced traffic have been taken seriously but the results have not fully reflected residents' experiences on roads in Southdown Ward.

Councillor Romero asked for an assurance that mitigating measures would be considered if the findings that more HGVs and other traffic were indeed in Southdown Ward roads.

Councillor Richard Samuel said that he was encouraged that there were some improvements in air quality, yet it was far too early to draw firm conclusions. Traffic patterns during March-June period this year were unrepresentative because many businesses were closed, schools were operating erratically and opportunities to travel were limited. Also, it was unclear if the Council was required to achieve full compliance by December 2021, or March 2022, or some other date to be announced, and some clarity about next steps should be given.

Councillor Samuel congratulated officers and Cabinet Members involved in the process so far.

Councillor Tom Davies welcomed the report by saying that the Council have been moving in the right direction with CAZ with an optimism that future quarterly reports would show gradual improvements in terms of the air pollution levels in the city.

Councillor Tim Ball also welcomed the report by saying that the Council have been moving in the right direction in terms of the reduction of nitro dioxide levels in the city. Councillor Ball expressed his concerns on the level of traffic in Pennyquick Lane, in particular with number of lorries using this road.

Councillor Sarah Warren added that the Council would continue to investigate any issues that were raised in line with the investigation process, as set out in the report and should set a breakdown of any vehicles which might be making a detour, and what has caused an increase in traffic.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Note the successful launch and implementation of the CAZ during a global pandemic, the success in upgrading the local scheduled bus fleet and the successful response to the Financial Assistance Scheme to bring forward the replacement of non-compliant vehicles.
- 2) Note the positive progress which has been made towards improving air quality and associated public health outcomes, together with increasing the proportion of compliant vehicles entering the CAZ and discharging the Ministerial Directions.
- 3) Delegate authority to the Director of Place Management to make any non-material changes to, and authorise the adoption of, the Bath Clean Air Zone Charging (Variation) Order, and for it to have effect from the date of sealing.
- 4) Note the performance of the scheme against the scheme financial model, ensuring it covers its costs of operation and avoids placing an additional burden on the Council and local taxpayers.

63 CLIMATE EMERGENCY PROCUREMENT & COMMISSIONING STRATEGY

Councillor Richard Samuel introduced the report by saying that the Council has spent £200m each year in purchasing goods and services, and alongside the changes in procurement being introduced by the government it was appropriate to revise our policies with the strong imperative of carbon reduction. Councillor Samuel suggested that the Council would seek the assurance from its suppliers that they were doing everything to minimise carbon emissions along the supply chain. Some consequential changes to other Council policies would follow in due course. Councillor Samuel also added that that full reports would be brought back on concrete successes in carbon reduction and sustainability through this policy. The first report would be brought before the Cabinet towards the end of 2022.

Councillor Richard Samuel moved the recommendations.

Councillor Sarah Warren seconded the motion by saying this Council has an excellent track record on sustainable procurement, having worked closely with award winning local company Fresh Range in the past to procure school meal ingredients locally, in a pilot which has been used as a national case study in the Parliamentary Inquiry into improving food procurement, and cited as best practice in the National Food Strategy. The report has provided the framework for innovative practice across the whole range of Council procurement, stepping outside the bounds of business as usual, and stepping up Council's response not only to the climate emergency, but also to tackle modern slavery, by using its influence throughout our supply chain.

Councillor Tim Ball also welcomed the report and thanked the officers who were involved in procurement process.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Adopt the B&NES Procurement & Commissioning Strategy – “Think Climate, Think Local, Think Innovation”,
- 2) Delegate authority to the Director of Finance in consultation with the Cabinet Member for Resources to update the Strategy to reflect future changes to the national statutory framework.

64 QTR 1 CORPORATE PERFORMANCE UPDATE 2020/21

Councillor Richard Samuel introduced the report by saying he has introduced new requirements for regular financial reporting (quarterly) so that residents could see with complete clarity how the Council's finances were standing up, whether the Council was under or overspending, in the interests of complete transparency and accountability. The corporate performance update was another report of transparency and accountability to the residents which would become a really useful tool and an official record of what the Council does and what the Council was accountable for. Also, the residents would be able to see what was happening in their community.

Councillor Samuel thanked Chief Executive and Senior Leadership Team for bringing this report before the Cabinet.

Councillor Richard Samuel moved the recommendations.

Councillor Tom Davies seconded the motion by saying that the first strategic performance report has marked a very special moment for the Council, and anyone involved in organisational management and reporting in an organisation. This was Council's commitment to transparency about the delivery of services against his key strategic and it would allow residents to hold the Council to account based on the information in the report.

The Chair also thanked Chief Executive and his team on this report.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Note progress on the delivery of the Corporate Strategy and key aspects of the Council's service delivery, details of which are highlighted in report.
- 2) Indicate any other key service areas to be highlighted and included in the strategic indicator report.
- 3) Receive update reports on a quarterly basis.

65 PROPOSED PUBLIC SPACE PROTECTION ORDERS TO RESTRICT ALCOHOL CONSUMPTION IN PUBLIC SPACES IN BATH AND MIDSOMER NORTON

Councillor Dine Romero introduced the report by saying that proposed Public Space Protection Order would address street drinking and anti-social behaviour associated in all wards of Bath and Midsomer Norton and would introduce wider discretionary powers to deal with nuisances or problems which harm the local community's quality of life. This was a new order to replace the one which expired in October 2020. As this was a new order, a full 12-week consultation was required. This has determined that there was still significant public support from those who responded for this measure for both Bath and MSN including Midsomer Norton Town Council, and from local Councillors. Councillor Romero also thanked the officers for the hard work. replaced previous legislation

Councillor Dine Romero moved the recommendations.

Councillor Tim Ball seconded the motion by welcoming the Public Space Protection Order for Bath and Midsomer Norton. Councillor Ball also said that this Order was intended to ensure that people can use and enjoy public spaces, living safely from

anti-social behaviour. An order would specify an area where activities would be taking place that were detrimental to the quality of life of those in the area and could impose conditions and restrictions on people using the specified area.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Consider the outcomes of the consultation on a Public Space Protection Order to restrict street drinking in Bath and Midsomer Norton, as set out.
- 2) Consider the legal criteria for adopting PSPOs, as set out in Paragraph 4 of this report, and particularly the test set out in paragraph 4.1
- 3) In the light of 1) and 2) above make the Bath City Order and Midsomer Norton Order as set out in Appendix 1 of the report
- 4) Request the Head of Legal Services or an authorised signatory on their behalf to sign and seal the Bath City Order and the Midsomer Norton Order.
- 5) Request the Director of People and Policy to undertake publicity relating to any agreed Order and ensure the impact of the PSPOs is kept under review
- 6) Request the Bath and North East Somerset Community Safety and Safeguarding Partnership to receive regular monitoring reports on the impact of the PSPOs, including equalities impacts, and updates on support and treatment available for people who misuse alcohol including street drinkers.
- 7) Thank those who were involved in the consultation process including Midsomer Norton Town Council and publicise the outcomes of the consultation.

66 2022/23 MEDIUM TERM FINANCIAL STRATEGY

Councillor Richard Samuel introduced the report by reading out the following statement:

'The Medium Term Financial Strategy (MTFS) is not the council budget – that will come later when more detail about government funding appears in the autumn and leads to the budget and council tax setting in February. The MTFS is however an important health check on the pressures and opportunities facing the council in the medium term and describes actions the council may need to take to balance our finances.

I made it clear on taking office that it was my intention that the council live within its means throughout the whole of this administration's term. That means balancing the books and not spending more than we receive in income, grants and tax. So far, we are on track to achieve that objective for the third year in a row having done so in 19/20 and 20/21. This is an outcome that was never achieved by the previous administration whose waste and inefficiency made me determined to try to do better. This latest MTFS highlights the severe challenges ahead. These have just been added to by the government in their Health and Social Care taxes. Whilst the detail of how this will affect local government remains opaque what we know already is that the employers NI changes will add 750k to our wage bill at a stroke roughly equivalent to 1% on council tax. At this stage we are also unclear how the changes which, are broadly beneficial for most residents requiring care, will be funded. I have to give this stark message. There is no money to top up any shortfalls in government funding. Our finances are already at their limit following government underfunding of covid pressures – another hollow Tory promise. To use a hackneyed phrase – there is no magic money tree.

Turning back to the MTFS Cabinet will recall that to deal with the extreme conditions caused by the pandemic it was necessary to draw from reserves to in effect cash

flow our funding. That draw down must be repaid and is a key component of the MTFs. At the same time, we are currently experiencing a big increase in social care service requests which were fewer during the 2020 lockdowns. Predicting future demand is a fraught process as is what the government's intentions for local government finance in the medium term. The MTFs identifies that potentially £28m will need to be saved over the next five years. It seems at times that the council like others is in perpetual Kafkaesque cycle of continuous cuts where no exit ever arrives.

Within the plan great uncertainties exist about the government's funding plans for local government. We do not know at this point what will be said about social care precepts and council tax capping limits. What we do know is that by avoiding progressive tax rises to pay for health and social care the burden has been placed on working age adults with the imposition of regressive national insurance increases. Everyone should pay for care not just those who are working that is fair but then Tories have never cared about fairness in society.

At a high level what we are trying to do is to match the council's corporate priorities with the finance available. As things stand today there is highly limited scope for service growth and investments are going to be necessarily confined to those that essential or externally funded or where additional income or savings can be made. Sadly, our residents are going to have accept that a period of government-imposed austerity is already here and is likely to continue.'

Councillor Richard Samuel moved the recommendations.

Councillor Kevin Guy seconded the motion by thanking Councillor Samuel and team of officers for bringing this report before the Cabinet, and for the hard work since the start of the pandemic.

Councillor Tim Ball also thanked Councillor Samuel and officers for the role they continued to play in ensuring strong financial position during these challenging times.

Councillor Alison Born added that that the Social Care funding (about £1.8bn), which was announced this week, would go to adult social care for each of the next three years. The NHS would get five times that amount, yet no immediate support has been announced for social care. After years of cuts to local authority budgets, social care funding was at a very low base and services were reaching crisis point.

Councillor Born added that services did not have sufficient staff to assess people in a timely manner, nor to provide care when people needed. Increasing numbers of people were in the community without support and there were problems with staff shortages. Councillor Born also said that staff working in social care would also have to pay additional national insurance, which would reduce rather than increase their pay, and would not help with social care staffing situation.

RESOLVED (unanimously) that the Cabinet agreed to approve the Medium-Term Financial Strategy.

The meeting ended at 8.15 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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Helen Dudden statement – Cabinet 9th September 20201

I've waited 5 years to find suitable accommodation but in the past there have been times when the person top of the list has been given an accessible accommodation when they haven't physically needed it.

There seems to be no account on the housing list requiring accessible homes.

Category 2/3 seems to be ignored.

I feel there needs to be some clarification by the Homesearch team and Housing providers.

Bidding is very confusing. I am told to bid on properties sent to me, many unsuitable and on the third floor.

As a powered wheelchair user, as with mobility scooters, storage can make finding suitable housing very difficult there are certain health and safety guidelines on battery charging

I would like to know the meaning of exceptional land and building of social housing.

And is the Banes authority willing to listen to the needs of those who are in dire need of accessible homes that is both unsafe, making life very difficult and should be helped further.

Helen Dudden

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Susan Charles statement – Cabinet 9th September 2021

Ring of steel.

The decision made at the last Cabinet meeting to look at the 'Ring of Steel ' and the problems this will incur for the vulnerable was good news ...THANKYOU.

Would you also consider the difficulties that Bicycles, E scooters Skateboards etc. also have on the vulnerable?

The streets in Maidenhead and Windsor are banning their use in pedestrianised areas, saying this is promoting anti-social behaviour (not from everyone ofcourse) but it has been witnessed many times particularly by a local partially sighted colleague who's white cane was knocked out of her hand when she crossed a road at Greenpark with no cycle path markings. The cyclist, no bicycle bell warning, silent...apart from the abusive language that followed from the cyclist.

I do question their ability to cycle if they didnt see the white cane being held in front of the partially sighted pedestrian.

I've watched cyclists weave in and out scaring and destabilising pedestrians.

A Policeman has been injured, a three year old Girl left with life threatening injuries, and an Elderly Gentleman having to get off his mobility Scooter to remove an E scooter dropped in the his pathwayhad a heart attack and died.

These are some of the incidents where E scooters have reached the news this year.

So far at least Six deaths in the UK.

with an estimated 200,000 accidents by the end of the year.

The National Federation of the blind are asking for these trials to end before there are more accidents and deaths.

Generally fit and able bodied cyclists,

but many using electric powered bikes at 12 MPH so why are they not cycling on the roads???

Shopmobility many years ago reduced the speed of powered wheelchairs and mobility scooters to a walking speed of 4 MPH. TO PROTECT THE GENERAL PUBLIC.

Then theres the question of suitable accessible ramps in Keynsham High St. whilst refurbishment continues.

For every 1"/3cms of kerb height.....

20" /50cms of ramp length is needed,

ie a 4"/10cms kerb as there has been for several weeks needs a ramp 7'6"/ 2mts long as some wheelchairs have a mechanism to stop the chair tipping backwards...hence too steep a ramp and your stuck and cant go forward or back.

During this time residents still need to go about their normal living this includes EVERYONE able and a non abled.

I am ashamed to admit I voted Lib Dem at the last election.

The slogans ' Live Well Banes residents'

+ 'Let's look after each other ' does this just refer to the Covid 19 pandemic ?.

Many vulnerables have been isolated, in lockdown and are not even out and about yet and dont know that in many areas from Blue badge use restrictions, fast cyclists, scooters, thoughtless placing of street furniture, and ever increasing A boards in a different place dailyare there to make life difficult.. physically and mentally.

What are we doing to are vulnerable people. My question = ARE THEY NOT WANTED IN THIS AREA ????

Cabinet Meeting 9 September 2021 – Public Speaking – Ceris Humphreys

The primary purpose of Cleveland Bridge was, and always has been, as a link between northern and southern Bath in the East. Most traffic using Cleveland Bridge is **local** traffic.

Five relevant things happened since this council was elected:

1. Climate Emergency made Active Travel a national and local priority and you adopted a policy of major switch to Active Travel modes.
2. In the last 18 months footfall on London Road and Bathwick Street greatly increased, and new businesses opened & thrived – local people “built back better” as you asked.
3. A Prevention of Future Deaths Report flagged the need for Local Authorities to act more strongly on air pollution to stop it making kids sick and sometimes killing them.
4. A temporary weight limit on Cleveland Bridge brought an immediate drop in pollution levels on London Road and improvement in traffic flows across eastern and central Bath – visible for several weeks before the pandemic impact.
5. Officers conceded the extra life bought by the repairs may be little more than a decade or so (an opinion given before finding the bridge was worse than expected).

On London Road and Bathwick Street Active Travel will be destroyed by return of the HGV through-traffic. These are the main North-South connection for thousands of residents in eastern Bath. What will be the point of creating small local cyclable neighbourhoods when normal cyclists – cycling to school, Uni or work – can't access them because to get there they'd have to cycle along main roads they share with 2 HGVs every 2 or 3 minutes?

With all that happened in the last 2 years, how could you accept return of 1000 HGVs a day to a road they would be sharing with cyclists, with life-threatening pollution levels? This should be non-negotiable; how could you make it safe?

Will you build segregated lanes to protect those who started walking and cycling on these main roads as you asked them to?

How will you get hauliers to continue using routes outside B&NES they are currently using?

How will you avoid the Bridge being used by 48 Tonne HGVs the Government already plans to introduce on some UK roads?

Will you have the courage to make the Class C CAZ Class D? The CAZ modelling showed parts of London Road are expected to remain illegally polluted for years.

Your duty to preserve the Heritage Asset and your duty to residents point in the same direction – the more HGVs use the bridge, the worse the air quality along the local main roads **and the sooner the bridge will cease to be available as a vital connecting route for B&NES residents and businesses.**

The recommendation before you is to just allow HGV through-traffic back and kick the can down the road for a decade or so. That isn't good enough. Please reject the recommendation before you and insist that residents of eastern Bath are given a fairer deal.

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CABINET MEETING 9th September 2021

STATEMENTS FROM PUBLIC AND COUNCILLORS

1. Helen Dudden – Supply of accessible homes
2. Susan Charles – Blue Badge spaces (City Centre Security)
3. Ceris Humphreys – Cleveland Bridge and Clean Air Zone
4. Martin Grixoni - Recycling and traffic challenges
5. Councillor Vic Pritchard – Clean Air Zone and City Centre Access for disabled people

QUESTIONS AND ANSWERS - COUNCILLORS

M	01	Question from:	Councillor Shaun Hughes
<p>I asked the question below to the Cabinet Member at the 20 July Cabinet Meeting.</p> <p><i>Recently I have seen an increase in residents raising concerns over feeling unable to object to planning applications through fear of intimidation and repercussion, particularly elderly residents and people within small communities. The result of is they don't raise objections in fear of creating fall out or backlash. We understand from our officers that present legislation does not offer an informal way to comment on applications. I am not sure what the solution is but is this something that the Cabinet could review?</i></p> <p>The response I received was:</p> <p><i>Local Planning Authorities cannot take anonymous comments on planning applications because the planning legislation and process is designed to be deliberately open and transparent. Officers can only take into account comments that are made by real and traceable people allowing the officer to contact contributors to find out more about their views. We publish the contributor name on the website so it is possible to see who is making multiple or follow-on comments, which becomes relevant when proposals are updated as the views of contributors may change too. There are data protection considerations as well which we are careful to comply with.</i></p> <p>Therefore, my question is - I understand that the current legislation requires contributors to be traceable, however I also understand that North Somerset allow names and addresses to be withheld from public view. Are there any valid reasons why</p>			

B&NES cannot offer the same?		
Answer from:		Councillor Tim Ball
<p><i>Anonymous comments are not permitted within the legislation. We collect contributor details so that we can contact them about their views and advise of updates to applications. When we publish the comment, we only publish the name of the contributor alongside the comment so that the planning process is transparent and open and multiple comments from the same person can easily be identified. We also hope that this approach discourages inappropriate or inflammatory statements of which there are very few. Our approach is agreed with the Info Governance team and published in the Planning privacy statement. Whilst publication of comments is common practice among councils, the legislation does not require us to do so, therefore we could choose not to and therefore we could also choose not to publish the name of the contributor as in NSC. The risk of doing this would be that the process may appear less transparent to the public, more confusing where multiple comments cannot be identified, or more inappropriate comments are made which we have to remove.</i></p> <p><i>I am checking with IT whether there are any technical implications to removing the name from publication</i></p>		
M	02	Question from: Councillor Shaun Hughes
<p>I asked the question below to the Cabinet Member at the 20 July Cabinet Meeting:</p> <p><i>We understand that as a result of the clean air zone ALL taxis in the B&NES area are required to meet the omissions standard regardless of whether the taxi operates within the clean air zone. However, it appears that only those taxis permitted to use the clean air zone have access to the grant system to upgrade their vehicles. The current scheme appears to give the Bath based businesses an unfair advantage. If we are imposing the same regulations on all vehicles in B&NES surely all should equally have access to the grant system?</i></p> <p>The response I received was:</p>		

The revised taxi licensing policy agreed in 2018 required all taxi vehicles licensed by the Council to be compliant with the terms of any future Clean Air Zone to ensure consistent enforcement across all sectors of the local trade and that all areas of the authority could benefit from improved air quality from cleaner engine technology.

Any licensed taxi owner, irrespective of where they are based, is able to access help from the CAZ financial assistance scheme if they meet the relevant eligibility criteria which includes travelling into the CAZ on an average of two or more times a week over a minimum 60 day period. This also applies to owners of taxi hackney carriage vehicles, which although not licensed to ply for hire from ranks within the CAZ, may still be travelling within it to fulfil customer journeys. Taxi owners who fit these circumstances have benefited with assistance from the scheme.

Therefore, my question is - I'm not sure if you've understood the question so I'll try again. The taxi licensing scheme places the same financial burden on taxis in both Bath and Midsomer Norton regardless of whether their business model includes regular access to CAZ.

If we expect ALL these businesses to comply with these additional levels of costs, then I am unsure why ALL vehicles are not eligible for the same grants. There needs to be equal opportunities for ALL Taxi companies.

I'm also unsure why vehicles should have to come to Bath to qualify? Surely this criteria is in conflict with our climate emergency declaration?

Therefore, do you agree that to ensure a level playing field all taxi firms should have access to the same level of financial support?

Answer from:

Councillor Sarah Warren

Taxi licensing, and therefore taxi policy, is a Council function not a Cabinet function. The taxi licensing policy was reviewed in 2018 because of the Clean Air Zones which are being introduced locally and to support the climate emergency by upgrading the local taxi fleet with cleaner engine technology.

The policy review was subject to a 12-week public consultation, the outcome of which was reported to both the Licensing

Committee and Cabinet respectively. No adverse comments were received about the requirement to upgrade engines in line with the requirements of the CAZ and the policy was adopted.

The CAZ Project team has been engaging with the taxi trade over the last 3 years since the new policy was introduced, to ensure drivers are aware of the need to be compliant, so that they can effectively plan for the replacement of any non-compliant vehicles. The CAZ Financial Assistance scheme is one way to assist drivers upgrade their vehicle if they can demonstrate regular travel into the CAZ. All drivers have been made aware of this scheme as one way of assisting them to upgrade their vehicles and we are aware of taxi companies, which are based outside of Bath but entering the city, taking advantage of this opportunity.

B&NES is not alone in wishing to ensure that its licensed taxi fleet upgrade to cleaner engine technology. South Gloucestershire Council is currently consulting on a requirement for all licensed vehicles to meet the Euro 6 engine standard as a minimum requirement.

Ideally all B&NES taxi firms should have access to the same level of support, however we are constrained by the availability of government funding for the CAZ.

M	03	Question from:	Councillor Vic Pritchard
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The September Cabinet report states that the Council must fulfil its statutory duty to achieve compliance with air quality standards by the end of 2021 at the latest. As this deadline is fast approaching and NO2 levels, although reduced, are still above legally required levels, what is the administration planning to do to ensure the Council is compliant in all locations by the end of this year? Please confirm what penalties, if any, the Council will incur if compliance is not reached by the end of the year.

Answer from:	Councillor Sarah Warren
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The Council, in collaboration with the Joint Air Quality Unit, is actively monitoring all locations to understand how nitrogen dioxide levels are improving. Focus is being given to those locations which could potentially exceed NO2 limit values at the end of 2021, and consideration is being given to measures which could be deployed to bring about extra improvements in these areas if needed.

<p><i>The Council is under a legal direction to achieve compliance in the shortest time possible and by 2021 at the latest. Officers are awaiting confirmation from the Joint Air Quality Unit to understand the specific detail of 'compliance' in this context. As it was the government that was taken to court by Client Earth, any penalties incurred if compliance is not achieved in the agreed timescale would be a matter for central government in the first instance.</i></p>		
M	04	<p>Question from: Councillor Vic Pritchard</p>
<p>Before the official launch of the Bath Clean Air Zone in March 2021, the Council was given a statutory duty to achieve compliance with air quality standards by 2021 at the latest. It may be said that nine months is not sufficient time for the CAZ to lower pollution levels effectively. Please clarify why the official launch of the CAZ could not take place before 15 March 2021 ?</p>		
Answer from:		Councillor Sarah Warren
<p><i>The Council was instructed by the Joint Air Quality Unit to delay the implementation of the CAZ in Bath from the intended date of 4 November 2020 in recognition of the impact of the pandemic on residents and businesses. Taking into account also the time needed to 'onboard' the local authority software systems into the central government software systems to enable the scheme to be launched, and the timing of the pre-election period for the WECA election in March 2021, the launch date of 15 March 2021 was agreed as a suitable date between all parties.</i></p>		
M	05	<p>Question from: Councillor Vic Pritchard</p>
<p>Please publish the 2021 average NO2 readings from all of the 64 monitoring sites within the CAZ and provide the comparison with 2019 where applicable?</p>		
Answer from:		Councillor Sarah Warren

This information will be published on the Council's website.

Supplementary Question:

When exactly the information will be published on Council's website?

Answer from:

Councillor Sarah Warren

It was published on Council's website at 5pm today (9th September 2021).

M 06

Question from:

Councillor Karen Warrington

Following the recent publication of the IPCC report into global warming, the Cabinet Member for Climate Change said in a press release that "further and faster" action is needed at a local level to tackle climate change. Can you provide specific examples of policies you intend to pursue as part of the "further and faster" drive and what work has been undertaken to date to ensure future policies do not come at the expense of those on low incomes?

Answer from:

Councillor Sarah Warren

Some recent examples are:

We're tackling this directly through the Council's Green Affordable Warmth Grant which specifically targets low income households living in low energy efficient homes in Bath and North East Somerset. This is funded by £1m of grant awarded to us by central government. We are also applying to the government's latest Sustainable Warmth initiative for which Bath and North East Somerset Council have bid for further funding in a consortium with Bristol City Council and North Somerset Council.

The Local Plan Partial Update (LPPU) and Supplementary Planning Document revisions have been progressed quickly by the

Council in order to address urgent issues, in particular the climate and ecological emergencies. The draft policies are out to consultation at the moment (until 8th October) – the Council has taken a robust, evidence based and ambitious approach and it is really important that people comment on our proposed policies. [Have your say here](#).

Some of the key proposed policy changes include:

- requiring all new residential (including affordable housing) and non-residential development to be zero carbon*
- enhanced green infrastructure provision to help ensure all (no matter of their income level) have access to high quality nature which is also vital for mental health and wellbeing*
- transport policies focussed on sustainable modes of travel to ensure that in planning for new development the requirements of walking, cycling and public transport are considered as the first priority*

In addition to this, the Retrofitting Energy Efficiency and Sustainable Construction Supplementary Planning Document (SPD) – revised draft includes updated, clear and positive advice for all householders on the various types of energy efficiency measures that can be fitted to different types of homes. This includes a new section on affordable warmth, setting out simple and cost-effective measures that can be taken to keep properties warm and more energy efficient.

We continue to lobby government directly and through our work with organisations including UK100 and Ashden to ensure that we have the necessary local powers and funding.

M	07	Question from:	Councillor Karen Warrington
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I note the plans to build solar farms in various locations in North East Somerset, and welcome investment in renewable energy . However, what plans are in place to ensure solar panels can be placed in other locations throughout the district – such as on commercial buildings, for example – rather than merely concentrating on green agricultural fields?

Answer from:	Councillor Sarah Warren		
<p><i>With regard to agricultural land, national policy requires that development should avoid the best and most versatile agricultural land, in order that it is protected for food production. This policy is relevant in determining planning applications for renewable energy schemes. This national policy is also amplified in the Council's proposed planning policy set out in the Local Plan Partial Update. This is open to consultation until 8th October.</i></p> <p><i>Commercial renewable energy schemes will require planning permission before they can proceed, and the planning application will be determined in accordance with policies in the Local Development Plan and national policy. In some instances, a planning application may be preceded by a request for pre-application advice, at which point the applicant will be advised of the relevant policy considerations and impacts that will need to be carefully assessed and addressed. The Council's proposed policy approach is set out in the Local Plan Partial Update – it seeks to focus applications for free standing renewable energy installations to the most appropriate locations principally in terms of their landscape potential (minimising impact on sensitive landscapes) and avoiding harmful impacts to biodiversity.</i></p> <p><i>There are number of ways that the Council is supporting solar panels being mounted on building roofs.</i></p> <ul style="list-style-type: none"> <i>• The draft Local Plan Partial Update (LPPU) proposed policy includes requiring all new residential and non-residential development is zero carbon. Roof mounted solar panels are one of the ways developers can achieve this target.</i> <i>• We are supporting the promotion of the Community Solar project, which is Bath & West Community Energy's search for commercial building roof space. They recently announced that they are working with Lansdown Golf Club to look at installing community-own solar panels on their building. Contact BWCE if you know of others who's would like to do similar.</i> <i>• And on a domestic scale, we're promoting the West of England's Solar Together scheme that is open to registrations until 28th September, helping homeowners buy and install solar panels through a group buying system.</i> 			
M	08	Question from:	Councillor Vic Pritchard

The September Cabinet report states that the Council will continue to make representations to Government about the need to improve the traffic situation at Cleveland Bridge. Please provide details of the representations to Government that the present administration has made to date.

Answer from:

Councillor Manda Rigby

The administration works closely with Wera Hobhouse Member of Parliament for Bath who has raised with government the need to improve the traffic situation at Cleveland Bridge, this includes a debate Westminster Hall and writing to Minister, Baroness Vere and further lobbying her on the matter. The Leader of the Council and Cabinet Member for Transport have met with or are about to meet various Wiltshire MPs and council members on Cleveland bridge to highlight the issues. The administration has worked with the Sub-Regional Transport Board (STB) Western Gateway to promote to Government the north-south connectivity study between the M4 and the Dorset Coast with an aim of making the A350 the strategic route and limiting HGV use of Cleveland Bridge, and have sought the support of the WECA mayor in this aim.

M 09

Question from:

Councillor Vic Pritchard

The September Cabinet report on Cleveland Bridge highlights the difficulty the Council faces in changing the Primary Route Network due to opposition from neighbouring authorities. What actions has the current administration undertaken to attempt to overcome such opposition in order to find a mutually agreeable solution?

Answer from:

Councillor Manda Rigby

Following the DfT 2012 decision, and in line with the Statutory Guidance, the Council has worked with Wiltshire Council and the Sub-Regional Transport Board (STB) Western Gateway to promote a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route. The Joint Local Transport Plan includes the need for a study. The strategic study has been included in the Highways England Road Investment Strategy. The study commenced in early 2021 and Highways England are aiming to report the recommendations from the work to the Department of Transport and stakeholders in late summer 2022. The Council in conjunction with the MP for Bath is hosting Wiltshire councillors and the

<i>MP for Chippenham in a visit to the bridge and talks in early October.</i>		
M	10	Question from: Councillor Vic Pritchard
Please provide a breakdown of how much money the Council has spent since 2015 fighting planning appeals that were initially refused by the Planning Committee?		
Answer from:		Councillor Tim Ball
<i>A total of £83,807 has been awarded against the Council as a result of Planning Committee overturns since 2015. In addition, the other costs associated in dealing with the resultant appeals (such as barristers, other specialist consultants fees) have amounted to c.£513,000 since 2015. However, the proportion of this arising from Planning Committee overturns is not recorded separately and is part of this figure.</i>		
M	11	Question from: Councillor Vic Pritchard
You have previously confirmed that the Liveable Neighbourhoods programme is being funded from the Council's own resources and from Community Infrastructure Levy (CIL) funding. How much CIL money has been earmarked for the Liveable Neighbourhoods programme and which developments has this CIL money come from?		
Answer from:		Councillor Sarah Warren
<i>£100k of CIL funding has been allocated to liveable neighbourhoods in 2021/22. These funds have been collected from a wide variety of developments across the district, so it is not possible to link the funding to individual schemes.</i>		
M	12	Question from: Councillor Vic Pritchard

To fund this year's Bath Christmas Market, £48,570 has been taken from the Council's Contain Outbreak Management Fund (COMF), a pot of money given to the Council by the Government to help reduce the spread of COVID-19 and to tackle local outbreaks. Please explain the justification for spending this COMF money on this year's Christmas Market rather than its intended use of managing COVID-19 outbreaks?

Answer from:

Councillor Kevin Guy

The Contain Outbreak Management Fund (COMF) provides funding to local authorities in England for public health purposes to tackle COVID-19, working to break the chain of transmission and protecting the most vulnerable.

The COMF remains ring-fenced for public health purposes to tackle COVID-19, working to break the chain of transmission and protecting the most vulnerable. The specific public health activities which can be funded from the COMF are left to the judgement of local authorities, following the grant conditions. The £48,570 identified in the Bath Christmas Market budget, is to provide additional resource to reduce the risk of transmission, by ensuring compliance with, and enforcement of, restrictions and good practice.

M 13

Question from:

Councillor Vic Pritchard

Please provide an update on the administration's attempts to find an alternative location to house Bath's Fashion Museum?

Answer from:

Councillor Richard Samuel

The Council has been looking for a new site for the Fashion Museum for several years. It has carried out a site options study to test the viability of alternative locations for the Museum. These options are now being reviewed and assessed on the basis of suitability and affordability.

M 14

Question from:

Councillor Paul May

I note the positive report about the solar panels arising from the Bath Quays regeneration. On looking at Google Earth, however, I cannot see that the planning proposals for solar panels/renewal energy for Keynsham Leisure Centre have yet to be installed on the office block regeneration scheme carried out by the Council-owned company ACL/ADL? If that is the case, is this an officer or member decision not to implement this important RE scheme?

Answer from:

Councillor Richard Samuel

The Council has retained ownership of the Keynsham Riverside roof and will install solar PV panels to supply the leisure centre below. The project has been delayed due to staff vacancies, but officers will work with Keynsham Community Energy to find a way to progress this more quickly in advance of recruitment into key posts in the authority.

M 15

Question from:

Councillor Paul May

Having supported the Council's Ecological Emergency policy, will it now become a requirement that all new developments must include an ecological appraisal before approvals are granted?

Answer from:

Councillor Tim Ball

In order to determine planning applications, the Council currently requires ecological surveys and assessment are undertaken for many different types of application where a protected species or habitat is likely to be affected. Information on the development thresholds and the surveys/assessment required is set out on the Council's website at: https://beta.bathnes.gov.uk/sites/default/files/2020-01/bnes_local_validation_criteria_ecology_table1_v1.2_lcsept19.pdf

Through the Local Plan Partial Update the Council is proposing to strengthen its currently adopted planning policy on protecting existing sites, species and habitats (Policy NE3) and adding a new policy requiring that development proposed through relevant major and minor planning applications delivers at least 10% Biodiversity Net Gain. This policy is also proposed to be supported through a Biodiversity Net Gain Supplementary Planning Document (SPD). The requirements for ecological surveys and assessment will be reviewed and updated (as necessary) in support of the strengthened Policy NE3 and in addition all relevant

major and minor planning applications will have to submit Biodiversity Net Gain appraisals (with guidance to be set out in the SPD). The programme for preparing the SPD is set out in the Council's approved Local Development Scheme

M 16

Question from:

Councillor Paul May

The Council has fully consulted my area as the Local Plan update has been prepared. WECA are producing their strategic plan for the three unitary authorities but are still not responding to requests to consult with local communities. Are they consulting effectively with the Council and is there any public information available to avoid major surprises when they publish their draft strategy later this year?

Answer from:

Councillor Tim Ball

Effective engagement with local communities is a key priority of B&NES and I consider that WECA should be taking additional steps to ensure that this takes place as part of the preparation of the SDS. This has been raised directly with WECA and we are awaiting their response.

M 17

Question from:

Councillor Paul May

The recently published notice re. procurement practices adhering to climate change makes no mention of value for money or EU procurement competitive legislation regulations. In future are you deciding all contracts on the basis of climate impact as opposed to public value/accountability?

Answer from:

Councillor Richard Samuel

Section 3.3 of the Cabinet report on the Procurement Strategy states:

'We must not lose sight of the overarching objectives within the Procurement Framework/Operating Model:

To ensure procurement best practice delivers value for money and underpins the delivery of all the Council's Strategic ambitions and statutory obligations.

To deliver the ambitions in a compliant manner within relevant legislation and best practice as well as providing evidence that goods and services demonstrate value for money.'

The approach is in line with the recent "Transforming Public Procurement" Green Paper which will be adopted by government in late 2021 and replaces current public procurement legislation. As such the strategy will be fully compliant with legislation and best practice

M	18	Question from:	Councillor Paul May
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The Liveable Neighbourhood schemes have come under some criticism recently. Can you confirm that for the first phase schemes that the design and budgets have been progressed and local parish council members will be consulted before any work is undertaken?

Answer from:	Councillor Sarah Warren
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A brief was issued through the professional services framework on 3/8/21 and tenders were returned on 30/8/21. Aecom has been selected for this commission. Initial consultation will commence in early October. Details of the consultation will be circulated to Ward Members and Parish Council's in advance of wider publicity.

M	19	Question from:	Councillor Paul May
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Considerable national, regional and local publicity has been given to lack of HGV drivers and the impact on local services such as refuse collection. Your officers always inform councillors when problems occur and work hard to pick up as quickly as

possible. Bearing in mind many services have had to be continued during the pandemic, can you please pass back to our refuse collection staff the Council's support for keeping this key service going despite such difficult circumstances?

Answer from:

Councillor David Wood

Thank you for your appreciation of the hard work of our waste services team. There are many people in the team who have been working above and beyond to keep the services as reliable as possible. The Council has been putting in measures to invest in the teams for example we have significantly increased the number of loaders in our recycling service to cope with additional pressures of increased waste tonnages and have increased our investment in driver training. We thank our communities for their patience and understanding for any disruption to their service that they may experience as we continue to manage with a shortage of drivers. We welcome applications from any qualified HGV drivers looking for new opportunities to help with this rewarding work.

M 20

Question from:

Councillor Paul May

The essential repairs to Cleveland Bridge have highlighted the need to continue to plan for traffic congestion within the city. When will the works be completed and can you assess how much extra pollution the works have generated in the city?

Answer from:

Councillor Manda Rigby

WSP, the consultant appointed by the Council, continue to undertake the work needed to repair the bridge. As part of the work programme, they have completed further detailed inspections of the structure of the bridge and this confirmed the extent of the defectives were worse than identified when engineers, using ropes to access the trusses, carried out a survey last year. Accordingly, WSP have needed to continually update the repair information and have re-analysed each repair to establish which require full closure of the bridge. Dyer and Butler continue with the concrete repairs and are assessing repairs options with an aim of reopening the bridge while the repairs continue. At this stage while the concrete repair assessment is ongoing it is not possible to provide a completion date for the project, it is anticipated that the assessment will be completed by late September when an updated programme will be produced.

Traffic levels have increased on some routes and reduced on others while the bridge has been closed. Nitrogen dioxide levels continue to be monitored at key locations around the city, however as these can be impacted by many factors including meteorological conditions, it is not possible to assess the impact of the bridge closure on air quality at such an early stage.

M 21

Question from:

Councillor Paul May

When considering support for renewable energy schemes, will the council look at the total carbon footprint of any proposals as well as the ecological impact? Will the Council insist that any energy savings are re-invested back into local communities as opposed to the national grid for money generation?

Answer from:

Councillor Sarah Warren

I shall respond to the separate parts of your question in order.

1) The carbon footprint from the manufacture of equipment to generate energy from solar or wind sources is insignificant when compared to the savings from avoiding fossil fuels.

2) Through the Local Plan Partial Update (LPPU) the Council is setting out its planning policy approach in respect of renewable energy development. The approach seeks to focus renewable energy proposals on the most appropriate locations in the District, based on landscape potential and minimising adverse impacts on biodiversity. Specifically, for wind energy this means ensuring proposals do not adversely affect flight paths or habitats of mobile species and for ground mounted solar arrays it means avoiding areas of protected or priority habitats, plus not siting them on land which is functionally linked to nationally protected ecological sites. Additionally, there are policy requirements to ensure proposals avoid the loss of hedgerows and woodland connectivity and maintain grazing regimes within protected bat sustenance zones. It should also be noted that as well as avoiding harmful impacts ground-mounted solar arrays can provide benefits to biodiversity and protect soils (healthy soil is a significant carbon sink in itself) by providing an undisturbed area that can host a rich variety of species and rest core soil nutrients and this good practice is encouraged.

3) The Council has a long history of supporting and enabling community energy to develop here, providing local people with ownership, control and financial benefits from renewables. Our planning policies favour community energy schemes and we

have also introduced a specific pre-application process for community energy. Since 2010 we have had a Cooperation Agreement with the award-winning Bath & West Community Energy (BWCE). We have provided BWCE with roofs for projects, loans for their larger schemes. As a result, 40% of the district's renewable energy capacity is community owned and the BWCE Community Fund has reinvested over £250,000 back into community projects.

M 22

Question from:

Councillor Karen Warrington

With reductions in the frequency of bus services across North East Somerset – for example, cuts to the 672 from Blagdon to Bristol – it is becoming more and more difficult for B&NES residents to commute into Bristol or Bath by bus. What plans does the administration have to improve public transport services in the rural parts of our district?

Answer from:

Councillor Sarah Warren

The West of England Combined Authority is the Transport Authority for the region and as such oversees the provision of supported bus services. I have this week written to Metro Mayor Dan Norris to object to the current round of cuts to rural bus services, specifically mentioning the 672 amongst many others. Our officers are working closely with the Combined Authority to undertake public transport, cycling, walking and wheeling corridor studies across the district, including on the A4, A37 and A367 corridors, which are key commuting routes through rural areas within our district and to Bristol. The government has indicated that funding will be available through the City Region Sustainable Transport Fund over the next 5 years to fund transport improvements and the Combined Authority is proposing to prioritise works along the key transport corridors, such as bus priority, bus stop infrastructure and links to bus stops, in tandem with improvements for cycling, walking and wheeling.

M 23

Question from:

Councillor Robin Moss

How many applications were made to the 'Liveable Neighbourhood' initiative, broken down into NES as well as Bath locations? How many of these applications are likely to be successful, again broken down into NES as well as Bath?

Answer from:		Councillor Sarah Warren
<p><i>There have been a total of 76 applications made between February and August 2021, 59 (78%) from Bath Members and 17 (22%) from NE Somerset Members.</i></p> <p><i>The February and May 2021 applications were prioritised and reported to Cabinet in June 2021. 12 (80%) of the successful applications were within Bath and 3 (20%) from NE Somerset. It is not possible to predetermine which schemes will be prioritised for implementation in the next phase, as this decision will be taken by Cabinet.</i></p>		
M	24	Question from: Councillor Robin Moss
<p>How many applications have been received for stalls at the expended Bath Xmas market? Have these all been for the full expended period? How many vacancies still exist?</p>		
Answer from:		Councillor Kevin Guy
<p><i>We have received 261 applications for this year's Bath Christmas Market. We have offered a flexible application process for varying durations, i.e. 11, 14 and 25 day options, as well as opportunities for incubator businesses for a 3 or 4 day Victorian style cart. Those traders who meet the criteria and have requested 25 days have been given a stall, however, traditionally the Market has always offered short-term lets.</i></p>		
M	25	Question from: Councillor Joanna Wright
<p>In light of the August 2021 comment by the Former NATO Chief, Baron George Robertson stating the following with regard to a terrorist attack in the UK: "The longer term implications are going to be very worrying indeed. The rise of a terrorist threat that can affect us in the streets of this country, the humiliation in the eyes of the authoritarians in the world today - all of these are long term consequences which are certainly going to haunt us."</p>		

Even before Robertson's comment and recent events in Afghanistan the Government Anti-Terrorism guideline recommended to B&NES Council that all traffic was stopped from entering key areas in the city centre as the anti-terrorist squad recognised the key danger of motorised vehicles in public spaces. This newly appointed Cabinet under the Leadership of Cllr Kevin Guy has decided to not take this advice.

In light of Robertson's comments and the report from anti-terrorist squad naming Bath city centre as one of the most vulnerable spaces in the whole of the south west, will the Cabinet Member for Transport now reconsider her decision and the real threat to security for the many thousands of residents and visitors that access the city centre regularly and secure the city centre as detailed by the antiterrorist squad?

Answer from:

Councillor Manda Rigby

We carried out a comprehensive consultation in January 2021 and, following feedback on the initial proposals for vehicle restrictions to be in place 24 hours a day, we listened to views that said this was too restrictive. We carried out an independent accessibility study and asked people to comment on it. Following welcome feedback, we consulted with Avon & Somerset Police and the force's Counter-Terrorism Security Advisers to amend our proposals but without compromising security. This was agreed at Cabinet in July 2021. The next step is to consult on the Traffic Regulation Orders, which are due to be published in the next couple of weeks.

M 26

Question from:

Councillor Joanna Wright

Please can you give details of the total spend by B&NES Council on B&B accommodation in the last financial year compared with the B&B spend of 10 years ago?

Answer from:

Councillor Tom Davies

In 2020/21 the Council spent a total of £144,159 on B&B accommodation which after recovering eligible housing benefit resulted in a net expenditure of £57,747. In 2010/11 the same figures were £101,235 & £24,521. In 2020/21 the Council typically had 7

households in B&B at any one time whereas in 2010/11 this figure was typically around 4 households (which excludes those households in our temporary accommodation schemes).

M 27

Question from:

Councillor Joanna Wright

Please can the Cabinet Member give details of how many residents have been paid the Green Homes Grant in B&NES in the last 2 years?

Answer from:

Councillor Tom Davies

The Government's Universal Green Homes Grant scheme, which has now been withdrawn, was managed by Government appointed contractors and the Council has no information on payments made. However, last year the Council successfully bid for funding under the "Green Homes Grant – Local Authority Delivery" scheme securing a total of £1m of funding. The funding has strict eligibility and delivery timescales which have proved problematic in the current climate, not least due to a lack available installers. However, so far the project has delivered the following outcomes:

- 143 referrals to WeCare – the Council's appointed contractor for grant applications through B&NES energy-at-home service*
- 42 applicants approved for grants*
- 20 homes receiving grants and energy efficiency measures installed or about to be installed*

In addition the funding has also enabled Curo to purchase a Qbot – a robot that can insulate under floors – which has already installed underfloor insulation on 11 properties and more are being processed all the time.

M 28

Question from:

Councillor Joanna Wright

The Government Highways Challenge Fund was awarded to B&NES to fix Cleveland Bridge and the grant stated that the spend must be completed by September 2021. Please can the Cabinet Member let Council know how this grant's timeline will be dealt with in light of the works on Cleveland Bridge still taking place, including the Traffic Regulation orders?

Answer from:

Councillor Manda Rigby

The Challenge Fund grant conditions require the funding to be spent on the designated project and a declaration submitted by the end of September 2021. The Council are content that expenditure is being spent on the designated project and have request approval to submit the declaration in March 2022.

The bridge is currently closed and options for opening the bridge while works continue are being assessed, this is likely to require a staged approach. Initially access is likely to be restricted to cars, cyclist, pedestrians and emergency vehicles. The associated Traffic Regulation orders will need to be in place.

M 29

Question from:

Councillor Joanna Wright

Please can the Cabinet Member give full detail of how many B&NES residents are in Council tax arrears?

Answer from:

Councillor Richard Samuel

As at 1st September 2021, the total number of liability orders with debts owing to the Council is 8,858, with a total debt of £5.4m, covering all years including 2021/22 (3,872 LOs for the current year). This time of year the debt figures are at their peak, but will steadily decline as we go towards year end.

M 30

Question from:

Councillor Joanna Wright

Recently the Leader of Council used Rule 15 to make an extension of one week to the Christmas market in Bath. Historically,

the Planning Committee have refused to give an extension on the Christmas market, to protect the existing retail environment across the city of Bath. Please can the Leader explain his recent use of Rule 15 and how he used an emergency measure with other Cabinet Members to overrule due process in a local democratic council?

Answer from:

Councillor Kevin Guy

Monitoring Officer advice was taken by officers specifically about the use of Rule 15.

The 2021 Xmas market preparations had been delayed because of the Government's uncertainty around the lifting of the Covid Restrictions/Social Distancing measures. The Christmas market team were clear that any variation to the original date had to be implemented quickly to avoid the Market not being open at all. The lead in time to organise the market, publicise this, book traders and contract with them had to be completed by a 16 July 2021 deadline.

Rule 5 at Part 4D-1 of the Constitution provides an exception to call in if the effect of the call in alone would be to cause the Council to miss a deadline.

Irrespective of whether the Cabinet had made the decision to extend the Christmas Market (which could be called in but would have been subject to the exception under Rule 5) or as was the case a SMD under Rule 15 (an exception to call-in) the net effect would be the same. The 16 July 2021 deadline had to be met and therefore the democratic process has been followed.

M 31

Question from:

Councillor Joanna Wright

Please can you make available the consultation details made with the Christmas marketeers and Bath's existing retail community with regard to the extension of the Christmas Market?

Answer from:

Councillor Kevin Guy

<i>Consultation was carried out through the Bath Business Improvement District, who represented their levy payers, and a decision to extend the Market was made under Rule 15 of the Council's Constitution.</i>		
M	32	Question from: Councillor Joanna Wright
In Gear Change: One year On; it states on page 21 with regard to the funding for Active Travel Schemes "we will discourage the weakening or removal of schemes without proper evidence". How will both the removal of the bus gate and the watered down scheme on Upper Bristol Road now be able to pass DfT guidance for the Active Travel Schemes?		
Answer from:		Councillor Sarah Warren
<i>We are confident that the schemes have been designed in accordance with government guidance.</i>		
M	33	Question from: Councillor Joanna Wright
Please confirm the exact amount of the additional funding, obtained via a grant from DfT/Defra, that B&NES has awarded to WeGo to expand the last mile delivery service?		
Answer from:		Councillor Sarah Warren
<i>The funding provided to WeGo is on a cost reimbursable basis, with the maximum value of the additional funding being £70,000.</i>		
M	34	Question from: Councillor Joanna Wright
On 20 July 2021 Cllr Warren confirmed that the contract for last mile delivery services between B&NES and WeGo (March 2018 V3) had been extended by one year, and that additional funding had been sought to support WeGo's provision of the last mile		

delivery service. B&NES obtained this additional funding from DfT/Defra and awarded it to WeGo.

On 3 August 2021 Cllr Warren advised that the additional funding from DfT/Defra (referred to as 'further payment') had been awarded to WeGo in accordance with the 'payment provisions' and 'contractual conditions' detailed in the original contract (March 2018 V3). Can Cllr Warren please reference the specific wording/clauses in the original contract that deal with the 'payment provisions' and 'contractual conditions' that cover the 'additional funding'. (For the avoidance of doubt, please note that Cllr Warren has previously confirmed that the 'Contract price' specified in the original contract (March 2018 V3) has not been increased by the additional funding from DfT/Defra.)

Answer from:

Councillor Sarah Warren

The payment provisions are contained within Clause C of the contract, including subsections C1 to C4 inclusive. The term 'additional funding' does not appear in the contract, however subsection C4.3 deals specifically with any revision to the contract price.

M 35

Question from:

Councillor Joanna Wright

Addressing the climate and ecological emergencies is one of B&NES Council's two core strategies, as described in the Corporate Strategy.

During the Covid crisis the Council wrote to all households in B&NES to inform them of the crisis. Please can the Deputy Leader explain what actions have been undertaken during the Climate and Ecological Emergency crisis so that all households in the area are aware of the Climate and Ecological crisis?

Answer from:

Councillor Sarah Warren

Cllr Wright is correct that the council wrote directly to all households in Bath & North East Somerset, with funds from central government, during the pandemic to provide immediate information on where to get help - for example in securing food supplies. However, research by organisations such as Climate Outreach shows that targeted messaging on the climate emergency is

more effective than blanket messaging such as mailings sent out to all households. For example, the work underway with parishes shows the power of engaging in two-way conversations and we are seeing significant engagement through these Fora, with 65 attending at Freshford, alone. This face-to-face engagement is backed up by a co-ordinated stream of updates about what the council is doing to support this emergency, which can be found under the Tackling the Climate and Ecological Emergency section of the council's Newsroom.

The council has made huge efforts not just to communicate the importance of the climate and ecological emergency but also what we can all do about it. During lockdown I organised a wide range of webinars under the theme of "climate conversations" and we have also held webinars on green businesses, green jobs, green homes, green skills and green renewal. We have used our extensive social media reach- not just on twitter but also other platforms such as Nextdoor- to get the message out. However, we are also acutely aware that not everyone has access to social media. As a result, we are currently publicising our Climate and Biodiversity Festival on bus stop posters and through local community radio and we will continue to review the methods we use to get our message across.

It is vital that we bring people with us in these conversations. To achieve this, nothing beats talking to people "face- to -face", as I previously mentioned. I myself have visited a wide number of community forums, and there have also been special meetings- most recently of the Chew Valley Forum- dedicated to the climate and ecological emergency. This particular event was followed up by myself and Jackie Head, who is the Co-Chair of the Chew Valley Forum, Climate and Nature Working Group, giving radio interviews with Radio Bristol. Finally, I should stress that the quickest and easiest way for people to find out what is going on locally is to follow us on our special twitter account @GreenBathNES.

M	36	Question from:	Councillor Joanna Wright
In light of the promised delivery by 2021, in the Climate Emergency Action Plan, please can the Deputy Leader outline in full how the Council's overall communications policy and resources have been aligned to the climate and nature emergencies?			
Answer from:			Councillor Sarah Warren

Supporting this core policy has been a key priority not just for the council's corporate communications team but also for how council's services work with our customers and communities. My response to Question 36 highlights many of the communications activities we have undertaken since declaring our climate emergency. It is important to note that this work has taken place at the same time as the need for effective and clear communications relating to the pandemic, as well as the delivery of other key campaigns such as Proud to Care which aims to increase recruitment of health and social care workers.

However, we have been able recently to strengthen the communications resource available to supporting the climate and ecological emergency and this is reflected for example in the upcoming Climate and Biodiversity Festival and in the amount of information we are making available on our Newsroom and other channels about what we are doing to tackle the climate and ecological emergency. I should also stress that our work on this is as much about engagement as it is about communications. Projects such as Bah Riverside and Liveable Neighbourhoods have to be developed through working with local people and so we are also ensuring that these projects have a strong and effective communications and engagement resource built in to their planning.

M 37

Question from:

Councillor Joanna Wright

In the Renewal Programme and Vision Workstream, it is stated that the policy and resource alignment will be accelerated. The Community Engagement Programme, also indicates that there will be a developed public communications campaign.

Can the Deputy Leader give details of the previous communications spend at the Council compared with the present communications budget for the Climate and Ecological Emergency?

Answer from:

Councillor Sarah Warren

An additional £45,000 has been made available in 2021/2 to support communication of the council's Corporate Strategy, including its core policy of tackling the climate and ecological emergency. A new digital communications and community engagement officer has also been recruited, to start on 20th September.

M 38	Question from:	Councillor Joanna Wright
<p>Please can the Deputy Leader explain how have the Council's strategic communications objectives, key measures of success and performance indicators, plan, and resources supporting core priority delivery of the Climate and Ecological Emergency changed?</p>		
Answer from:		Councillor Sarah Warren
<p><i>I think that the best way of answering this is to highlight number of announcements from just the last month or so which reflect the priority that the council is giving to our core policy and how it is being built into our plans, processes, performance, and budgets:-</i></p> <ul style="list-style-type: none"> ✓ <i>We have ensured that our Bath Quays South flagship office development boasts the biggest array of solar panels in the city</i> ✓ <i>The cabinet today is considering a brand-new procurement strategy built around our climate emergency core policy</i> ✓ <i>Also, today we are receiving a report on how the council will measure its own performance, which builds in data to measure our climate emergency commitment including the number of new trees planted and percentage of waste being recycled</i> ✓ <i>A report also before us shows how air quality is improving following our introduction of the first charging Clean Air Zone outside of London</i> <p><i>We are currently in the middle of consulting on the Local Plan Partial Update and associated SPDs which are designed to create the planning frameworks to help us address our climate and ecological emergency declarations, including improving energy efficiency in homes and buildings</i></p>		

In terms of the council's strategic communications, as well as referring to the answer given on this to Question 36, the council's "Newsroom" website is organised by our Corporate Strategy themes, and with one click it is possible to see everything at the council has been doing recently to tackle the climate and ecological emergency.

As part of its review of corporate performance monitoring, the Council is undertaking a review of service areas delivery against the Climate and Ecological Emergency. The first phase of this project is now complete and covers services largely within the Place Management and Sustainable Places Directorates. An initial collection of measures has been identified and an initial report of these measures is due to be taken to a future PDS panel and an Annual Progress report is also due to be published.

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