

# **BATH AND NORTH EAST SOMERSET**

## **CABINET**

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

Thursday, 16th January, 2020

### **Present:**

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

### **46 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

### **47 EMERGENCY EVACUATION PROCEDURE**

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

### **48 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **49 DECLARATIONS OF INTEREST**

Councillor Dine Romero declared an other interest in agenda item 18 'Decision to complete a Transfer Agreement with Aequus Companies' as she is the Council's shareholder representative for Aequus Development Limited.

### **50 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **51 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 11 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 1 and are available on the Council's website.]*

#### **Cabinet question and answers**

#### **52 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

Phil Harding in a statement [a copy of which is attached to the Minutes as Appendix and on the Council's website] said that Saltford Parish Council and Saltford Environment Group were asking the Cabinet to implement an immediate mooring ban to protect the stability of the riverbank from further damage and the key infrastructure it protects.

Laura Darling made a statement by saying that the decision would affect her personally as a member of the boating community. Laura Darling said that she was evicted from Saltford Marina 5 years ago when she was pregnant, and that she has been looking for a safe place ever since. Laura Darling also said that she has 4-year-old son and that she was concerned that she and her family would be homeless. People would have to tie their boats to random trees if the moorings were taken away, with no access to hospitals. Laura Darling concluded her statement by saying that the boating community do take care of the environment by organising litter picking actions and that they would like to work together with the residents on this matter.

Alice Young made a statement by saying that the moorings at Mead Lane in Saltford were a vital lifeline for the boating community. Alice Young also said that she was concerned from a professional stance where these people would go if the Mead Lane Moorings are closed. Alice Young agreed with Laura Darling that people would put themselves at risk tying boats to trees in unsuitable river conditions. She also called for discussion between the boaters and residents on this matter and added that boaters would be added to the long housing list if the closure goes ahead.

Peter Denmead in a statement [a copy of which is attached to the Minutes as an Appendix and on the Council's website] urged the Cabinet to take immediate action now to avoid environmental risks.

#### **Statement Mr P. Harding**

#### **Statement Mr P. Denmead**

#### **53 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Thursday 7th November 2019 be confirmed as a correct record and signed by the Chair.

#### **54 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

**55 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

There were none.

**56 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

**57 BATH'S CLEAN AIR PLAN- FULL BUSINESS CASE**

Councillor Vic Pritchard asked for a point of clarification by saying that not so long ago it was said that vehicles which would meet the following minimum emission standards for Bath would be free of charge:

- Euro 6/VI (or newer) diesel vehicles registered from c. 2015
- Euro 4/IV (or newer) petrol vehicles registered from c.2006
- Electric vehicles
- Hybrid vehicles
- Alternatively fuelled vehicles

However, Councillor Pritchard felt that the report suggested that all car drivers would be exempt from charges. Councillor Pritchard asked which option was correct.

Councillors Sarah Warren and Richard Samuel explained that minimum emission standards would apply to all vehicles that were not private cars and motorbikes. Private cars and motorbikes would be exempt from charges.

Councillor Sarah Warren read out the following statement:

*'Today, we are discussing the Final Business Case to Government for funding for Bath's Clean Air Plan. Air pollution is one of the environmental challenges of our times. The British Heart Foundation says that living in the most polluted areas of the UK is as deadly as smoking 150 cigarettes a year, so it is absolutely vital that we reduce pollution levels here in Bath. 92% of nitrogen dioxide emissions in this city currently arise from road traffic. This Clean Air Zone proposes to provide support for local businesses to upgrade their vehicles to less polluting models, and will form the springboard for further measures aimed at giving people alternatives to the private car, and encouraging their use.'*

*I want to thank the council officers who have worked so hard on what I believe is one of the most challenging projects they have had to deal with. The modelling of both traffic flows and air pollution is highly technical, and at the cutting edge of current understanding, and this work has been carried out within parameters and a timescale that have been very tightly defined by Government, whilst rightly, under close scrutiny from the media and the public.*

*I also want to thank the public for their constructive and enthusiastic participation in our two consultation processes. They attended open events, and wrote in with their suggestions, in very large numbers. Their help has been invaluable in ironing out the unintended consequences that might have arisen, had the council gone live with*

*earlier iterations of the proposal, and in ensuring we have the best fit scheme that we can for Bath, within the government's tight parameters.*

*The scheme we are proposing is a "Class C" Clean Air Zone, which will see non-compliant, highly polluting HGVs, buses, vans, and taxis charged to enter the zone. You will remember that the council previously consulted on the possibility of charging private cars, and that the majority of the record 8000 respondents expressed concern about the impact on local families of such a measure. But without charging cars, the only way that legal compliance can be achieved is to introduce so-called "traffic management" at Queen Square, so as to reduce the flow of traffic past a key pollution hotspot in Gay Street.*

*We recognise that this scheme may not be perfect in every regard as it goes live, and that its ability to achieve legal levels of compliance is finely poised. That's why we'll be monitoring its performance very closely from the get go, through increased data collection around both air quality and traffic flow. We'll be doing this both in those areas where we believe air quality will be improved by the scheme, and at spots where our modelling has indicated there may be a slight increase in pollution or traffic. The enhanced monitoring will mean we have a deep and improving understanding of air quality and traffic flow in the city, and on the factors that influence it, which in turn will mean that, should the scheme not be on track to deliver the benefits that the modelling has predicted, we'll know early, and we'll know what type of contingency measures need to be taken to achieve legal compliance.*

*I should add that the council will continue to take other measures alongside the Clean Air Zone which are focused on giving people alternatives to the car and encouraging their use. These additional measures will contribute to reducing pollution and are also in line with our climate emergency declaration and commitment to reduce individual car mileage by 25% and achieve net zero carbon emissions, by 2030.*

*One part of the scheme that has met with a mixed reception at consultation is the plan for Queen Square. It was a part of the scheme inherited by the current administration from the previous one, and which is required in order to allow the city to achieve legal compliance without charging cars. I acknowledge that the current scheme for Queen Square is not the outcome we would prefer to see at such an important Grade 1 listed space in the heart of our World Heritage City, and I regret that, despite very hard work by both councillors and officers, we have not been able to develop more sympathetic plans for this space in time to hit the externally set deadline for legal compliance. However, I would like to reassure the public that we regard the current proposal for Queen Square as a temporary measure until such time as nitrogen dioxide levels are legally compliant, and overall volumes of traffic on the network have been reduced. And this is where individuals can help us, too, by giving real thought to their transport choices on a daily basis and avoiding using their cars in the city centre wherever possible.*

*In the summer, we hope to begin consultation with the public on medium term improvements to the public realm in Queen Square, that will inform the future development of a pleasanter space, less focused around the car.*

*In summary, I anticipate that this scheme will effectively reduce air pollution both at key hotspots around the city, ensuring the council meets its legal obligations in relation to nitrogen dioxide levels; as well as more widely, as drivers upgrade their vehicles to less polluting models, and modify their behaviour. I view it as an important scheme to safeguard the health of our residents, and the first of a suite of measures the council will take, aimed at reducing our dependency on the motor vehicle, and at reducing both carbon emissions and other pollutants.'*

Councillor Sarah Warren moved the recommendations.

Councillor Richard Samuel seconded the recommendations by saying that he had put a motion to the Council in July 2017 for the Clean Air Zone, and today the Cabinet would vote on the Final Business Case. Councillor Samuel expressed his concerns that central government has not yet paid the remaining £18.3m of the Clean Air Zone money to the Council, which could mean that the project would not go ahead unless the funding is received. The Council has sent a letter to the Secretary of State expressing its concerns with the delay in payment. Councillor Samuel concluded by saying that the Council would have to re-work the Clean Air Zone scheme if there was a lack of funding from the central government. The next phase of the scheme would be the installation of number plate recognition cameras, which was probably the most expensive part of the project.

The Chair agreed with Councillor Samuel that the Council was not in an ideal position whilst waiting for the remaining funding.

**RESOLVED** (unanimously) that the Cabinet agreed to:

- 2.1 Delegate authority to the Corporate Director of Place to formally submit to the government's Joint Air Quality Unit (JAQU) for approval: the final Full Business Case (FBC), Clean Air Fund (CAF) bid; and the Charging Order. The main FBC is attached as Appendix 1 and the full package of 2 documents have been shared with Cabinet members and are published on the Council's website.
- 2.2 Agree the key project programme milestones as shown in Section 3.5.
- 2.3 Agree the revised and final scheme boundary as shown in Appendix 2.
- 2.4 Note that a draft Communications Strategy has been developed to support the implementation of the scheme that integrates with the national communications campaign. This is set out in Appendix 3.
- 2.5 Consider the FBC Consultation Report setting out the views of the respondents to the last public consultation and analysis of these views. This is set out in Appendix 4.
- 2.6 Confirm the launch of the approved scheme on 4 November 2020. This is the date upon which enforcement will commence and payment must be made for entering the Clean Air Zone (CAZ) in a non-compliant vehicle or be subject to enforcement via a penalty charge notice (PCN).
- 2.7 Note the recommendations of the independent review which have been incorporated into the FBC.
- 2.8 Note the changes made by JAQU as part of the core scheme since the end of the last public consultation.
- 2.9 Consider the updated Equalities Impact Assessment (EqIA) shown in Appendix 5.
- 2.10 Note that a meeting of the Climate Emergency and Sustainability Policy Development and Scrutiny Panel took place on 13th January 2020 and any recommendations will be reported to the Cabinet Member for Climate Emergency

and Sustainability.

2.11 Delegate authority to the relevant Corporate Director and the Director of Legal and Democratic Services and the S151 Officer, in consultation with the Cabinet member for Climate Change and the Deputy Leader, the decision to agree and to enter into any relevant legal agreement to secure, the national operational agreement(s) for the operation of the Clean Air Zone.

2.12 Delegate authority to the relevant Corporate Director and the Director of Legal and Democratic Services, in consultation with the Cabinet member for Climate Change and the Deputy Leader, the decision to agree and make minor changes to the Clean Air Zone Charging Order for technical reasons before sealing.

2.13 Note that if the Council does not secure sufficient funds from DEFRA/DfT then the Council reserves the right to review the proposals as set out in this report to ensure that there is no impact on the Council's wider budget.

## **58 B&NES LOCAL DEVELOPMENT SCHEME REVIEW**

Councillor Tim Ball introduced the report by saying that every Local Authority was required by statute to maintain Local Development Scheme (LDS), which is the programme for the preparation of planning policies that ensure that every Unitary Authority (UA) has an up-to-date planning policy framework. The withdrawal of the Joint Spatial Plan (JSP) has prompted the need for the B&NES LDS to be reviewed, and to facilitate the delivery of the Council's Corporate Strategy priorities. Whilst the LDS did not require public consultation, the LDS would entail working with local communities as part of its preparation. It would be crucial that the Council has an up-to-date planning policy framework which would enable delivery of its Corporate Strategy and its key policy objectives, particularly on the Climate and Nature emergency.

Councillor Ball also said that the report set out the key issues that the revised LDS would need to address and delegates to officers the task of preparing a Local Development Scheme to be presented to Cabinet at a subsequent meeting for adoption. The LDS would set out the scope and timetable of the new Local Plan, sub-regional working arrangements, Supplementary Planning Documents and other necessary strategies and guidance notes.

Councillor Tim Ball moved the recommendations.

Councillor Joanna Wright seconded the motion by reminding the Cabinet that the Council had declared a Climate Emergency, and that the revised LDS would be in line with its key objectives.

Councillor Paul Crossley supported the motion by adding that it would be really important for the community to understand why the Planning Department was not able to prevent loss of family homes due to the continued rise of HMOs. Family homes would need to be protected; after all they would pay Council Tax. Councillor Crossley also expressed his concern at the continued rise of Airbnb in the city and its impact on the decline in family dwellings in the city, and also that purpose-built student accommodations were used as HMOs or Airbnb. For those reasons Councillor Crossley urged the Cabinet to consider revised LDS as soon as possible.

**RESOLVED** (unanimously) that the Cabinet agreed to:

2.1 Agree the key priorities for the preparation and review of Planning Policies in B&NES as summarised in para 3.2 of this report, and

2.2 Delegate to the Director of Development and Public Protection (in consultation with the Cabinet Member for Housing, Planning, and Economic Development) the task of preparing a revised Local Development Scheme to reflect those priorities. The revised scheme would then be presented to Cabinet at a subsequent meeting for consideration with a view to bringing it into effect.

## **59 INTEGRATED TRANSPORT AUTHORITY**

Councillor Paul May made an ad-hoc statement by saying that he understood the logic behind the Integrated Transport Authority (ITA). However, he was very concerned that this would bring memories of Avon County and that future decisions, and transport powers, would be centralised within WECA (West of England Combined Authority). Councillor May also said that B&NES should have control over its own issues around transport, highways, and similar.

Councillor Neil Butters said that there was no movement in WECA becoming ex Avon County.

Councillor Neil Butters introduced this report by saying that the purpose was to integrate the delivery of the transport functions certain transport powers were devolved to WECA and since 2017 these have been carried out by, B&NES, South Gloucestershire and Bristol City Council, i.e. the Unitary Authorities (UAs). In November 2018 WECA reviewed these arrangements and resolved that the delivery of the relevant transport functions should, where practical, be carried out directly by the Combined Authority (such as concessionary travel, bus service information, community transport, supported bus services). B&NES has been delivering WECA functions since 2017, in summary these were no longer Council's duties or responsibilities (with the exception of supported buses, which was a joint function). The ITA would provide greater resilience, especially as at present there were only 3.5 full time employees in the Council. No further transfer of functions would take place unless there was a robust business case that would have both management and political sign off in B&NES.

Councillor Neil Butters moved the recommendations.

Councillor Joanna Wright seconded the motion by saying that ITA was a necessity for working with other Ex Avon authorities. For example, 48% of RUH Bath patients came from outside B&NES. Councillor Wright also said that she would see this as a positive move for the region.

Councillor Paul Crossley said that he would support the motion; however, he had concern that this would lead towards a bigger 'empire'. Councillor Crossley also said that ex Avon authorities worked really well together as West of England authorities and it should have stayed that way.

Councillor Tim Ball said that he would also support this report even though he shared Councillor Crossley's concerns in terms of WECA powers. Councillor Ball also said that public transport would need ITA to resolve its issues.

Councillor Richard Samuel also supported the report adding that all meetings of WECA should be held in public, documents should be available to the public, and WECA should be accountable to its residents.

**RESOLVED** (unanimously) that the Cabinet agreed to:

2.1 Approve the transfer to WECA of the staff (and associated costs) to enable the direct delivery by WECA of the four core public transport functions contained in the WECA Order 2017, on the basis that there is no additional cost to this authority or loss of income

2.2 Delegate to the Director of Environment authority to progress the transfer arrangements, in consultation with the Cabinet Members for Transport.

## **60 MEAD LANE MOORINGS**

Councillor Duncan Hounsell in a statement [a copy of which is attached to the Minutes as an Appendix and on the Council's website] where he urged the Cabinet to: approve a full engineering survey of the river-bank at Mead Lane to be undertaken as soon as possible, begin a consultation on alternative sites for moorings and make use of the information provided by the boating community to Lemon Gazelle as to its needs and end moorings at Mead Lane so that vital infrastructure is kept safe, so that aquatic plants grow again, wild-life thrives, bio-diversity is promoted, and that this short stretch of river-bank becomes once again an open public space for all.

Councillor Paul Crossley introduced the report by saying that the Council had responsibility to maintain the riverbank. Stabilisation works were undertaken in 2004/5 followed by mooring trial, which was set up in 2017 in response to complaints about unregulated residential moorings. An independent consultation and engagement exercise was undertaken in the Autumn of 2019 to understand the issues/concerns of various parties. During the consultation period an engineering report was highlighted by the local community (produced around 2004/5), which included statements about the suitability of this section of the riverbank for moorings. Councillor Crossley also said that the Cabinet would consider a range of matters including the views of the local community, live-aboard boaters, its' duties and responsibilities under various pieces of legislation, the content of the engineering report and availability of suitable moorings along the river. The report recommended that no long-term decision should be taken on the moorings until an up to date structure survey is undertaken.

Councillor Paul Crossley moved the revised recommendations, with recommendation 2.3 to read as: 'Remove moorings at Mead Lane with effect from 21 days after the date of this decision. Any Council enforcement action to be subject to compliance with statutory duties.'

Councillor Richard Samuel seconded the motion by agreeing with Councillor Crossley that it was a Council responsibility to maintain the riverbank. Councillor Samuel also said that the Council has duty of care not just to the boating community

but also to residents. Councillor Samuel concluded his comments by saying that this site was not designed for moorings, and that the Council would need to find capital funds for immediate support on site, pending the outcome of the survey.

Councillor Tim Ball said that Mead Lane Moorings were not proper and sustainable moorings and for those reasons there was a need for action. Nevertheless, Councillor Ball made a plea for adult and children services to work closely with the boating community and families that were on site.

Councillor Kevin Guy said that the riverbank has been significantly damaged. Councillor Guy also said that he would be speaking to the boater families whose children go to school in B&NES about next steps.

Councillor Rob Appleyard said that his focus, as Cabinet Member for Adult Services, would be on the people side. The boating community were part of the overall community and they must be involved in the consultation.

Councillor Paul Crossley added that it would be Council's imperative to work closely with the residents and boaters on this matter and involve everyone in the consultation. The Council must work with the families within boating community to support their needs.

**RESOLVED** (unanimously) that the Cabinet agreed to:

2.1 Request from officers to undertake a structural survey of the river bank at Mead Lane and as part of the survey consider the suitability of this land for future moorings. This request is subject to approval of the revenue budget provision by Cabinet/Council in February 2020.

2.2 Request that officers report back to Cabinet once the results of the structural survey are known, to enable Cabinet to make an informed decision on the long term use of this land

2.3 Remove moorings at Mead Lane with effect from 21 days after the date of this decision. Any Council enforcement action to be subject to compliance with statutory duties.

2.4 Request that officers undertake further analysis of residential mooring arrangements along the river, to include arrangements for boaters and their families.

**Statement Cllr Hounsell**

## **61 HOMELESSNESS & ROUGH SLEEPING STRATEGY 2019/24**

Councillor Vic Pritchard made an ad-hoc statement praising the Housing Team in the Council as well as the work of the relevant agencies in the area working with homeless and rough sleepers. Councillor Pritchard said that there was still a lot of work to be done as numbers of rough sleepers and homeless people were high. Councillor Pritchard concluded his statement by asking the Cabinet to take this matter seriously and commit to this issue.

Councillor Tim Ball agreed with Councillor Vic Pritchard that the Council indeed had very effective homelessness & housing options service, as evidenced by very low use of temporary accommodation. However, Council's aspirations were to do better, and this strategy would provide the basis for that improvement. The Strategy would seek to improve work with private rented landlords, increase the numbers of Housing First tenancies and tackle homelessness on our local waterways. In relation to rough sleepers - it was good to note that the Annual Rough Sleeper Count in November 2019 found 17 households resorting to sleeping rough, a decrease of 3 on the 2018 figure. Of the 17, only 2 were found rough sleeping on the previous annual Count. The gender split was 14 men and 3 women and were over 25. However, the Council would want to do better and a bid for MHCLG (The Ministry of Housing, Communities and Local Government) grant would reflect this.

A proposal for extension funding for rough sleeper services in 2020/21 has therefore been submitted to MHCLG for consideration. The proposal was drafted with MHCLG advisors' input, so that officers were hopeful of a positive outcome, and confirmation of the allocation would be available soon.

Cold Weather Funding was discussed with MHCLG but did not go forward as the proposal was based on provision of 'somewhere to go' during the day, filling gaps in current provision and including further support and engagement. MHCLG wanted to see priority for the Cold Weather Fund being placed on accommodation options rather than day activities, and officers were advised that it was unlikely to succeed.

Councillor Tim Ball moved the recommendations.

Councillor Dine Romero seconded the motion by thanking the Housing Team on their hard work.

Councillor Kevin Guy also supported the motion by adding that so called 'sofa surfers' should also be recognised within the strategy.

**RESOLVED** (unanimously) that the Cabinet:

2.1 Agreed the Homelessness & Rough Sleeping Strategy 2019/24.

## **62 CLAVERTON NEIGHBOURHOOD DEVELOPMENT PLAN**

Councillor Vic Pritchard made an ad-hoc statement by welcoming the report, and any future Neighbourhood Development Plans (NDPs) that would come before the Cabinet to approve. Councillor Pritchard also said that all NDPs should always be taken into consideration by Planning Department during planning application process.

Councillor Tim Ball thanked Councillor Vic Pritchard for his support and acknowledged the amount of community work and effort that had gone into preparing the Neighbourhood Plan for Claverton. Councillor Ball also said that B&NES Council had also played a supporting role, providing advice and assistance to the community to help ensure the Neighbourhood Plan had appropriately addressed the key planning issues facing the parish and that it aligned with B&NES planning policies. The Neighbourhood Plan would seek to safeguard the essential character of this rural valley Parish whilst welcoming change which would improve its sustainability and enhance its assets for the benefit of the Parish. It was excellent news that the plan has passed its referendum showing the community support for the

work of the Parish Council/Neighbourhood Plan group and the approach it took to addressing key planning issues

Councillor Tim Ball moved the recommendations.

Councillor Neil Butters seconded the motion by saying that the Council would support local communities planning for their areas and as it has been agreed by residents through the referendum, the Cabinet should agree to make and bring the Plan into force.

**RESOLVED** (unanimously) that the Cabinet agreed to:

2.1 Make and bring into force the Claverton Neighbourhood Development Plan, as set out in Appendix 1, as part of the Development Plan for the Claverton Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011 and the Housing and Planning Act 2016).

### **63 DECISION TO COMPLETE A TRANSFER AGREEMENT WITH AEQUUS COMPANIES**

The Chair informed the meeting that part of this report had been marked as confidential. However, the Cabinet would debate this matter in public without addressing any points from the confidential paper. If any of the Cabinet Members felt that they had to raise points from the confidential papers then the Chair would ask the public to vacate the meeting.

Councillor Richard Samuel introduced the report by saying that the Cabinet would be asked to agree the transfer of undertakings and staffing to Aequus Development Limited (ADL) including a pension guarantee and to agree the principles and process for transferring properties and land for development. Councillor Samuel also said that the agreement was exempt from publication as it contained information relating to the financial or business affairs of a particular person.

ADL was formed in 2016 and Aequus Construction Limited (ACL) was formed in 2017. ADL was wholly owned by B&NES (the sole shareholder) and ADL acted as the parent company of ACL. The companies were set up to manage properties for rent above the commercial estate and ACL for the development of land. The Transfer Agreement regulated the relationship between the Council and ADL/ACL for the next 10 years. This agreement could then be rolled forward on a 5-yearly basis. The budget for income from ADL/ACL was around £1m per annum.

Councillor Richard Samuel moved the recommendations.

Councillor Paul Crossley seconded the motion by welcoming this report, and also thanked the previous administration for setting up Aequus companies.

**RESOLVED** (unanimously) that the Cabinet agreed to:

2.1 Authorise the Council entering into the Transfer Agreement with the Council's housing companies.

2.2 Delegate to the Director of Finance in consultation with the Corporate Director, Director of Legal and Democratic Services, and the Cabinet Member for Resources authority to make minor amendments to the Transfer Agreement, if required, and do all acts necessary to effect the transfer of staff and resources and complete the pensions guarantee in accordance with the terms of the Transfer Agreement.

The meeting ended at 8.50 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

## CABINET MEETING 16<sup>th</sup> January 2020

### REGISTERED SPEAKERS

Where the intention is to speak about an item on the Agenda, the speaker will be offered the option to speak near the beginning of the meeting or just before the Agenda item.

1. Councillor Duncan Hounsell – Agenda item 15 ‘Mead Lane Moorings’
2. Phil Harding (Chair of Planning, Saltford Parish Council & Chairman of Saltford Environment Group) - Agenda item 15 ‘Mead Lane Moorings’
3. Laura Darling - Agenda item 15 ‘Mead Lane Moorings’
4. Alice Young - Agenda item 15 ‘Mead Lane Moorings’
5. Peter Denmead - Agenda item 15 ‘Mead Lane Moorings’

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M 01</b>	<b>Question from:</b>	Councillor Paul May																																																								
Can you supply a summary of the recycling and black sack collection rates for 2018 and 2019?																																																										
<b>Answer from:</b>	Councillor David Wood																																																									
<i>Recycling and black sack collection rates for the last 2 financial years (2017/18 and 2018/19) are below:</i>																																																										
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<i>Residual household waste per household (kg) - N191</i>	371.35		416.21	
<i>Percentage of household waste sent for reuse, recycling &amp; composting - N192</i>		58.21%		55.51%
<i>Percentage of MW land filled - N193</i>		12.34%		12.57%

*State performance statistics are compiled for financial years only so they are nationally comparable and audited by the Environment Agency. Audited figures are usually available from September of the previous year. Provisional figures are available from June.*

#### **Supplementary Question:**

You have recently stated that we are in the top 20 local authorities in the country with recycling. Could you also let us know where are we in the country in terms of the unit cost?

**Answer from:** Councillor David Wood

*I do not have exact technical details with me so I will provide an answer within 5 clear working days.*

**M 02 Question from:** Councillor Paul May

Can you confirm what proposals are being considered regarding the waste recycling centres, their locations and opening arrangements?

**Answer from:** Councillor David Wood

*We are reviewing our strategy for recycling centres provision across the district in light of the closure of the Midland Road site (currently anticipated to be summer 2023) which will make way for much needed new housing as detailed in our adopted local plan. No decisions on future provision have been taken as yet.*

**Supplementary Question:**

Can you give us an assurance that Welton recycling centre will not be closed?

**Answer from:** Councillor David Wood

*There are no current plans for closure of any recycling centres for this financial year. We will be exploring options for future years so for those reasons I cannot give you an assurance around this issue.*

**M 03 Question from:** Councillor Paul May

Having needed some fly-tipping action near my home I was delighted by the officer support. Can you confirm that the 3GS litter contract which was entered into by the previous council has been performance reported to the relevant scrutiny committee after 6 months as promised at the time of that approval?

**Answer from:** Councillor David Wood

*The performance information was reported to scrutiny on 13th January 2020 - this meeting was delayed from 18 November 2019.*

<https://democracy.bathnes.gov.uk/documents/s59644/Litter%20report.pdf>

**M 04 Question from:** Councillor Vic Pritchard

Could you please explain how members of the public engage with the Council's tree planting scheme if they are interested in getting involved and helping to contribute to it?

**Answer from:** Councillor David Wood

*If agreed, the preparation of the Tree and Woodland Plan will begin in the Spring this year and a key part of the project will be working*

*with local communities to follow up on contact that has already been made and identifying new tree planting opportunities. Whilst the Plan will not be completed before the Autumn/early Winter (in time for the Autumn planting season), opportunities for community involvement, potentially including raising funds and action during the year will be identified by working with Parks and other partners.*

**Supplementary Question:**

Would you consider supplying the trees to the public for planting?

**Answer from:** Councillor David Wood

*There is a lot of support from the public on this initiative which is reflected in number of different ways. Some people offer part of their land, others their time, and another offer trees, or to pay for trees. The role of the Council in this project is to lead in helping people reach the target of planting 100,000 trees , and there is a good will from the community to reach this target.*

**M 05 Question from:** Councillor Karen Warrington

Given that a number of Parish Councils have declared a Climate Emergency what is this Administration doing to offer on-going practical advice and help so that Parish and Town Councils can encourage residents, given that the website is somewhat generic?

**Answer from:** Councillor Sarah Warren

*Parish Liaison received a presentation on the climate emergency in July 2019. The parish toolkit, which is circulated to all clerks, has been kept updated with information about what parishes can do to address the climate emergency in their area.*

*We have also been working with a number of parish councillors to encourage and support local action, including gathering information on best practice from both within our area and from elsewhere. As a result, we have now created a specialist, dedicated Climate Emergency Toolkit for Parishes, available on our website, which will be kept regularly updated, linked below*

[https://www.bathnes.gov.uk/sites/default/files/siteimages/Environment/Sustainability/parish\\_toolkit\\_climate\\_and\\_nature\\_emergency.pdf](https://www.bathnes.gov.uk/sites/default/files/siteimages/Environment/Sustainability/parish_toolkit_climate_and_nature_emergency.pdf)

**Supplementary Question:**

Are there any plans to provide leadership in advising the public on change of behaviour importance? Otherwise, the targets agreed by the Council in March last year would not be met.

<b>Answer from:</b>	Councillor Sarah Warren
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*I will work on plans for communication and community engagement in terms of Climate Emergency, which you will hear in due course.*

M 06	<b>Question from:</b>	Councillor Paul May
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Can you provide a breakdown of the sums of money that were spent in NES and Bath on highways works in 2018/19 and the breakdown proposed in 2020/2021?

<b>Answer from:</b>	Councillor Joanna Wright
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*The 2018/19 capital works budget was £12.2m, just over £5m was spent in Bath and £7.1m in NES this is detailed in Table A below . The 2020/21 budget is draft and still subject to approval. Once the budget has been approved I will arrange for the information to be provided to you.*

Table A	Total £000	Bath £000	NES £000
Other capital projects	£1,254	£920	£334
Transport Improvement Programme	£3,175	£1,299	£1,876
Highways Maintenance Block	£7,784	£2,808	£4,976
2018/19 Highways Capital Expenditure	£12,213	£5,027	£7,186
<b>Total</b>			

M	07	Question from:	Councillor Paul Myers		
Given the concerns raised by local residents on the list of consultees for the recent Midsomer Norton Silver Street Road Closure Traffic Regulation Order (TRO), can the Cabinet Member please provide assurance that in future efforts will be made to ensure that relevant local organisations, in this case such as the Midsomer Norton Journal, Town Council and Somer Valley Chamber, will be notified in future?					
Answer from:		Councillors Joanna Wright and Neil Butters			
<i>When a notice for a Temporary Traffic Regulation Order such as a forthcoming road closure is due to be advertised the Council sends an email to all councillors and all town and parish councils. I can confirm that such an email regarding the closure of Silver Street was sent on 15th October 2019 and this included Midsomer Norton Town Council.</i>					
<i>Our distribution list of other organisations to notify includes the emergency services and bus operators as well as other locally interested organisations. I have asked the officers to add the Somer Valley Chamber of Commerce and the Midsomer Norton Journal to that list so they also receive these notifications in future.</i>					
M	08	Question from:	Councillor Paul May		
Can you confirm that investment will continue into the council owned retail properties to maintain and improve long term revenue for the Council?					
Answer from:		Councillor Richard Samuel			
<i>The Council continues to invest in its retail properties across the City. Over the next two years we anticipate there will be in excess of £1 million invested in cyclical repairs and maintenance. The surplus generated from our commercial estate this financial year is expected to be approximately £17 million, which pays for many of the front-line services we deliver. In addition, we continue to invest in a range of public realm schemes to enhance the environment for people to visit our High Streets. The performance of the retail estate remains strong, with void levels at under around 3%.</i>					

M 09	<b>Question from:</b>	Councillor Michael Evans
In Midsomer Norton the Town Council is trying to make the Catholic Church Garden, or Garden of Friendship, into a place where residents can sit and enjoy nature. To achieve this, an entrance to the garden is needed from the Sainsbury's car park which borders the garden on two sides. This would be the reinstatement of a formerly existing entrance. B&NES now owns the car park and Property Services have refused to co-operate to allow this entrance to be created. Could the relevant Cabinet Member please revisit this issue with a view to achieving the improvement in the town for residents which the much easier access would provide?		
<b>Answer from:</b>		Councillor Richard Samuel
<p><i>This Council received a request from the Midsomer Norton Town Council for permission to construct a gate from the churchyard (where they have a garden of friendship) through the fence of the Hollies in to the car park. The location for the gate currently has two parking spaces in front of it. After reviewing the various leasehold documents between the Council as freeholder and the tenants of the retail shopping units at the Hollies it was explained to the Town Council, that due to obligations in the leases to maintain all the existing parking spaces it would be difficult to comply with this request as it would mean losing at least one but probably two spaces, to allow for visibility and that it may not be possible to reprovide these spaces elsewhere in the car park. Furthermore, the request gave rise to concerns for ensuring public safety as it would be difficult to protect the public when using the gate to enter the car park from the garden of friendship. There has been no further communication with the Town Council on this matter.</i></p> <p><i>If the Town Council is still keen to pursue this request, further work could be undertaken to see if this request could be accommodated by providing the lost spaces elsewhere and introducing protective safety measures for members of the public entering the car park at this area. If alternative spaces cannot be created, the Council could also approach the commercial tenants to see if they would object to this proposal being accommodated.</i></p>		
<b>Supplementary Question:</b>		
I am the Chair of the Midsomer Norton Town Council, and the Town Council would like to proceed with this proposal.		
<b>Answer from:</b>		Councillor Richard Samuel

*I am very happy to come to Midsomer Norton, meet with you, consider the details on this matter, and find the resolution*

M	10	<b>Question from:</b>	Councillor Karen Warrington
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Following the statement to Council a few months ago by the Bath Preservation Trust regarding glazing in historic buildings can the Cabinet Member responsible give an update on progress?

<b>Answer from:</b>	Councillors Tim Ball and Sarah Warren
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*I can advise that a meeting is scheduled for 21st January with Bath Preservation Trust and Cllrs Richard Samuel, Sarah Warren, Tim Ball and the Director of Development & Public Protection. We welcome the on-going contribution from the Trust and will feed their views in relation to glazing in historic buildings into our planned review of the 'parent' Supplementary Planning Document " Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings" through the Council's cross party Local Development Framework Steering Group which supports our wider planning policy review.*

<b>Supplementary Question:</b>	
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What will happen after that meeting? Who will be informed? I think there are quite a lot of people who would like to hear the outcome of that meeting

<b>Answer from:</b>	Councillor Tim Ball
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*The outcome of that meeting will be communicated to Planning Department, and to you as it and when it happens.*

M	11	<b>Question from:</b>	Councillors Paul Myers
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Given that the Guildhall has been at the heart of the community for 350 years, will the residents of Bath and North East Somerset be given the opportunity to give their views on any future proposals, prior and in addition to any statutory planning process requirements?

<b>Answer from:</b>	Councillors Richard Samuel and Tim Ball
<p><i>There are no plans to sell the Guildhall the report in the media before Christmas was entirely incorrect. Subsequent reports made a correction to that effect. The Council's aim is to invest in the Guildhall to make it a more vibrant, publicly accessible centre for civic and cultural activities and festivals and events, while maintaining it as the political hub for the District. As part of this, discussions will be held with current users as well as organisations who do not currently use the facilities to help the Council develop its plans.</i></p>	

## B&NES Cabinet 16.1.2020 – Deputation concerning Mead Lane Moorings (agenda item 15)

*Phil Harding – Chair of Planning, Saltford Parish Council & Chairman of Saltford Environment Group*

In October I received and quickly submitted to B&NES Council technical design information concerning the 2005 bio-engineered stabilisation of the riverbank in Mead Lane. The scheme, rock armour secured with riverbank vegetation, was installed to “*protect the highway from becoming dangerous*”. Loss of part of the highway was then predicted by Halcrow to occur within 5-10 years if no action was taken. The scheme was not designed to take boat moorings including narrow boats that typically weigh 20+ tonnes. SEG also took professional advice from a Bath-based coastal and inland civil engineering consultancy who agreed that Mead Lane’s bio-engineered riverbank is not suitable for boat moorings which damage the scheme.

Mead Lane provides the only road access to Wessex Water’s Sewage Treatment Works as well as to residential properties and businesses; 24/7 access is imperative. The lane has beneath it a pumped sewer main and other buried services. I therefore alerted Wessex Water to the danger posed to their facilities; they share our concerns and have made representations to the Council, including at CEO level.

During December a brief survey by me and two residents including a geologist concluded that rock armour is missing in several places. On 20<sup>th</sup> December a trench dug by Wales and West to repair a fractured gas main filled with water as the river rose on the other side of the roadway to near flood level; river water was rising beneath the roadway across its full width. The integrity of the scheme that originally had a 40-50 year design lifespan has clearly been compromised by a “fix and forget” approach to asset management.

Moorings commenced a few years after the 2005 works straightened the riverbank. The 2017 and 2018 mooring trial by effect advertised Mead Lane as a free mooring thus attracting a growing number of boats causing ever more damage. The longer you delay a mooring ban the more extensive and expensive the repairs; this increasing waste of public funds and risk to infrastructure needs to stop. As your background report recognises, climate change is creating more extreme weather including heavy rainfall events. The resultant increase in river flow accelerates the erosion of riverbank stabilisation schemes like Mead Lane’s.

**Saltford Parish Council and Saltford Environment Group implore you to agree to implement an immediate mooring ban** to protect the stability of the riverbank from further damage and the key infrastructure it protects. We also ask you to:-

- (i) install effective **physical measures to protect the riverbank** and the highway edge from vehicles;
- (ii) instigate an urgent **structural survey** of the riverbank with a view to **repairing the rock armour** before the end of the summer and autumn floods put the undefended highway at further risk;
- (iii) **designate Mead Lane riverbank as a flood defence asset that protects important infrastructure** requiring care and maintenance; and
- (iv) to take forward the proposal for designating Mead Lane riverbank as a **Local Nature Reserve** to protect the vegetation that underpins the riverbank’s bio-engineered stability whilst providing public amenity benefits - leisure, recreation and education. This has strong local support.

B&NES Council should discuss with the Parish Council & residents implementation plans for those works.

The Lemon Gazelle report highlights the wider social and environmental issues associated with boat moorings on the River Avon, a **Site of Nature Conservation Interest**. As a separate case to Mead Lane, B&NES Council can use the Lemon Gazelle report to inform an investigation with key agencies on how best to support, manage, and enforce the use of moorings on the River Avon. The objective would be to make the river safer for all users including the live-aboard community whilst protecting this important Site of Nature Conservation Interest, a key ecological asset.

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Firstly, I would like to say thank you to Duncan Hounsell, he has been a breath of fresh air and Saltford residents really appreciate his efforts, together with the continued support of SPC and SEG.

The situation in Mead Lane for residents and others is worryingly serious. The previous Conservative administrations' lack of procedure, process and general 'seat of the pants' attitude, has found us where we are today and has put at risk a vital environmental asset. (I wish we had some way to send them the bill.)

Recently, I've been grateful to be able to demonstrate, to some cabinet members evidence of serious damage already done and continuing to happen at Mead Lane to the Stabilisation Works, due to the mooring of boats.

Multiple berthing movements of heavy narrow boats on natural river bank is unheard of.

To allow this on a vulnerable river bank which has been subject to stabilisation works is reckless.

One of the primary aims of the environmental report at the time, from the officer responsible, I quote: 'to take into account the biodiversity of the area and future aesthetics' ..... 'whilst promoting flora and fauna ...., along with, aquatic planting on the river edge.'

This is a bio engineering structure i.e. plant vegetation is vital. This vegetation is missing .

It has been said that there are 'no visible cracks on the road surface', when this is the case, it will be too late because the road will already have moved!

Visible cracks in the road prompted the Stabilisation works to be undertaken in the first place, at high cost.

Why did we, the public, have to provide the environmental and engineering reports for the Stabilisation works to the Council ???

There is, already, a huge berthing capacity of:-

6 marinas, 3,200 meters of alongside berths, 4 purpose built waiting pontoons, 80 miles of berths on the Kennet & Avon, easy access to Bristol docks and, in fact, B&NES owns 6,000+ meters of river bank.

Much of it safe and more suitable for berthing.

We, the residents, are very worried that the next flood event at Mead Lane will have devastating results.

Nobody wants this to be the next 'environmental head line' when things go wrong.  
With climate change we can't afford for defences not to be in a 'secure' condition and capable of withstanding the next extreme weather event.

A look at the river today - makes it all very real!

On behalf of the residents of Mead Lane and Salford, I urge members to take immediate action now to avoid the serious environmental risks.

We stand by to offer more information and data at your request.

Peter Denmead

Mech. Engineer by profession, Specialist Civil Engineering contractor,  
RYA Yachtmaster Ocean Certificate, 35 years a boat owner.

I am Duncan Hounsell (B&NES councillor for Saltford ward).

The Mead Lane mooring trial 2016-17 was the result of a flawed process by the previous Conservative administration at B&NES. No alternative sites were properly considered for moorings and no other uses of the river-bank at Mead Lane were considered or evaluated. Essential scrutiny by councillors did not happen. Such scrutiny would have brought to light the significance of the major engineering works in 2005 to stabilise the Mead Lane river-bank with its implications for moorings. This inexplicable oversight was a major failure by the B&NES Council administration at that time. Saltford Parish Council was not consulted at the time merely casually and partially informed. What happened was totally at odds with the current Parish Charter

One of the first acts of this Liberal Democrat Council was to set up an independent review and consultation on the future use of the river-bank. It was during the review that the significance of the 2005 stabilisation works conducted by Halcrow came to light.

The six-figure capital investment was considered essential to stabilise this 300m stretch of river-bank. Without it, the road was expected to be lost within 10 years.

The bio-engineering design option chosen did **NOT** envisage moorings at all, moorings which could displace the rock armour and mooring pins which could undermine the bank. Even the wash from passing boats was considered a potential cause of bank degradation.

The stabilisation works were intended to last for 40-50 years.

A rising sewer follows the path of Mead Lane taking Bath's sewage waste to treatment works. The lane is the only access route to those sewage works. Any future loss of access for Wessex Water, residential properties and businesses or any discharge from broken sewers would lead the Council to be open to costs for damages if shown to be wilfully negligent.

Any recommendations from Lemon Gazelle came with the caveat "if viable".

The Conservatives made a massive blunder when encouraging moorings when they should have been discouraged because of the nature of the 2005 works.

The Conservatives encouraged boaters to moor yet provided no services, provided no funds to monitor and control moorings, and implemented a trial with no agreed criteria to measure success. They risked catastrophic failure of the river-bank and consequent reputational damage to the Council.

What sums it all up for me is the sight of a stricken tree, essential for the stability of the bank, ripped in half by the weight of a moored boat. I do not criticise boaters. What did the Conservatives think would happen with no facilities? They should apologise to boaters and apologise to residents for their ineptitude.

My ward colleague Cllr Singleton and I urge you:

- Approve a full engineering survey of the river-bank at Mead Lane to be undertaken as soon as possible.

- Begin a consultation on alternative sites for moorings and make use of the information provided by the boating community to Lemon Gazelle as to its needs.
- End moorings at Mead Lane so that vital infrastructure is kept safe, so that aquatic plants grow again, wild-life thrives, bio-diversity is promoted, and that this short stretch of river-bank becomes once again an open public space for all of us.

*END*