

Thursday, 31st March, 2022

**Present:**

Councillor Kevin Guy	Leader of the Council, Liberal Democrat Group Leader
Councillor Tim Ball	Cabinet Member for Planning and Licensing
Councillor Tom Davies	Cabinet Member for Adults and Council House Building
Councillor Manda Rigby	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Children and Young People, Communities and Culture
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

**23 WELCOME AND INTRODUCTIONS**

The Chair, Councillor Kevin Guy, welcomed everyone watching and participating at the virtual Cabinet meeting. The Chair made the following statement:

*“Due to the ongoing Covid situation and a desire to retain a level of social distancing at Council meetings at this time, we are holding this ‘informal’ virtual Cabinet meeting to enable Cabinet, Councillors and members of the public to take part. This virtual meeting will be conducted in the normal manner but, as any decisions made will not be legally enforceable, they will be formally made at the physically reduced, quorate decision-making meeting tomorrow on 1 April 2022.*

*We will review this approach for any future Cabinet meetings, in line with government and health guidance at that time.”*

The Chair asked each of the Cabinet Members to introduce themselves.

**24 APOLOGIES FOR ABSENCE**

Apologies were noted from Councillor Alison Born, who had another official engagement.

**25 DECLARATIONS OF INTEREST**

There were none.

**26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

The Leader made the following urgent statement;

“As we pass two years since the temporary closure of the Approach Course, I am conscious of the importance of securing the future of this much loved and important green space. A petition to keep golf at the site received over 5000 signatures and a GoFundMe campaign attracted many generous pledges of support. This site has always been amicably shared by a variety of users. With golf on offer for over 60 years, residents and visitors of all ages and abilities have been able to play regularly or simply to have a go. Priced to be affordable and socially inclusive, the spectacle of golf played on the Common has been an iconic feature of Bath’s recreational scene.

In May last year I made a commitment to keeping a golf course at the Approach site subject to a viable operator being identified. Restoring this important leisure facility is consistent with our plan to enable more people to be more active more often, improving both health and well-being.

As we emerge from the pandemic, the time is right to look again for a provider. Together with Golf For All, this is an exciting opportunity for a vibrant café, reopening of the public toilets and enhancement of the existing green environment. Subject to council business processes, there will now be a procurement process, starting with a market engagement exercise, with a view to awarding a contract by August.

## **27 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 30 questions from Councillors.

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

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

Before moving to the statements from public and councillors, the Leader permitted Councillor Richard Samuel to make the following statement;

Councillor Samuel said that it had been stated publicly by Councillor Pritchard in a Conservative news release that public and councillors having to submit their speeches in advance so they can be vetted by Cabinet Members was an affront to democracy. He then asked the Monitoring Officer to confirm that Cabinet Members have no involvement in vetting speeches. The Monitoring Officer responded that he was happy to confirm that was the case. He added that speeches are reviewed by officers to see if they pass a threshold test and that this is purely an officer function, and Cabinet Members do not censure or vet statements.

David Redgewell made a statement about transport and planning *[a copy of which is attached to the Minutes on the Council's website]*. Councillor Sarah Warren asked if David considered that the current round of bus cuts threatens its recovery as part of the modal shift needed in response to the climate emergency. Mr Redgewell responded that he was extremely concerned. He added that we need to act with the 4 Leaders and hold them to account. When the £150 million is removed from the

network in October, things will become seriously difficult. The numbers do not show anywhere near 90% of passengers going back onto public transport. It needs some proper work to protect the bus network.

Ms Tay McLean made a statement about Bathampton Meadows [*a copy of which is attached to the Minutes on the Council's website*]. Councillor Richard Samuel asked Ms McLean if she was aware that her statement contained some inaccuracies. He explained that the acquisition by the National Trust of Bathampton Meadows and New Leaf farm were not linked purchases. The transfer of Bathampton Meadows as a community asset transfer to the National Trust was completed before the National Trust concluded negotiations to acquire the land at New Leaf farm, and were funded in different ways by the National Trust. He enquired if Ms McLean would be happy to receive a correction via email. Councillor Samuel further asked if Ms McLean was aware that this issue could have been called in by councillors as part of the scrutiny review process at the time, if they were unhappy with the decision, but that had not taken place. Ms McLean responded that she had not been aware of that.

Councillor Yukteshwar Kumar made a statement entitled "Are we listening enough?" [*a copy of which is attached to the Minutes on the Council's website*].

Councillor Vic Pritchard made a statement about Bathampton Meadows [*a copy of which is attached to the Minutes on the Council's website*]. Councillor Samuel asked if Councillor Pritchard was aware that Mr Graham Pisto had made a complaint to the Council on this subject on 1<sup>st</sup> March 2020 raising 7 questions. He added that both Mr Pisto and the Leader had given consent for the publication of this complaint which sets out the situation clearly, concluding that there was adherence to policy, procedure and process and therefore it was not recommended that the complaint be upheld [*a copy of which is attached to the Minutes on the Council's website*]. He referred to some of the inconsistencies covered in the response to Ms McLean. He also added that, at the time of the decision, Councillor Romero had been the Leader, and Councillor Guy had taken no part in the decision-making process.

Councillor Karen Warrington made a statement about the Cleveland Bridge [*a copy of which is attached to the Minutes on the Council's website*]. Councillor Manda Rigby agreed with some aspects of the statement, particularly to keep HGVs from coming back and urged Councillor Warrington to talk to colleagues in Wiltshire to help make that happen. She asked Councillor Warrington how she could reconcile the B&NES newsroom statement with her own statement, and further whether Councillor Warrington would acknowledge that it has been publicly stated that this is a complex project, needing bespoke solutions. Councillor Warrington confirmed she had read the Council statement and wondered if the organisers were therefore not telling the truth, and clarified that it was not a criticism of officers, but of the way the Cabinet had handled the communication on this issue.

## **29 MINUTES OF PREVIOUS CABINET MEETING**

It was **RESOLVED** to recommend the approval of the minutes of 11<sup>th</sup> November 2021 to Cabinet on 1<sup>st</sup> April 2022.

**30 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

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

There were none.

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

The Cabinet agreed to note the report.

**33 ADOPTION WEST CONTRACT EXTENSION**

Councillor Dine Romero introduced this report. She explained that this was the formal request to extend the existing Adoption West contract by 5 years, to amend the financial arrangements and the service specification. She explained that a small extension of 3 months had already been agreed by all partners, the 6 Local Authorities who wholly own this company. This company has well established governance, including cross-Authority and cross-party scrutiny. Councillor Romero then moved the recommendations.

Councillor Richard Samuel seconded the recommendations, as a pragmatic approach to provide future stability for this important service.

**RESOLVED** unanimously

1. To note that all other 5 Local Authority owners of Adoption West have approved the contract extension through their respective Executives;
2. To approve the extension of the Commissioning Agreement with Adoption West for the delivery of services as per the original contractual specification, by 5 years until 28 February 2027; and directs the Director Of Children's Services and Education in consultation with the Directors of Finance, and Legal and Democratic Services and in consultation with the Cabinet member for Children's Services and Education to agree in writing, in accordance with clause 3.2 of the Commissioning Agreement, a five year contract extension and execute any and all related documents required to implement that extension.
3. To note that the AW Board, which Mary Kearney-Knowles, Director of Children's Services and Education is part of; is unanimously supportive of the contract extension. This recognises that Adoption West is realising its potential, and delivers a good quality, consistent offer for children and adoptive families across its operational footprint.

**34 HERITAGE SERVICES BUSINESS PLAN 2022-2027**

Councillor Dine Romero introduced this report and moved the recommendations. She explained how the pandemic and lockdown had highlighted the considerable reliance the Council places on income that Heritage Services brings in, and there has inevitably been a reduction in the number of visitors. Despite the outlook being unclear with the pattern of visitor travel remaining hard to predict, performance is expected to recover for 2024/25. Nevertheless, the plan does seek to build up visitor numbers as well as address the relocation of the Fashion Museum so I am seeking approval for a new charity to support the Fashion Museum. This will be akin to the Roman Baths Foundation with sustainability and climate emergency embedded within its projects. There are also other opportunities to build on, having achieved the second UNESCO inscription. There are also some more prosaic plans, including fixing the Victoria Art Gallery roof.

Councillor Richard Samuel, in seconding the report, commended the new Head of Heritage Services and his team in doing a great job in providing some good solutions in this report.

**RESOLVED** unanimously to;

1. Approve the Heritage Services Business Plan; and
2. Approve, in principle, the creation of a charity to support the new Fashion Museum and Collections Study Centre Project

The meeting ended at 8.14 pm

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**

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## CABINET MEETING 31 MARCH 2022

### STATEMENTS FROM PUBLIC AND COUNCILLORS

- |                    |   |                          |
|--------------------|---|--------------------------|
| 1. David Redgewell | - | Public transport issues  |
| 2. Tay McClean     | - | Bathampton Meadows       |
| 3. Cllr Kumar      | - | Are we listening enough? |
| 4. Cllr Pritchard  | - | Bathampton Meadows       |
| 5. Cllr Warrington | - | Cleveland Bridge         |

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M</b>	<b>01</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>In a recent press release it was stated that the Council will spend £38 million over the next 5 years on items that will take the council to net zero by 2030. This figure is less than 5% of the councils' budget. Can you please give full information as to:</p> <p>Which items are entirely new initiatives since the Climate Emergency declaration in September 2019?</p> <p>Which items are the council's direct response to the Climate Emergency declaration and not part of another scheme, something already being considered, or part of a national or regional government initiative?</p> <p>Which of these has been funded by this council and not national or regional government?</p>			
<b>Answer from:</b>			Cllr Sarah Warren
<ol style="list-style-type: none"> <li>1. <i>All of the sums have been adopted into the capital programme since the climate emergency declaration in March 2019, apart from the £732K initial funding for the Riverline scheme, which is brought forward from the 2018/19 programme.</i></li> <li>2. <i>All schemes have multiple objectives, but all the Council's work, including the capital programme, is driven by the core policy to tackle the climate emergency.</i></li> <li>3. <i>All schemes are Council funded with the exception of successful applications for Government Grants for: Keynsham Recycling £3m; Clean Air Zone £1.5m, and WECA Grants for: Riverline £3.5m and Active Travel £561K.</i></li> </ol>			
<b>M</b>	<b>02</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>In a recent pilot project undertaken by Council Climate Plan Scorecards (<a href="https://councilclimatescorecards.uk/methodology/">https://councilclimatescorecards.uk/methodology/</a>) who have undertaken to mark councils' Climate Action Plans, B&amp;NES Council scores 50%. What actions will the Council be undertaking to improve this score?</p>			



<b>Answer from:</b>		Cllr Sarah Warren
<i>Our Climate Emergency Strategy and Action Plan is reviewed and refreshed annually. This year's annual report will be brought to Council on 24 March, as is noted on the <a href="#">Forward Plan</a>. The average score for Scottish and English councils was 46% dropping to 31% for Wales and 25% for Northern Ireland and one fifth of Councils have not published any plans. We understand that Climate Emergency UK will not be updating the scorecard in future years, so it is a point in time, one off exercise.</i>		
<b>M</b>	<b>03</b>	<b>Question from:</b> Cllr Joanna Wright
What actions is the Council taking to reduce District wide emissions?		
<b>Answer from:</b>		Cllr Sarah Warren
<i>The Council's Climate Emergency commitments are about supporting the district to cut carbon emissions and we have evidenced the key priority areas for action: buildings, transport and renewable energy. The Council is using the levers available to us to provide that leadership and, working across the community, to deliver carbon reduction. The next Climate Emergency Annual report, which updates on progress and action planning is on the <a href="#">Forward Plan</a> and will be brought to Council on 24 March.</i>		
<b>M</b>	<b>04</b>	<b>Question from:</b> Cllr Joanna Wright
A Public Right of Way (PROW) application for the claimed footpath near Bathampton Tollbridge was submitted on the 6th of May 2021. Public access to the riverside was blocked in March 2021 when the landowner installed a padlocked gate across the footpath and erected a tall barbed wire fence. When can we expect the application process to be completed and what additional resources are there to complete this?		
<b>Answer from:</b>		Cllr David Wood
<i>Under Schedule 14(3)(2) of the Wildlife and Countryside Act 1981, the Council must determine the application within 12 months of receipt i.e. by 6th May 2022. The Definitive Map Modification Order process is a long and complex legal process with a number of possible permutations, as summarised in the attached flowchart. Consequently, it is not possible to provide a firm timescale for its completion. If the Council determined that there is not sufficient</i>		

*evidence to record the route as a public right of way and the applicant does not appeal, then the process would be complete by early May 2022. If the Council makes a DMMO and no objections are received, then it is likely to process will be completed before the end of the year. However, if the Council makes a DMMO and objections are received then the matter will be referred to the Planning Inspectorate who are likely to hold a public inquiry and this is currently adding approximately 2 years to the process.*

**M 05**

**Question from:**

Cllr Joanna Wright

The Council has not used its powers to stop the landowner from preventing public access to the River Avon at Bathampton Tollbridge. Apparently, it was able to do this by an "Enforcement Order" at Warleigh Weir which has stopped the landowner from denying public access at this site - please can you explain why it is possible to use these powers at one Avon riverside location and not another?

**Answer from:**

Cllr David Wood

*The route at Warleigh Weir is recorded on the Definitive Map and Statement and, consequently, it is beyond legal dispute that the route is a public right of way. The Council was therefore able to exercise its legal powers under section 130 of the Highways Act 1980 to have the obstructions on the public right of way removed. In contrast, the route near Bathampton Tollbridge is not recorded on the Definitive Map and Statement; consequently, the Council cannot currently prove that the public have a right to use the route and, as a result, we're not in a position to compel the landowner remove the locked gate. A Definitive Map Modification Order application has been submitted to the Council and this process will determine whether or not the route is a public right of way. If the route is found to be a public right of way then the Council will use the same powers relied upon at Warleigh Weir to ensure the route is open and available for use by the public; if the route is not found to be a public right of way then the landowner will be entitled to exclude the public from this part of their land.*

**M 06**

**Question from:**

Cllr Joanna Wright

Many residents in the area of Entry Hill Golf Course are concerned about the projected numbers that will be visiting the site by car once the scheme to turn this site into a Bike Park is realised. The Council has repeated to residents that this site will be delivered according to its climate and biodiversity commitments. Residents have repeatedly asked for a carbon footprint of this site. Council officers originally stated that the existing car park would not be expanded. It has been announced that the car park will be expanded from 30 spaces to a capacity of 52 spaces. The Council appears focused on seeing access to this site as a mobility issue rather than an accessibility issue. When the Council needs to keep to its corporate policy with regard to the climate emergency and work to deliver cuts to emissions, would it be more sustainable for the car park to remain at 30 places and be by prior booking only, further should non-Bath users be encouraged to park at Odd Down Park and Ride and South Gate Shopping Centre with a dedicated LTN 1/20 cycle

route to encourage all users of this bike park to come by bike?			
Answer from:		Cllr Sarah Warren	
<p><i>The Draft Transport Assessment that has been completed indicates that the existing car parking provision of 54 spaces is adequate to cater for peak demand.</i></p> <p><i>Pedal Progression, the appointed operator of the site, are committed to ensuring customers travel sustainably to the site and at first point of contact visitors will be advised to walk, cycle, or use public transport and use the park and ride. The booking system will include allocation of a car parking space (if required).</i></p> <p><i>Pedal Progression are fully committed to supporting the Council to deliver the Climate and Ecological Emergency action plans and are aiming to be the first carbon neutral business of its kind in England.</i></p> <p><i>The site will be surveyed to assess its lifetime carbon footprint, and this will be submitted as part of the planning application and used as a benchmark for measuring improvement.</i></p> <p><i>As part of the project development process, we are actively considering creating safe cycle routes to the site.</i></p>			
M	07	Question from:	Cllr Joanna Wright
What is the current policy position to develop organic farms in Bath and North East Somerset? It is not apparent from the Climate Emergency strategy what the business case is to scale up food production. What protection will be given to areas in B&NES where they are Areas of Outstanding Natural Beauty (AONB) with regard to planning applications for developing organic farms?			
Answer from:		Cllr Sarah Warren	
<p><i>Within B&amp;NES, our engagement in relation to farming is largely through our environmental partnerships, one of which is the West of England Nature Partnership (WENP) which has an agriculture working group which is attended by the Council's Ecologist. This group is a discussion forum to engage the farming community with nature recovery, it does not set policy and its discussions are not specific to any particular farming practice such as organic</i></p>			

farming.

The two National Landscapes (AONBs) of the Cotswolds and Mendip Hills both currently operate the Defra Farming in Protected Landscape Grants, and the Cotswolds has a farming forum:

<https://www.mendiphillsaonb.org.uk/caring-about-the-aonb/farming-in-protected-landscapes/>

<https://www.cotswoldsaonb.org.uk/looking-after/farming-in-protected-landscapes/>

Through the programme, farmers and land managers can be supported to carry out projects that enhance nature recovery, mitigate the impacts of climate change, provide opportunities for people to enjoy and understand the landscape and cultural heritage, or support nature-friendly, sustainable farm businesses. These projects are not specific to organic farming and do not fund the setting up of new farm holdings. They are included here to demonstrate the type of engagement which the National Landscapes have with farming.

Agriculture is largely excluded from planning controls although some associated activities fall within the requirements of measures such as prior approvals. Where this occurs in Areas of Outstanding Natural Beauty, permission must be determined in accordance with national planning policy. There are already clear policies in the Local Plan to support local food production (e.g. RE2, LCR9) and the new B&NES Local Plan will be reviewed or prepared to help achieve the objectives to response to the Climate and Ecological Emergencies

**M**

**08**

**Question from:**

Cllr Joanna Wright

Please can you provide information, over the past ten years, on Housing Condition Complaints received by B&NES Council:

How many complaints and concerns have been reported to the Council or Environmental Protection Team have received regarding poor housing conditions?

How many complaints have been upheld?

How many of these were confirmed as adequately addressed with an inspection?

How many of these have been considered a danger?

How many of these have resulted in an enforcement order?

How many of these were confirmed as adequately addressed with an inspection?

How many of these have resulted in a prosecution?

**Answer from:**

Cllr Tom Davies

<u>Year</u>	<u>Complaints received<sup>(1)</sup></u>	<u>Complaint inspections<sup>2</sup></u>	<u>Category 1 hazards identified<sup>3</sup></u>	<u>Formal Notices Served<sup>4</sup></u>	<u>Prosecutions/Financial Penalties<sup>(5)</sup></u>
2011/12	229	260	286	n/a	6
2012/13	311	402	424	n/a	0
2013/14	343	313	350	n/a	0
2014/15	238	229	237	n/a	0
2015/16	298	261	306	n/a	0
2016/17	315	192	258	8	0
2017/18	297	210	254	5	1
2018/19	191	220	278	6	1
2019/20	222	156	296	6	3
2020/21	285	80	136	9	8

### **Interpretation Notes**

- 1) Refers to all property condition-based complaints received by Housing Services regardless of tenure.
- 2) This is not a subset of first column as recorded in different IT module. Some complaints receive multiple visits. 2020/21 figures impacted by Covid restrictions.
- 3) This relates to number of Housing Health & Safety Rating System Category 1 hazards identified. There can be multiple hazards in a property.
- 4) Information not available prior to 2016/17. It should be noted that the Council's Enforcement Policy ([https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Housing/Landlords-and-tenants/enforcement\\_policy\\_final\\_v2.pdf](https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Housing/Landlords-and-tenants/enforcement_policy_final_v2.pdf)) aims to address issues informally in the first instance. Only if this is not possible does the Council progress to formal action, including the serve of formal notices.
- 5) Recent increase in activity reflects the introduction of Financial Penalties. Includes action against unlicensed HMOs.

<b>M</b>	<b>09</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>How does the Council, in keeping with its duty of care to residents, protect tenants in properties managed and owned by housing associations?          How frequently are regular compliance checks scheduled?          Under what circumstances, and how, are unscheduled, or extra checks triggered?          What protections are in place to identify problems with specific landlords?</p>			
<b>Answer from:</b>			Cllr Tom Davies
<p><i>Registered Providers, also known as Housing Associations, are independent organisations who are regulated by the Regulator of Social Housing. One of the key areas of the Regulator relates to ensuring that stock is maintained in a good standard and compliance regimes are fit for purpose. However, where a Housing Association tenant, or indeed any tenant, has a specific concern relating to their housing conditions the Council will investigate, and if appropriate take formal action against the landlord to remedy any defects. Formal action can range from service of Notices, Financial Penalties or Prosecution.</i></p>			
<b>M</b>	<b>10</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>The statutory guidance for local authorities published by the Dept for Health and Social Care (DHSC) says the following:</p> <p>“8.35 People in a care home will contribute most of their income, excluding their earnings, towards the cost of their care and support. However, a local authority must leave the person with a specified amount of their own income so that the person has money to spend on personal items such as clothes and other items that are not part of their care. This is known as the personal expenses allowance (PEA). This is in addition to any income the person receives from earnings. Ministers have the power to adjust the PEA. Any changes are communicated by Local Authority Circular and are binding. Local authorities have discretion to apply a higher income allowance in individual cases, for example where the person needs to contribute towards the cost of maintaining their former home. Further detail is set out in Annex C.”</p> <p>As this is not a national arrangement but delegated to local authorities what discretionary uplift will B&amp;NES be making to the PEA (Personal Expenses Allowance), for care home residents?</p>			
<b>Answer from:</b>			Cllr Alison Born

*The Council allows the PEA to all those resident in a care home setting. In addition to the PEA the Council allows up to an additional £144 per week or their maximum assessed weekly care if lower than £144 per week to maintain a property as long as the person has a deferred payment agreement in place, and they request this allowance.*

*B&NES does not make any annual uplift beyond the increase prescribed by Central Government; however, all matters are considered on a case by case basis with a person centred approach to any decision taken.*

*This is accordance with the Council Care and Support Charging and Financial Assessment Framework which can be viewed online at <https://beta.bathnes.gov.uk/care-and-support-charging-and-financial-assessment-framework/care-and-support-charging-and>*

<b>M</b>	<b>11</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>Keynsham Road Safety Campaign have been working to try to improve safety on Wellsway in Keynsham. They have been campaigning for a speed limit reduction from 40mph to 30mph out to the Welcome to Keynsham sign since the end of 2019, as the road is currently unsafe for pedestrians, cyclists and other non-motorised road users. There is a blind bend at Uplands with busy entrances on both sides and residents are forced to essentially pull out on faith. Improving visibility isn't possible due to the proximity of properties to the road, therefore a reduction in the speed limit is the best way to ensure the safety of all road users.</p> <p>Cllr Rigby, as Cabinet Member for Transport, you agreed to the reduction to 30mph in May last year, however in November Cllr Rigby, you told the Keynsham Road Safety Campaign that the Highways department had refused to implement the changes. The plan to reduce the speed limit up to 200 Wellsway, which is only 700m short of the Welcome sign where the Keynsham Road Safety Campaign are asking for the 30 limit to end. In a recent press release you stated that "safety is your first priority" Why then is this dangerous and fast road not having a speed reduction put in place?</p>			
<b>Answer from:</b>			Cllr Manda Rigby
<p><i>It's important that speed limits are set at a level where there is a realistic likelihood of compliance and that drivers will understand the reason for the limit. If drivers perceive that a speed limit has been set too low, it is unlikely to be obeyed and this can undermine speed limits more generally. We are proposing to extend the existing 30mph limit on Wellsway southwards up to the point where the road is no longer built-up and the street lighting ends. The section further south of this towards Uplands is not suitable for a 30mph road because it is open, with very little development alongside the road. We reduced the speed limit here from 60mph to 40mph a few years ago. Officers have advised that if a 30mph limit was introduced here and it was ignored by many drivers then it could lead to lower levels of compliance further into Keynsham where it is more built-up and potentially lead to vehicles trying to</i></p>			

*overtake others who do obey the limit, thereby making the road less safe.*

*Safety is our highest priority, but we will not put in measures that could have the opposite impact than is intended. Officers will be assessing the road near Uplands to identify whether there are any alternative measures that could be provided at this specific location to improve safety.*

**M 12**

**Question from:**

Cllr Vic Pritchard

Please provide an update on the administration's plans to set up a Citizen's Panel to decide on active travel improvements in Bath. Have panel members been selected yet? Has a date been chosen to allow them to meet?

**Answer from:**

Cllr Sarah Warren

*The Citizens' Panel is a new way of doing democracy by establishing a panel of independent local people to consider evidence on particular issues. The panel will focus on potential routes between the valley floor and Claverton Down, thinking in particular about the options for active travel. We have worked with Bath University on this and have jointly appointed Britain Thinks to recruit and run the panel.*

*Britain Thinks are now in the process of appointing the panel and it will begin its work shortly.*

*I very much look forward to receiving the panel's findings and giving them careful consideration.*

*More information on our Citizens' Panel can be found [here](#).*

**M 13**

**Question from:**

Cllr Vic Pritchard

In a letter from the Chief Executive to the Chief Constable of Avon and Somerset Police, dated 6 May 2021, details of two additional protocols to Option 4 of the City Centre Security 'inner zone' proposals are stated. One paragraph reads: "Blue badge parking bays would be provided within the restricted streets, but blue badge access would only be permitted if a blue badge parking space was available". Please confirm if this rule – that blue badge holders can only access the inner zone during restricted hours if a blue badge parking space is available – currently applies. If it does, please explain the procedure by which staff who operate the barriers are kept up to date with the number of available blue badge parking spaces available within the inner zone at any given time.



<b>Answer from:</b>		Cllr Manda Rigby
<p><i>Blue badge holders are permitted to access and park in Cheap Street, Westgate Street and Upper Borough Walls 24/7, for up to 3 hours on each street, on double yellow lines.</i></p> <p><i>When wishing to access during the periods of 1000 hours and 1800 hours, blue badge holders follow the process as outlined on our website - <a href="https://beta.bathnes.gov.uk/check-eligibility-and-apply-access-restricted-bath-city-centre-streets">https://beta.bathnes.gov.uk/check-eligibility-and-apply-access-restricted-bath-city-centre-streets</a> and as communicated directly with those blue badge holders direct, where we hold their data.</i></p> <p><i>Since 1 January 2022, 1,274 vehicles with disabled drivers or passengers have accessed the restricted streets under the Blue Badge Holder exemption. We have not had to refuse anyone entry due to unavailability of spaces and the Marshals on both the entry and exit barriers regularly communicate via radio to update each other on capacity. However, this has not been an issue.</i></p> <p><i>In addition, a new map has been produced highlighting all blue badge bays within the City - <a href="https://beta.bathnes.gov.uk/sites/default/files/Access%20Restrictions%20and%20bays%20Feb%2022%20v4-01.jpg">https://beta.bathnes.gov.uk/sites/default/files/Access%20Restrictions%20and%20bays%20Feb%2022%20v4-01.jpg</a></i></p>		
<b>M</b>	<b>14</b>	<b>Question from:</b> Cllr Vic Pritchard
<p>In reply to a question submitted ahead of last month's Cabinet meeting, you confirmed that the pedestrian island located on the A37 towards Pensford, next to Short Lane, was installed in 2019 as part of a wider scheme to improve safety along the A37. Accepting that the installation cost was part of that overall safety package, and thus cannot be specified, ongoing maintenance for the pedestrian island would surely have come from a different funding stream? Please specify on how many separate occasions between its installation in 2019 and its removal in 2022 repairs were carried out to this island before it was recognised as ineffective and a positive danger.</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p><i>Our records show that between the time the island was constructed and when it was removed, 'keep left' bollards on the island were replaced 12 times. Following an assessment in autumn 2021 it was concluded in December 2021 that the island needed to be removed after other possible methods of making the island more conspicuous had been considered and ruled out.</i></p>		
<b>Supplementary question:</b> I commend the honesty in the answer. This traffic island was put in for pedestrian safety, in a location where there have		

never been any accidents, and there have now been in excess of 12 accidents as a result of its introduction. It was quite a soft option initially, but officers then reinforced the barrier by introducing a curving system, now removed and there's now a build out to compensate. If there have been 12 accidents in this location, how does this contribute to highway safety, why was it not taken out earlier after one or two accidents and who is accountable?

**Answer from:**

Cllr Manda Rigby

I'll provide you a fuller response within 5 days, but I can assure you we have been working closely with the local community and it was at their request that it was put in initially. We have now gone back to Pensford Parish Council to ask what it is we now can do to address this issue that was given to us by the community.

**M 15**

**Question from:**

Cllr Vic Pritchard

Thank you for providing clarity around how the council reports data breaches to the ICO. Since May 2019, how many data breaches have actually been reported to the ICO by the council? Will you agree to specify the number of breaches in future reports to the appropriate Scrutiny panel?

**Answer from:**

Cllr Kevin Guy

*The Council has self-reported 3 breaches to the ICO since May 2019 and can update any Scrutiny Panel on request with regard to statistical reporting of breaches.*

**M 16**

**Question from:**

Cllr Vic Pritchard

I understand there has been a considerable drop in pollution on the A37 in Temple Cloud. Can you explain exactly what measures have been taken to achieve this and please provide the most recent NO2 readings for all monitored locations on the A37 in Temple Cloud.

**Answer from:**

Cllr David Wood

*The response to this question, including the nitrogen dioxide data in Temple Cloud, is attached as Appendix 2.*

<b>M</b>	<b>17</b>	<b>Question from:</b>	Cllr Vic Pritchard
The proposed plans for the Chew Valley Recreational Trail currently present serious obstacles for agricultural traffic. I have been advised that a revision of the drainage arrangements will be required. When will these changes be forthcoming and will they present a further delay to the closure of the road?			
<b>Answer from:</b>			Cllr Sarah Warren
<i>The buildout design has been amended to accommodate the 3.65m wide farm vehicle. This has not delayed the works or incurred any additional costs.</i>			
<b>Supplementary question:</b> Since that answer was provided, there has been another meeting with myself and my colleague, Ward Councillor Karen Warrington, with Highways officers and a representative of the farming community and the measures that have been taken are inappropriate as the farm machinery will have to mount the kerb. This denies the passage for agricultural vehicles. The Chew Valley residents are concerned this is an accident waiting to happen. What will you do about this?			
<u>Answer from:</u>			Cllr Sarah Warren
Happy to come back within 5 days with a fuller response; however, if there are specific issues, please put them in an email to me.			
<i>The following response was provided within 5 working days.</i>			
An officer met with Chew Magna Ward Members, yourself and a local farmer on site at the Chew Magna dam on Monday 21 March 2022 in order to understand your concerns and visited site on 28 <sup>th</sup> and 30 <sup>th</sup> March 2022 following the opening of the road.			
We understand that large vehicles, tractors and coaches will have to use this revised road layout along with all other vehicles, pedestrians and cyclists. The resulting design has had to accommodate the existing constrained nature of the site, and in doing so balances as far as possible the requirements of all road users; both with regard to the carriageway width, which is in accordance with the original Planning application, and the adjacent recreational trail. The design was very recently amended to accommodate the needs of a Combine Harvester at the request of the local farming community.			

It is acknowledged that the re-designed road layout does reduce the width available on the highway. All larger vehicles are able to pass each other on this width of carriageway, including large tractors that are one of the widest vehicles at 2.75 metres wide (wing mirrors may need to be pulled in). A Stage 3 Road Safety Audit will be carried, and the Council will take heed of any recommendations made. The widest farm vehicles using the majority of the rural highway network will encounter issues with oncoming wide vehicles and are driven accordingly.

**M 18**

**Question from:**

Cllr Karen Warrington

The Cleveland Bridge repair works began in May last year. In a press release issued by the council this week, it was announced that “unexpected and severe corrosion” had been found “on a critical section of the structure”, resulting in further delays. Please explain why, after almost 12 months of continuous work, and the project taking almost double the amount of time initially forecast, such critical issues have not been picked up sooner.

**Answer from:**

Cllr Manda Rigby

*Technical experts had assessed the hanger bars prior to work starting on the bridge, without the benefit of being able to remove the concrete, however a routine technical test in January identified a need for further investigation.*

*Concrete was then removed from the hanger bars which uncovered severe corrosion caused by water and chloride.*

*This led to further technical assessments over the past few weeks. The issue is serious enough to risk structural failure of the bridge were it to reopen to all vehicles before repairs are carried out. The assessments have confirmed that the bridge can remain open using the current traffic arrangement.*

*It was not possible to see the extent of the damage prior to concrete being removed, and it was not possible to remove concrete prior to the other works being done. Encasing metal in concrete in 1927, although strengthening the bridge, hides much of the structural elements from view.*

**M 19**

**Question from:**

Cllr Karen Warrington

In the press release issued by the council this week, you confirmed that Cleveland Bridge will fully reopen in time for the Bath Half Marathon on 29 May. If, contrary to this assurance, the event again has to be postponed or cancelled due to the bridge not having reopened, will you resign?

<b>Answer from:</b>		Cllr Manda Rigby
<p><i>My press release stated, and I reiterate:</i></p> <p><i>“Now further analysis will be carried out to find out any options for repair but until we have that information, we are unable to give a timescale for potentially removing the current traffic management on the bridge. We will give an update in early April including the next steps for the project.</i></p> <p><i>I'd like to underline that this will not stop events happening in the city including the Bath Half Marathon, but it's essential that these repairs are completed before the bridge could safely reopen to all traffic and so we ask for people's continued patience”</i></p> <p><i>The original report stating that these repairs were a necessity was received in 2018 and sat on with no work being done until this administration came in.</i></p>		
<p><u>Supplementary question:</u> Since this question was submitted, events have moved on and the Bath Half Marathon has been postponed again. The organisers clearly state that the failure to complete the Cleveland Bridge is to blame. This has come just a few weeks after the Cabinet Member gave an assurance that events such as this would not be affected. As it appears that this assurance was meaningless, will the Cabinet Member do the honourable thing and resign?</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p>The answer is very clear. As stated by the Council on its official newsfeed, the postponement had absolutely nothing to do with the Cleveland bridge works. There was no reason from the Council's perspective that the Bath Half Marathon couldn't go ahead. In the light of this, I would hope that Councillor Warrington would do the decent thing and withdraw her request.</p>		
<b>M</b>	<b>20</b>	<b>Question from:</b> Cllr Karen Warrington
<p>The Cleveland Bridge renovation works were supposed to be completed by November 2021. Funding for this project has been obtained through a £3.8m grant from the Department for Transport. Please confirm the extra costs that have been incurred due to the delay in completion and explain how these costs are to be met.</p>		

<b>Answer from:</b>		Cllr Manda Rigby
<p><i>The concrete repairs are deeper and larger than those identified from the rope access inspections, and temporary supports have had to be designed and installed. Only limited amounts of concrete can be removed and replaced during the repair sequence to ensure there is no risk of failure of the structure. Further analysis needs to take place to assess options for the hanger bars repairs for the unique Grade II* listed structure. We will give an update in early April including the next steps for the project, the project Team will use the information to update the cost forecast.</i></p>		
<b>M</b>	<b>21</b>	<b>Question from:</b> Cllr Karen Warrington
<p>On 17 February, the council published Traffic Regulation Orders to change a long list of roads in Bath to 20mph speed limits. Please publish in full the evidence base used to justify the implementation of 20mph speed limits at these various locations.</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p><i>The Notice of Intent published last month was a minor variation to the Traffic Regulation Order (TRO) which had been published for comment in 2021. When the original TRO was advertised for comment last year there were some minor errors in road names which were only noticed once the TRO had been sealed. It has therefore been necessary to advertise the corrections before the speed limits can be signed and enforced. The justification for the 20mph speed limits can be found in the decision report which is on the council's web site at the following location:</i>  <a href="https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/roadworks/permanent-traffic-order-notices/20-005-various">https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/roadworks/permanent-traffic-order-notices/20-005-various</a></p>		
<b>M</b>	<b>22</b>	<b>Question from:</b> Cllr Paul May
<p>The positive commitment you have given to the Scrutiny Committee is in direct conflict with the line taken by the council officers that Scrutiny panels cannot be trusted on confidential contract information. The Virgin Care/HCRG contract is the largest contract the council has ever undertaken that affects both adults and children. While it is accepted that the due diligence process needs to be effectively carried out, the outcome has direct implications for the most vulnerable people in our community. Will you please confirm publicly that the reasonable external questions raised at the Scrutiny meeting can and will be addressed by the appropriate Scrutiny Committee. If it is to be confidential, can it be conducted in a confidential session?</p>		
<b>Answer from:</b>		Cllrs Alison Born and Dine Romero

*The decision on whether to extend the Virgin Care contract for the 3-year extension term made on the 11<sup>th</sup> November 2021 was delegated to the Director of Adult Social Care subject to the completion of financial due diligence. Due to the announcement on the 1<sup>st</sup> December 2021 that Virgin Care had been acquired by Twenty20 Capital the Director of Adult Social Care did not enact the extension decision. The Clinical Commissioning Group and Council have taken legal advice and agreed to revisit the options appraisal. It has been agreed with HCRG Care Group to extend the contractual period for agreeing any extension from the 31<sup>st</sup> March 2022 to 30<sup>th</sup> June 2022. This allows the CCG and Council to take the decision back through their respective governance processes.*

*A governance timeline is being prepared and in line with the approach taken in November the revised options appraisal report will be presented to Children's Adults Health and Wellbeing Policy and Development Scrutiny Panel.*

**Supplementary question:**

Thank you for your answer. I appreciated your commitment given to the scrutiny panel. My additional question related to why officers believe that councillors on scrutiny panels cannot be trusted to receive confidential, commercially exempt information when the law clearly allows for this in a closed session. I am on the Avon Pension fund committee which regularly deals with confidential information in exempt sessions so why cannot a scrutiny committee be bound by the same process?

**Answer from:**

Dine Romero

As far as I'm aware, exempt information absolutely could be taken in exempt session at a Scrutiny Panel.

**M 23**

**Question from:**

Cllr Paul May

The ICB will have powers of decision over service decisions taken by the council and CCG. We were briefed by the Transition Manager that the local authorities will be involved. Will you provide a coordinated report re. the legal, financial and joint-working arrangements that B&NES has always been proud of?

**Answer from:**

Cllrs Alison Born and Dine Romero

*The Health and Social Care Bill is currently passing through Parliament. Until the legislation has been finalised we cannot be clear about the final governance arrangements being established by the Conservative Government.*

<b>M</b>	<b>24</b>	<b>Question from:</b>	Cllr Paul May
In advance of the OFSTED inspection, can you provide your judgement on the coordination of children's social services and education? Education, social care, families, SEND and public health and mental health all have overlapping needs and having two separate directorates raises some concerns.			
<b>Answer from:</b>			Cllr Dine Romero
<i>As Lead Member for Children's Services, I am very satisfied that Children's Services is well co-ordinated. As Lead Member, I meet with the Director of Children's Services (DCS), the Director of Education, Inclusion and Safeguarding and the Director of Adult Services on a bi-weekly basis and I am kept abreast of all issues/developments pertaining to children and young people across B&amp;NES. I also meet regularly with the Director of Public Health. The Director of Education is line managed by the Director of Children's Services. This change in line management was an outcome of the recent senior management review and ensures that the Director of Children's Services is able to coordinate activity appropriately.</i>			
<b>M</b>	<b>25</b>	<b>Question from:</b>	Cllr Paul May
Officers say their budgets do not allow them to undertake work requested by parish councils, often stating that their own list of schemes has to be prioritised. In NES this seems to be biased towards Bath. Could you release the current list of priority schemes and the funding split between Bath and NES, please?			
<b>Answer from:</b>			Cllr Manda Rigby
<i>The Highway Maintenance and Transport Improvement Programme list the prioritised schemes for delivery in 2022/23. These were included in the February budget report. The value of prioritised list of schemes is £6,262,000.00 and £ 3,393,774.00 of works will be undertaken in NES and £2,866,256.00 will be undertaken in Bath. See attached HMB and TIP scheme lists.</i>			
<b>M</b>	<b>26</b>	<b>Question from:</b>	Cllr Paul May
Residents in my area say they have stopped shopping in Keynsham due to the road chaos that has been created by the pedestrianisation of the High Street. Could you please supply any economic assessment that has been undertaken in order to understand the effects of the road works on the local			



economy.			
Answer from:		Cllr Richard Samuel	
<p><i>A full economic impact assessment of the Keynsham High Street public realm scheme accompanied the Full Business case and was submitted to the Combined Authority, it is in the public domain (link below). The scheme is anticipated to generate an economic uplift for the Town Centre. A monitoring and evaluation process will be undertaken following scheme completion as outlined in the Full Business Case to quantify the impact of the scheme.</i></p> <p><a href="https://www.westofengland-ca.gov.uk/wp-content/uploads/2019/05/Keynsham-High-Street-FBC-FINAL-REDACTED-TH-HT.pdf">https://www.westofengland-ca.gov.uk/wp-content/uploads/2019/05/Keynsham-High-Street-FBC-FINAL-REDACTED-TH-HT.pdf</a></p> <p><i>In terms of the impact during construction, we've been able to maintain access to the High Street and businesses throughout and have worked closely with local businesses to minimise disruption.</i></p> <p><i>Keynsham Town Centre continues to have a low vacancy rate, which is a good proxy for High Street vibrancy, it remains below national average.</i></p>			
M	27	Question from:	Cllr Paul May
<p>We keep hearing the council is now providing social housing. Can you provide some simple statistics, please? How many houses are due to be delivered in 2022 and 2023, how much they will cost to deliver and what will the rents be charged at? Also, has a new council housing rents and repairs system been introduced, will there be a capitalised long-term improvement programme and will tenants have a right to buy?</p>			
Answer from:		Cllr Tom Davies	
<p><i>As the Councillor will be aware, recent decisions taken by the Administration have approved projects which will see the Council deliver a first phase of over 100 social housing units comprising social rent housing, supported housing and shared-ownership housing. As all such projects are subject to the complexities of planning, contract negotiation and construction, it is not possible to determine the exact date of delivery for each of these units but <b>work on delivering the first 53 of these units is well advanced with work on site started or in the case of one site a planning application has been submitted.</b></i></p> <p><i>The high-level cost figures are well documented, most recently to the Climate Emergency and Sustainability Policy Development and Scrutiny Panel in January. Social rented housing will be offered at social rent, the most affordable tenure which is typically around 50%-60% of market rent. The current IT</i></p>			

*system within Housing is being upgraded, in part to assist with the effective management of the supported housing once operational. However, no decision has yet been made in relation to whether the management of the social rented housing will be managed inhouse or commissioned externally and as such no council housing rents and repairs system has been procured to date. Right to Buy will be available where the property and tenant meet the legislative eligibility criteria.*

### **Supplementary question:**

Many years ago, before your time and mine, Banes stopped being a direct housing provider and Curo now own the former social housing stock.

If you are delivering 53 units but have not sorted out all of the commitments owning properties means, this seems odd? Will the housing stock pay for itself in capital/revenue terms if it has been funded directly by the council including housing repair costs, long term improvements, housing benefits, rent enforcement, tenancy legal agreements, rent collections, right to buy and tenant disputes? Could you please provide a fully costed breakdown of the cost benefit calculation for scrutiny because, once constructed, the council must have all such procedures in place. If not provided in-house there will be contract costs and an economy of scale involved for such a few homes?

### **Answer from:**

Cllr Tom Davies

Thanks for your interest in the new Council house building programme. I will follow up with a full response.

*[The following response was provided within 5 working days.]*

All social housing requires subsidy and this housing programme is no different. The hi-level business case presented in the cabinet report details the anticipated capital subsidy requirements. However, the programme is designed to be revenue neutral in operation even when operating on social rent, the most affordable rent tenure for occupiers. Independent advice has been obtained on the high-level financial operating model which has assumed that management, maintenance, voids & bad debts (MMVBD) will account for 30% of rental income with the remaining income being used for scheme supported borrowing. To ensure that the model is financially risk-adverse rent inflation has not been included. As scheme supported borrowing is fixed rent inflation will thus provide further revenue headroom as the programme matures. Finally, it is worth noting that this programme has the benefit of starting with new and/or fully refurbished properties thus meaning there will be no significant cyclical maintenance requirements for at least 10 year thus allowing cyclical maintenance budgets to be filled. As previously advised a decision has yet to be made on whether the scheme management will be retained in-house or commissioned externally.

I understand the Head of Housing has kindly also offered to meet with Cllr May to talk him through the finances.		
<b>M</b>	<b>28</b>	<b>Question from:</b> Cllr Paul May
My parish council is pleased that it is being including in the Liveable Neighbourhoods consultation – thank you for listening. At its recent meeting, there was reference to an A37 corridor review. This affects both of my parishes. Will there be consultation on this and, if so, when?		
<b>Answer from:</b>		Cllr Sarah Warren
<i>The A37/A367 Corridor Study is a WECA-led project, being undertaken in partnership with B&amp;NES officers. An initial public consultation was held between 22 November 2021 and 9 January 2022. The Strategic Outline Case is due to be considered at the WECA Joint Committee on 8 April 2022. Subject to approval, further consultation is scheduled for this Summer, during preparation of the outline business case (OBC).</i>		
<b>M</b>	<b>29</b>	<b>Question from:</b> Cllr Paul May
Bristol City Council intends to close key roads just inside the boundary and, once again, has not carried out any consultation with local communities in our area. Has the council been consulted?		
<b>Answer from:</b>		Cllr Manda Rigby
<i>Local authorities are not required to consult local communities with regards to temporary road closures for road works. It is good practice for the organisation undertaking the works, whether that be a utility company or the local highways team, to post letters to properties on the road that is being closed, and this something B&amp;NES insists on when road closures are undertaken in our area. Utility works are due to be undertaken in Whitchurch Lane within Bristol City Council's area next week which will result in that road being closed for a number of days. I am advised that traffic will still be able to exit Maggs Lane, but it will have to turn right into Ridgeway Lane and follow a diversion.</i>		
<i>Bristol City Council did not consult B&amp;NES before agreeing the road closure requested by the utility company and we have reminded them of the need to do so. However, this is unlikely to have resulted in any differences in local notifications about the road closure because no road in B&amp;NES will be closed or restricted as a result of the closure of Whitchurch Lane in Bristol City Council's area.</i>		

<b>M</b>	<b>30</b>	<b>Question from:</b>	Cllr Paul May
It seems apparent that CPRE is no longer a statutory consultee for planning applications. Would you consider adding them to our list as a volunteer consultee organisation?			
<b>Answer from:</b>			Cllr Tim Ball
<p><i>There is no list retained of non-statutory consultees. It is not advised that we opt to inform one interest group over another as this may lead to inequality and bias. It may also add additional costs and slow down the planning process. However, we do assist interested parties to engage in the planning process for example we advertise planning applications widely using media publication, through site notices, through parishes and via the weekly list circulated to Councillors. This enables self-selection by interested parties of the applications they are interested in and there will be many that would not be relevant or of interest to the CPRE. Planning officers will contact interested parties where a particular case warrants that to happen.</i></p>			

### **Attachments**

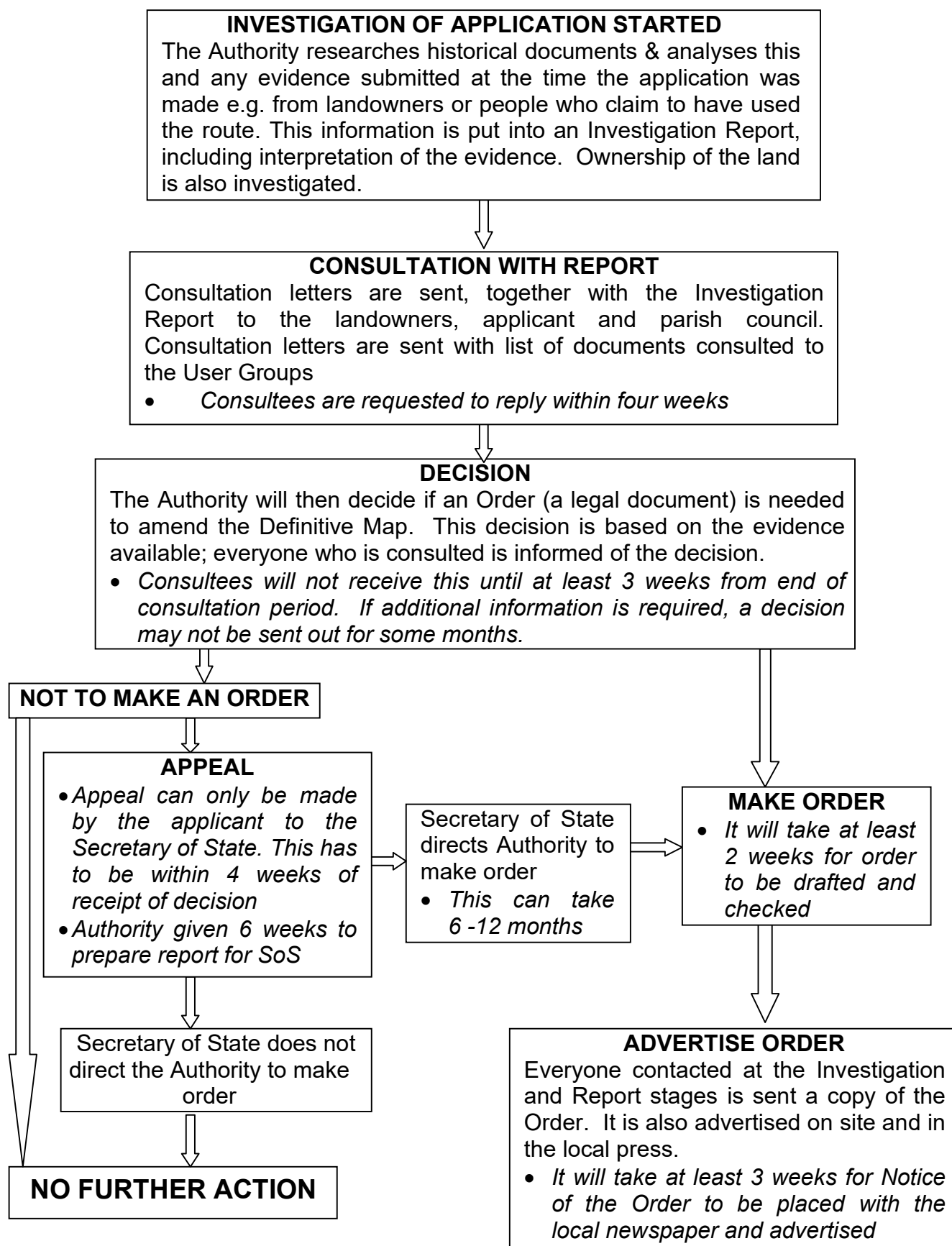
M4 - Rights of Way Process Flowchart – Appendix 1

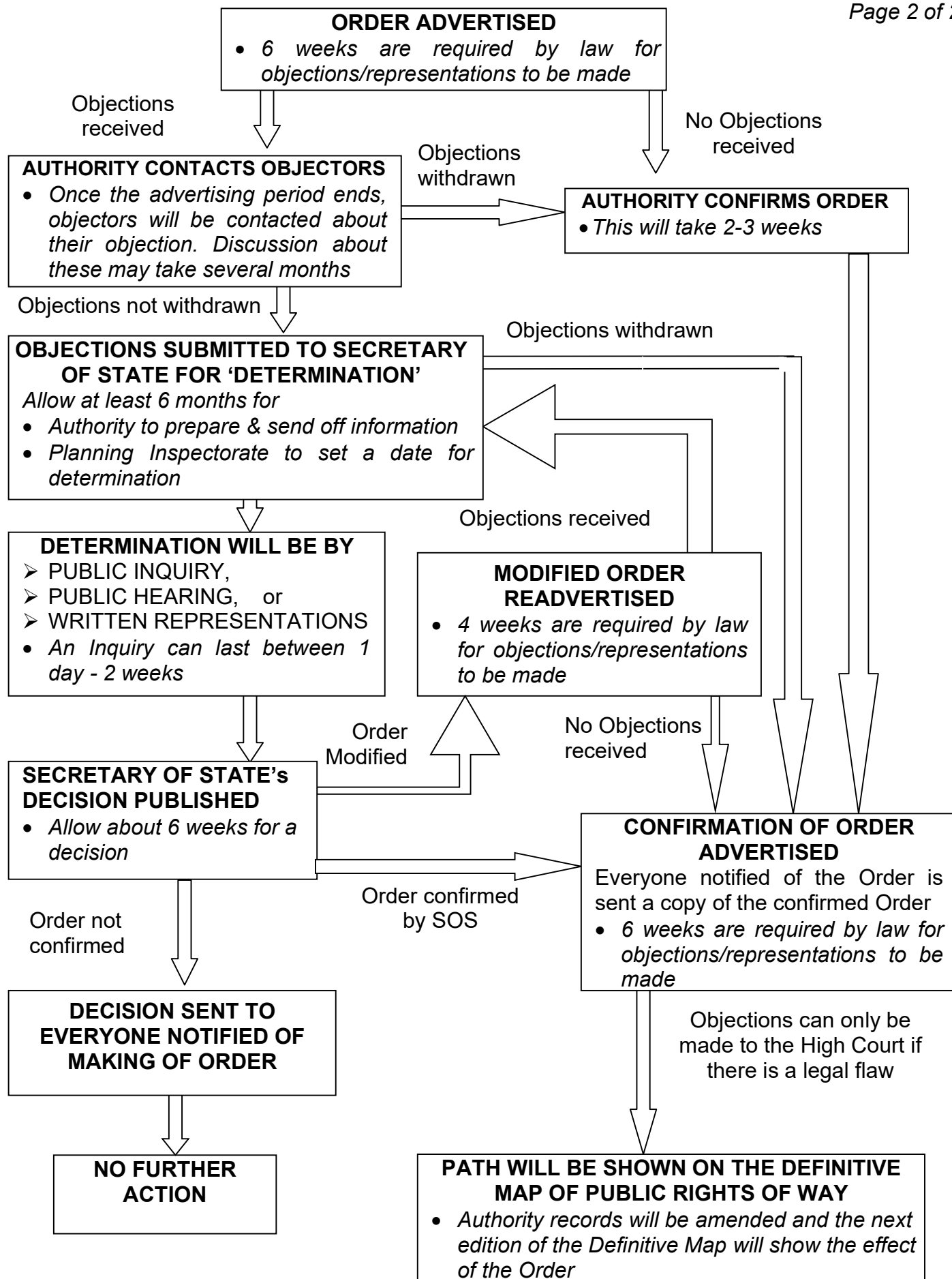
M16 – Response including nitrogen dioxide data – Appendix 2

M25 - Highway Structural Maintenance Capital Programme 2022/23 – Appendix 3

M25 - Transport Improvement Programme 2022/23 – Appendix 4

## FLOWCHART SHOWING THE PROCESS FOLLOWED BY BATH AND NORTH EAST SOMERSET COUNCIL WHEN INVESTIGATING AN APPLICATION FOR A RIGHT OF WAY





## **Response**

1. Several actions were responsible for the drop of NO<sub>2</sub> concentrations. In 2017 a speed camera was installed at the north side of Temple Cloud helping to keep the vehicles speed down. In the same year, to the south approach of Temple Cloud the speed limit sign was placed further from the entry of the village that helped by reducing speeding vehicles approaching the village where the road narrows. Rumble strips were repainted on the northbound approach from the south.

The canopy of the trees overhanging the narrow section of the village was removed to allow for a better air circulation. This had the effect of increasing the diffusion of the emissions from vehicles using the road. There were also some trees abutting the road at vehicle height that had started to encroach onto the space. This had the effect of causing vehicles to drive towards the centre of the road to avoid 'tree-strikes.' This subsequently caused traffic stop and start. These were removed and that reduced this stop starting effect and smoothed the flow of traffic.

There has also been a natural improvement in fleet using the A37 through Temple Cloud with improved 'cleaner' technology.

Finally, the Bath Clean Air Zone may have had a positive effect on vehicles passing through as people and businesses upgraded their vehicles and buses have been retrofitted to a higher standard, but this positive effect is confounded with reduced traffic volumes in 20/21. This positive effect may be increased further as Bristol City Council plan to implement their CAZ this summer.

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- The nitrogen dioxide data in Temple Cloud is displayed in the following tables. Each monitoring location is a diffusion tube (DT). The objective standard for nitrogen dioxide is 40 µg/m<sup>3</sup> as an annual average

The first table is the key table, and it shows the Local Air Quality Management data, with 2021 data being in provisional state until it is signed off by DEFRA in the coming months. The values within the table are bias adjusted and are distance adjusted to the nearest residential façade (where the nearest long term human exposure is judged to be). DT 096 and DT 253 are still breaching the annual average objective.

LAQM TABLE. Façade adjusted data annual average nitrogen dioxide concentrations (µg/m<sup>3</sup>)

DT	2016	2017	2018	2019	2020	2021 Prov. Forecast
DT108	35	34	27	27	21	21
DT252					32	33
DT096	90	67	60	56	46	43
DT111	51	52			31	
DT253					45	46
DT254					29	27
DT255					36	37
DT256					17	
DT109	41	39	34	31	23	25

Officers were conscious that all the monitoring locations were to the west of the A37, so a period of monitoring was undertaken at properties to the east of the road to understand what the concentrations were there. The second table shows the average nitrogen dioxide concentrations (µg/m<sup>3</sup>) from the gardens to the east of the A37 (apart from 264 which is in the west). All locations were compliant with the objective standard.

DT Location	Jan to May Average
DT260	13
DT261	14
DT262	11
DT263	23
DT264	29



Given that there were locations of non-compliance at the facades of properties to the west of the A37, Officers wanted to investigate the concentrations within the gardens of a selection of properties. The third table shows the average nitrogen dioxide concentrations ( $\mu\text{g}/\text{m}^3$ ) from the West side of the gardens from the properties close to the road. There is a considerable reduction between the concentrations at the façade and within the gardens.

DT Location	June - Sept Average
DT272	9
DT273	8
DT274	8
DT275	13

This final table shows the average nitrogen dioxide concentrations ( $\mu\text{g}/\text{m}^3$ ) collected from the inside a selection of properties as officers wished to understand what the concentrations were *inside* at the nearest room to the front (roadside) at ground floor level, other than DT 284 which is located on the external façade of the property.

DT Location	Oct - Dec Average
DT286	5
DT282	9
DT283	3
DT285	10
DT281	4
DT287	7
DT284 (façade)	30

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Highway Maintenance 2022/23						
Description Highway	Measurement	Funding		Allocated works	NES	Bath
<b>Street Lighting Programme</b>	<b>No. of units</b>					
Footpath Bathwick Street to Powlett Road, Bathwick	2	£2,657	Bath			
Powlett Road, Bathwick	5	£6,641	Bath			
The Avenue, Bathwick	11	£15,088	Bath			
Beechwood Road, Combe Down	10	£13,760	Bath			
Bradford Park, Combe Down	5	£6,641	Bath			
Footpath Hawthorn Grove, Combe Down	3	£3,985	Bath			
Hawthorn Grove, Combe Down	2	£2,657	Bath			
Kewstoke Road, Combe Down	6	£7,970	Bath			
Porlock Road, Combe Down	4	£5,313	Bath			
Queens Drive, Combe Down	9	£11,954	Bath			
Ashley Avenue, Kingsmead	4	£5,313	Bath			
Audley Close, Kingsmead	2	£2,657	Bath			
Avon Street, Kingsmead	2	£2,657	Bath			
Locksbrook Road, Kingsmead	10	£13,283	Bath			
Shaftesbury , Kingsmead	2	£2,657	Bath			
St Johns Road, Kingsmead	5	£6,641	Bath			
Tennyson Road, Kingsmead	4	£5,313	Bath			
Bennett's Road, Lambridge	3	£3,985	Bath			
Fuller Road, Lambridge	6	£7,970	Bath			
Jesse Hughes Court, Lambridge	3	£3,985	Bath			
Oriel Gardens, Lambridge	3	£3,985	Bath			
Woodlands Park, Lambridge	6	£7,970	Bath			
Charlecome View Road, Lambridge	3	£3,985	Bath			
Malvern Buildings, Lambridge	5	£6,641	Bath			
Ragland Lane, Lambridge	7	£9,298	Bath			
Richmond Heights, Lambridge	5	£6,641	Bath			
Lyme Gardens, Newbridge	2	£2,657	Bath			
Lyme Road, Newbridge	3	£3,985	Bath			
Rudmore Park, Newbridge	14	£18,596	Bath			
Beckhampton Road, Oldfield	7	£9,298	Bath			
Canterbury Road, Oldfield	5	£6,641	Bath			
First Avenue, Oldfield	4	£5,313	Bath			
Second Avenue, Oldfield	7	£9,298	Bath			
South Avenue, Oldfield	5	£6,641	Bath			
St Kildas Road, Oldfield	5	£6,641	Bath			
Third Avenue, Oldfield	7	£9,298	Bath			
Winchester Road, Oldfield	4	£5,313	Bath			
Shaftesbury Road, Oldfield	2	£2,657	Bath			
Triangle East, Westmoreland	3	£3,985	Bath			
Caledonian Road, Westmoreland	4	£5,313	Bath			
Denmark Road, Westmoreland	2	£2,657	Bath			
South View Road, Westmoreland	3	£3,985	Bath			
Napier Road, Weston	15	£19,924	Bath			
Falconer Road, Weston	3	£3,985	Bath			
Clarendon Road, Widcombe	3	£3,985	Bath			
Lyncombe Vale Road, Widcombe	9	£11,954	Bath			
Prior Park Road Cul-De-Sac, Widcombe	2	£2,657	Bath			
Widcombe Crescent, Widcombe	3	£3,985	Bath			
Avon Court, Batheaston	5	£6,641	NES			
Barnfield Way, Batheaston	4	£5,313	NES			
Warleigh Drive, Batheaston	2	£2,657	NES			
Whitefield Close, Batheaston	1	£1,328	NES			
Gournay Road, Farrington Gurney	5	£6,641	NES			
Manor Close, Farrington Gurney	5	£6,641	NES			
Pitway Close, Farrington Gurney	2	£2,657	NES			
Claremont Gardens, High Littleton	2	£2,657	NES			
Scobell Rise, High Littleton	5	£6,641	NES			
The Homestead, Keynsham	5	£6,641	NES			
Ashmead Road, Keynsham	12	£16,417	NES			
Pixash Lane, Keynsham	4	£5,313	NES			
Boundary Close, Midsomer Norton	3	£3,985	NES			
Charlton Park, Midsomer Norton	50	£66,413	NES			
Footpath Beaufort Avenue, Midsomer Norton	5	£6,641	NES			
Footpaths Charlton Park, Midsomer Norton	2	£2,657	NES			
Grange End, Midsomer Norton	4	£5,313	NES			
The Timbers, Midsomer Norton	5	£6,641	NES			
Barnaby Close, Welton	4	£5,313	NES			
Beaufort Avenue, Welton	12	£15,939	NES			
Long Barnaby, Welton	9	£11,954	NES			
St Anthony's Close, Welton	1	£1,328	NES			
St Charles Close, Welton	1	£1,328	NES			
St Paul's Place, Welton	4	£5,313	NES			
St Thomas Road, Welton	2	£2,657	NES			
Somerset Folly, Timsbury	6	£7,970	NES			
St Marys Close, Timsbury	5	£6,641	NES			
The Ha Ha, Timsbury	1	£1,328	NES			
The Witheys, Whitchurch	8	£10,626	NES			
<b>Highway Street Lighting 22/23 Sub Total</b>	<b>413</b>	<b>£550,000</b>		£550,000	£231,593	£318,407
<b>Highway Structures Programme</b>	<b>No. Structures</b>					
Highway Structures Inspection and Maintenance		£70,000				
Bridge Assessment Programme		£80,000				
Windsor Pipes Bridge removal	1	£300,000	Bath			
River Chew Bridges Refurbishment Scheme £170k	1	£170,000	NES			
Highway Structures Highway parapet refurbishment - Vineyards Raised Footway Railings; Walcot Raised Footway Railings, Belverdere elevated footpath railings, Lansdown elevated footpath railings	4	£130,000	Bath			
<b>Highway Structures 22/23 Sub Total</b>	<b>6</b>	<b>£750,000</b>		£600,000	£170,000	£430,000
<b>Highway Drainage Programme</b>						
East Harptree Recreation Ground Highway Drain Improvement, East Harptree		£25,000	NES			
Coley Road Highway Drainage Improvement, East Harptree		£80,000	NES			
A367 Peasedown St John Bypass Isolated Highway Drainage Repair, Peasedown St John		£35,000	NES			

## Highway Structural Maintenance Capital Programme for 2022/2023

Description Highway	Measurement	Funding		Allocated works	NES	Bath
Lower Bristol Road Highway Drainage Improvement, Clutton		£35,000	NES			
Station Road Highway Drainage Improvement, Clutton		£28,000	NES			
Charlton Road, Keynsham Phase 1 Highway Drainage Improvements		£50,000	NES			
Highway Drainage Extensive Investigation Works, Various Locations		£50,000				
<b>Highway Drainage 22/23 Sub Total</b>		<b>£303,000</b>		£253,000	£253,000	0
<b>Carriageway Resurfacing &amp; Major Re-Construction</b>	<b>SQM</b>					
Southlands - Weston, Bath	3,285	£110,000	Bath			
Banwell Road - Odd Down, Bath	2,336	£93,500	Bath			
The Avenue - Claverton, Bath	2,056	£65,586	NES			
A368 Main Road - Chelwood	15,475	£494,000	NES			
Braysdown Lane - Peasedown St John	3,321	£110,055	NES			
Hampton Row - Bathwick, Bath	1,135	£55,000	Bath			
Upper Oldfield Park - Oldfield Park, Bath	4,816	£156,310	Bath			
Corston Lane - Corston	3,945	£125,846	NES			
North Road - Combe Down, Bath	3,600	£114,840	Bath			
Morris Lane - Warleigh Drive, Whitefield Close & part of Meadow Park & Barnfield Way, Batheaston	6,763	£215,740	NES			
Coronation Avenue - Southdown, Bath	5,455	£174,015	Bath			
A4 Bath Road - Saltford	7,000	£250,000	NES			
Wedgewood Road - Twerton	1,800	£68,200	Bath			
Pennyquick Hill - Newton St Loe, Bath	4,403	£140,456	Bath			
Churchill Gyratory - Bath	9,261	£385,000	Bath			
A368 Bath Road - West Harptree (Part)	7,500	£241,452	NES			
<b>Carriageway Resurfacing 22/23 Sub Total</b>	<b>82,151</b>	<b>£2,800,000</b>		£2,800,000	£1,502,679	£1,297,321
<b>Carriageway Surface Dressing</b>	<b>SQM</b>					
Claverton Down Road - Combe Down, Bath	10,000	£90,000	Bath			
Wellsway & Burnett Hill - Keynsham/Burnett	25,645	£215,000	NES			
Peasedown St John Bypass (Roman Way) - Peasedown St John	31,841	£165,000	NES			
A368 Bath Road - West Harptree (Part)	4,416	£30,000	NES			
<b>Carriageway Surface Dressing 22/23 Sub Total</b>	<b>71,902</b>	<b>£500,000</b>		£500,000	£410,000	£90,000
<b>Carriageway Thin Surface Treatment</b>	<b>SQM</b>					
Waterford Park - Westfield	7,186	£231,275	NES			
Uplands - Saltford	6,506	£207,541	NES			
Mells Close - Keynsham	961	£30,656	NES			
Audley Park Road - Weston, Bath	2,707	£86,353	Bath			
Landseer Road - Twerton, Bath	986	£29,175	Bath			
<b>Carriageway Thin Surface Treatment 22/23 Sub Total</b>	<b>18,346</b>	<b>£585,000</b>		£585,000	£469,472	£115,528
<b>Footway Programme</b>						
Paving Programme		£200,000				
Asphalt Concrete Programme		£250,000				
<b>Footway 22/23 Sub Total</b>		<b>£450,000</b>				
<b>Other Programmes</b>						
Planned Patching Programme		£1,287,000				
Planned Road Marking Improvement Programme		£175,000				
Spay Injection Patching Programme		£159,343				
Thermal Road Repair Procurement & Implementation		£275,000				
<b>Other 22/23 Sub Total</b>		<b>£1,896,343</b>				
<b>PROGRAMME 22/23 OVERALL TOTAL</b>		<b>£7,834,343</b>		£5,288,000	£3,036,744	£2,251,256

<b>TIP</b>	<b>£1,313,000</b>		£973,000	£358,000	£615,000
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<b>Total</b>	<b>£6,261,000</b>	<b>£3,394,744</b>	<b>£2,866,256</b>
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2022/23 Transport Improvement Programme					
Description	Budget £'000		Allocated Works	NES	Bath
<b>Local Safety Schemes</b>					
Anti-Skid Surfacing	20				
AIP schemes for delivery in	10				
Accident investigation and prevention (AIP)	30				
Route Review A368 delivery	50	NES			
Signal Improvements Gay St	200	Bath			
Camden Road safety crossings and speed measures	50	Bath			
Lansdown Road Pedestrian and Cycling safety review	20	Bath			
West Harptree safety scheme	10	NES			
Bloomfield Road Pedestrian and Cycling safety review and delivery	90	Bath			
Newbridge Hill / Upper Bristol Road junction and Kelston Road junction and speed improvements	30	Bath			
Weston Lane safety study	20	Bath			
<b>Local Safety Schemes Sub Total</b>	<b>530</b>		470	60	410
<b>Public Transport</b>					
Improvements to bus stops	40				
<b>Public Transport Sub Total</b>	<b>40</b>				
<b>Managing Congestion</b>					
Parking Schemes TRO	70				
Signage improvements City Centre	25	Bath			
Evaluate Oldfield Parks, Westmorland Mooreland Ward RPZ	20	Bath			
<b>Managing Congestion Sub Total</b>	<b>115</b>		45	0	45
<b>Safer Routes to Schools</b>					
School zebra crossings Writhlington	60	NES			
School zebra crossings High Littleton	60	NES			
<b>Safer Routes to School Sub Total</b>	<b>120</b>		120	120	0
<b>Cycle Schemes</b>					
Cycle parking	20				
<b>Cycle Schemes Sub Total</b>	<b>20</b>				
<b>Pedestrian Schemes</b>					
Aids to mobility	50				
Public Rights of Way	90	NES			
The Avenue Timsbury, footway support by traffic management measure	40	NES			
Improvement to walking route from Combe Down to City centre via Popes Walks	60	Bath			
Feasibility study new footway Farrington to connect Ruett Lane to High Littleton	5	NES			
<b>Pedestrian Schemes Sub Total</b>	<b>245</b>		195	135	60
<b>Traffic Management Schemes</b>					
Widcombe Hill speed measures	100	Bath			
Bath Weight limit/speed limit investigations/ Moving traffic	10				
20 mph Chewton Keynsham	7	NES			
20mph Compton Dando	7	NES			
20mph Shoscombe	7	NES			
20mph Combe Hay	7	NES			
Chew Magna A37 to Winford Speed limit improvements	15	NES			
<b>Traffic Management Schemes Sub Total</b>	<b>153</b>		143	43	100
<b>Miscellaneous</b>					
JLTP Monitoring, Equipment and NHT survey	15				
Programme Management	50				
Legacy/Remedial works - previous years schemes	25				
<b>Miscellaneous Sub Total</b>	<b>90</b>				
<b>Total</b>					
<b>Total</b>	<b>1313</b>		<b>973</b>	<b>358</b>	<b>615</b>

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## **Statement for Banes full Council 24 March 2022 and Banes Cabinet meeting 31 March 2022.**

Public transport services in the West of England Mayoral Combined Transport Authority and North Somerset council bus service improvements plan - with bus service cuts across the west of mayoral transport Authority and North Somerset. We are very very concerned about the level of service and frequencies that first group west of England buses are going to operate across the city region and into rural areas of Somerset, Wiltshire and Gloucestershire from 24 April 2022. D 2 Bath Spa bus and coach station to Midford, Norton St Phillips, Rode, Beckington and Frome reductions on Saturdays.

Reductions in services 1 Bath city centre to Southdown.  
services 3 services reductions.  
and 3a services withdrawn.  
services change on route 39 x39 with services starting from Newton St Loe in the morning.  
Changes to the Bath Spa bus and coach station to Weston, Kelston, Bitton, Oldland Common, Cadbury Heath, Warmley, Kingswood, Hillfields, Staple hill, Downend, Bromley Heath Uwe bus station, Bristol Parkway, Patchway and Cribbs Causeway bus and coach station.

Services changes - early mornings journeys.  
Services 92 Bristol city centre to Whitchurch estate which the West of England Mayoral Combined Transport Authority has put out to tender between Knowle and Whitchurch.  
Services Weston super mare to the chew valley which West of England Mayoral Combined Transport Authority and North Somerset council have put out to Tender along with the Weston super Mare to Chew Valley bus service.

One of the main problems out of Bath Spa bus and coach station is the link to Employment in North Bristol fringe and to the Towns in south Gloucestershire of Thornbury, Yate and Chipping Sodbury.  
with only the Stagecoach West 620, 69 services Bath Spa bus and coach station to Lansdown, Wick, Pucklechurch, Yate bus station, Chipping Sodbury Tetbury and Stroud bus and coach station every 2 hours.  
By using services 19 Bath Spa bus and coach station to Downend, connections could be made to Yate on the Y2 Bristol bus and coach station to Eastville, Fishponds, Downend, Bromley heath Coalpit Heath, Yate and Chipping Sodbury, and the 19 connections at Patchway for Aztec west and Thornbury.

People from Bath use bus for Employment in the Yate and Thornbury areas so the West of England Mayoral Combined Transport Authority needs to put out emergency tenders for these services.  
The only alternative being the first group Great western railway service from Bath Spa, Oldfield Park, Keynsham, Bristol Temple meads, Filton Abbey wood, Bristol Parkway and Yate.  
Some trains on this route are being withdrawn in May.

Services in Greater Bristol are also being reduced on the Network and especially services number 2 2a on the Stockwood to Cribbs Causeway bus corridor, one of the city region investment corridors.

There is a problem that we will invest in the city region transport corridors. Bath Spa bus and coach station, Peasedown St John, Radstock, Westfield, Midsomer Norton, Paulton Chilcompton, Shepton Mallet and Wells bus and coach station - and Street, Glastonbury, Wells bus station, Farrington Gurney, Clutton, Pensford, Whitchurch, Hengrove, Knowle, Bristol Temple Meads station and Bristol bus station but with very reduced bus services especially in the evenings and Sundays.

If services are being reduced now with a £150 million-pound covid 19 bus service recovery grant then in October the situation will get worse. Without further government funding from the Department for transport to the West of England Mayoral Combined Authority and North Somerset council - under the levelling up white paper on Mayoral Combined Authorities, North Somerset council needs to join the West of England Mayoral Combined Authority as the mayor Dan Norris will have more powers on Planning and Transport.

The other question is whether Gloucestershire County council joins as well which has been discussed in the past. We need a governance review for the West of England Mayoral Combined Authority as the planning and Transport Authority - and all public transport Network staff transferred to the West of England Mayoral Combined Transport Authority from Banes South Gloucestershire council and Bristol city council including all bus infrastructure and interchanges and bus and coach stations.

We also need a bus service review of the South of Bristol bus Network and support bus services from Keynsham, Whitchurch, Hengrove, Knowle, Hartcliffe, Withywood, Bishopsworth, Bristol Airport looking at the support services and the Chew valley with Transport hubs at Pensford Whitchurch and Bristol Airport. And a Keynsham and Kingswood review of services including interchanges facilities at Keynsham and cherry gardens as part of the services review for support bus services.

We are very very concerned about park and ride services.

Unlike the other west country local Authorities, we are still running non-stop Park and Ride services.

Bath city centre to Odd down does not need evening and Sunday services when services buses to Peasedown St John, Radstock, Westfield, Midsomer Norton, Paulton, Shepton Mallet and Wells bus station pass the site and could operate into the site.

or the Bristol city centre to Brislington park and ride services.

where services 178 Bristol bus station Bristol Temple Meads, Arnos vale, Brislington, Keynsham, Marksburly, Timsbury, Paulton, Midsomer Norton, Westfield, Radstock.

39, x39 Bristol bus and coach station Temple meads , Arnos vale Brislington, Keynsham ,Salford Newbridge Weston and Bath and coach station could call



349 Bristol bus and coach station Bristol Temple meads Arnos vale Bristlington  
Keynsham buses could call.

Park and ride services are costing a lot of public money and we should review the way the West of England Mayoral Combined Transport Authority and North Somerset council deliver park and ride service and with Banes council.

We need a marketing campaign for buses and public transport with the West of England Mayoral Combined Transport Authority and North Somerset council on buses and trains and Tourist information centre in Bath Spa bus and coach station and Bristol bus station.

On rail, we are concerned at the Department for Transport services cuts  
About the loss of the Great Malvern to Brighton services which calls at Malvern links  
Worcester Forget Street shrub hill,  
Ashchurch for Tewkesbury, Cheltenham spa, Gloucester central, Cam and Dursley,  
Yate Bristol Parkway, Filton Abbey wood, Bristol Temple Meads, Keynsham,  
Oldfield park, Bath Spa, Bradford on Avon, Trowbridge, Westbury, Warminster,  
Salisbury, Romsey, Southampton central Fareham, Havant, Chichester, Worthing  
and Brighton.  
And cross Bristol and Bath train services from May 2022.

**David Redgewell South West Transport Network and Railfuture Severnside.**

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**Tay McLean (Author/Speaker)**  
**Statement to B&NES Cabinet**  
**31st March 2022**

**BATHAMPTON MEADOWS**

**It has become more and more convoluted, the news pertaining to the transaction that had been executed on behalf of B&NES residents. The news (as available in the public domain), so far, is as follows:**

- **Transfer of public ownership of nearly 25 hectares of grazing meadows to the National Trust for a peppercorn AND a 15.6 hectare parcel of private land belonging to New Leaf Farm was sold to the National Trust for “fair market value” reportedly in the region of £915,000. These deals were done simultaneously (?).**
- **The justifications for the peppercorn for transferring the COMMUNITY ASSET are a) social and economic benefits worth £2.3m over 30 years, with volunteer time adding an extra £327,000, which the council judged are “far exceed not only the restricted but also the unrestricted value of the asset” \***
- **b) That a peppercorn reward for handing over that £2.3m benefit is because “any cash from the sale could not have been used on day-to-day services anyway.” \***

**Factual information, as far as I can work out are :**

- **We are already experiencing the projected £2.3m non-monetary eco socio health benefits WITHOUT the National Trust involvement. In fact, I believe most residents are delighted that the NT has taken over a large section of the Meadows.**
- **“In March 2020, surveyors gave a restricted value of its land at Bathampton Meadows of £460,000 or an unrestricted value of £915,000. The authority had been receiving an annual rent from a farmer of £3,500”**

**It looks like the owner(s) of New Leaf parcel land got the £915,000 instead of B&NES residents. And we lost the annual income rent of £3,500.**

- **Proceeds from COMMUNITY TRANSFER may be used for purchasing of replacement capital assets. B&NES’s ‘Accounting Officer, Community Asset**

Transfer Office plus Treasury ought to be consulted & approved prior to the transfer, for transparency, governance & scrutiny reasons.

- As far as I understand, NO PUBLIC CONSULTATION with B&NES residents was carried out prior to the transfer. The former B&NES land is part of the B&NES RIVERLINE PROJECT, where B&NES residents are notified and consulted at each stage of development.

There have been several heated debates in the social media which have led to much speculation and uncomplimentary views & comments. Until we get clarification especially about the direct and indirect interests of our council leader & his family in those two related ( or tied? ) transactions, it looks like this saga will continue, to the detriment of the Council and the Community.

**END OF STATEMENT**

#### References:

- [Local authority assets – Disposal guidance - GOV.UK](#)

Mar 2016 — Local authorities will now be able to reinvest the proceeds of asset sales in their services, enabling them to deliver more for less.

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508307/160316\\_Land\\_disposal\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/508307/160316_Land_disposal_guidance.pdf)
- [https://www.bathnes.gov.uk/sites/default/files/final\\_cat\\_policy\\_march\\_2020\\_-\\_updated\\_with\\_new\\_corporate\\_strategy\\_2020-24\\_2.pdf](https://www.bathnes.gov.uk/sites/default/files/final_cat_policy_march_2020_-_updated_with_new_corporate_strategy_2020-24_2.pdf)
- [https://democracy.bathnes.gov.uk/documents/s64537/Appendix%20D%20-%20Bathampton%20Meadows%20Business%20Plan\\_NT%20FINAL.pdf](https://democracy.bathnes.gov.uk/documents/s64537/Appendix%20D%20-%20Bathampton%20Meadows%20Business%20Plan_NT%20FINAL.pdf)
- <https://www.somersetlive.co.uk/news/local-news/councillor-hits-back-claims-bathampton-6674117>

- How can a council be sure it's getting the best value out of a community asset transfer? The Government's best value guidance recognises the importance of social as well as economic and environmental value in the achievement of best value. [Community Asset Transfer](#) can contribute to achieving the policy objectives of the local authority. Disposal to secure a capital receipt must therefore be considered alongside other options in order to secure best value. <https://mycommunity.org.uk/frequently-asked-questions-about-community-assets>

Topic: Are We Listening Enough?

Chair,

When I read the local paper, or social media, or indeed when I talk with residents, I despair at how this council is now viewed by so many.

A common theme is that the current administration is on a mission to destroy Bath and they are working for their self-interest.

While leaders of Conservative and Labour group both have confirmed that they did not support 'submission of speeches' in written for any council meetings, the current administration has tried to railroad this through, which is not correct.

If you are a listening council, why shall you want to read anything 2 days in advance. One of the former councillors has said, his speech was even censored. Are we living in Jinping's China or under the administration of dictator Putin?

The demand for the full text of remarks is ultra vires and unconstitutional, as a resident wrote on the social media.

The Council clearly does not have the powers to do this now without approval from the full council and councillors.

Any such instructions issued are unlawful and place those issuing them, and the Council itself, at risk of legal action.

Just this week a resident wrote to me,

And I quote,

"In the last 66 years of my time in Bath, I have never seen such a poor leadership, such a selfish administration".

Many residents are citing the Nolan principles - the basis of the ethical standards expected of public office holders - and state some of us here are falling well short.

**Colleagues,**

In the last few months Bath has featured in the Rotton Boroughs section in the magazine Private Eye too many times, and a member of the British cabinet has stood in the mother of all parliaments, and a temple of democracy, and raised the nasty issue of racism in Bath political life.

This is extremely disappointing. How has it come to this?

Karma - The spiritual principle of cause and effect,

Karma Colleagues, Karma.

What you sow, you reap.

You are aware of my claims of bullying and intimidation against me by senior member of this administration and other Libdem grandees.

But it is not just my case.

When the leader of the council takes over 1,000 days to update his register of interests - it should be 28 days - and releases contradictory statements about his role in his family business it is understandable that people believe something has gone awry.

As a council, we need to be more transparent, more accommodating and more concerned about the welfare of our residents.

Thank you.

Good evening Cabinet.

Tonight I wish to talk about the transfer of land at Bathampton Meadows to the National Trust, and to give the Leader of the Council the opportunity to clear up a bit of confusion around any involvement he may or may not have had in the deal.

In February 2021, the council transferred land at Bathampton Meadows to the National Trust for free. Almost a year later, the Trust announced that it had bought the adjoining piece of land from a company called Deepair Ltd. Both the husband and the father-in-law of the Leader of the Council are directors of Deepair Ltd.

Nothing wrong there.

Expect, that is, when you consult the Decision Note signed by Cllr Richard Samuel in February 2021 that approved the transfer of land from the council to the National Trust. The note is clear that the current Leader of the Council was consulted. But further down the page, the box marked 'any conflict of interest declared by anybody consulted' is, oddly, blank. If both the husband and the father-in-law of the Leader of the Council are directors of Deepair Ltd, surely that would constitute a conflict of interest? Why, then, is that not stated in the Decision Note?

The Leader of the Council has repeatedly claimed that he has nothing to do with Deepair Ltd. In a recent Somerset Live report he said, and I quote: "I have nothing to do with my father-in-law's business, and neither does my husband." However, discussions about the council's potential deal with the National Trust took place at a Bathavon Area Forum meeting in February 2020. At this meeting, the Leader of the Council said, and I quote: "My father-in-law-owns a stretch of the land. The National Trust are in negotiations with him. I'm persuading him gently." Let me restate that: "I am persuading him gently".

There has recently been a flurry of changes to the Leader of the Council's online Register of Interests, with his husband's directorship of Deepair Ltd being stated for the first time earlier this month. Surely this information should have been included on the register at the time the land transfer was undertaken?

I, and many other residents, would appreciate it if the Leader of the Council would tonight clear up this confusion so we can all close the matter and move on. Failing that, I would have no other choice but to support residents' calls for a full and independent investigation.

If any of the statements I have made tonight are factually wrong, I'd be most happy to be corrected.

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**Strictly Private and Confidential**

**Complaint Customer Feedback reference: CP-46045**

**Bathampton Meadows**

**Stage 1 Complaints Report**

**Complaint made by: Mr Graham Pristo**

**Commissioning Manager:** Sophie Broadfield, Director of Sustainable  
Communities

**Investigating Officer:** Jon Evans Senior Associate, Bath & North East  
Somerset Council

**Report Completion:** 25th March 2022

## **Complaint regarding Bathampton Meadows and the action of the Council in relation to the Community Asset Transfer of it to the National Trust**

### **1. Introduction**

#### **1.1. Outline purpose of report**

Mr Pisto submitted his complaint on the 1<sup>st</sup> March 2022.

He is aware via media of the Community Asset Transfer of Bathampton Meadows and the purchase of acreage associated with adjoining land as part of New Leaf Farm by the National Trust.

He is concerned by reports that there are links between the land previously owned by Deepair and the current Leader of the Council by virtue of his marriage to one of the directors.

Mr Pisto believes that Councillor Guy was consulted both as a ward member and as a Cabinet Member before the final decision was approved. He says that there has been no mention of any conflict of interest and is unhappy with this.

He also says that further questions are being asked about Councillor Guy's involvement (or not) in the deal negotiated by the Council with the National Trust. He thinks further that Councillor Guy has made contradictory statements in public on the matter.

Mr Pisto believes the result of this is a major negative impact on the reputation of Bath & North East Somerset Council, its Leader, its Cabinet, its officers, and councillors as a whole.

In light of this he wishes to formally complain about the way this issue has been handled and has asked for an independent investigation with results made public.

To facilitate this Mr Pisto has asked a number of detailed questions and these are covered fully in the report in order to give the factual response requested.

As this is a formal complaint it falls within the Council's Customer Feedback policy and is being dealt with as a Stage 1 response.

Mr Pisto has been kept aware of anticipated timescales for a response and has indicated he is happy with these.

## 1.2. Roles and responsibilities

The investigation has been commissioned by **Sophie Broadfield** – Director of Sustainable Communities.

The investigation has been undertaken by **Jon Evans** – Senior Associate

The customer feedback officer responsible for administering the complaint is **Alison Thomas** – Support Services Manager

## 2. Methodology

The complaint was investigated between the 9th and 22nd March 2022. This involved:

- Understanding of key dates associated with the transfer of Bathampton Meadows.
- Information and questions of key officers involved.
- Review of documents related to the transfer.
- Understanding of processes followed and their match with policy expectations.
- Research of material within the public domain.
- Review of documentation gathered from interested stakeholders.

It was felt that sufficient information was researched to provide answers to the questions asked by Mr Pisto in order to indicate where the Council might potentially be at fault. This considered the application of practices, processes and policies with a view to any maladministration in the Community Asset Transfer undertaken.

## 4. The Complaint

Mr Pisto has articulated his complaint in a number of questions he wishes the Council to answer. These are:

- What was the process by which a decision was made to transfer the land at no cost to the National Trust.

- Who was consulted on this, and when?
- At what point a decision was made to give the land away for no charge?
- Who was involved in shaping that decision, and when?
- What the feedback from the internal consultation with councillors before the decision in February 2021 was, and who gave what views?
- The reasoning behind allowing such a significant decision (giving away a public asset worth at least £460,000 by officer's own assessment) to be a single member decision, and who was party to this reasoning?
- Why information on the conflict of interest of the consultee, Cllr Guy, was not included in the decision report?

## **5. Review of the Complaint**

**For the purpose of clarity and understanding Mr Pristos questions have been answered sequentially:**

### **5.1 Question: What was the process by which a decision was made to transfer the land at no cost to the National Trust?**

Bathampton Meadows has long been a matter of general interest because of the exploration of means to develop an Eastern Park & Ride which had been ongoing for many years. Public opposition to this where it might affect Bathampton Meadows has been strong.

Because of the potential risk to Bathampton Meadows the Bathampton Meadows Alliance (BMA) was formed in 2015 to canvas for the meadows to be saved and to enlist additional public support.

In July 2017 following strong opposition the proposal to build an Eastern Park & Ride was dropped by the Councils previous Administration with a stated wish to protect the Meadows.

There were two notable developments in which are not strictly related but are relevant.

In 2017 the Council undertook a Water Space study (latterly the Bath River Line project). This focused on the banks of the River Avon either side and through Bath with a view to making improvements in amenity and environment. This was undertaken as a collaboration between B&NES, the Canal and Rivers Trust, the Environment Agency and Wessex Water. There was an aim to unite the projects

identified within the study and of course the East of Bath Riverside and what might happen with it was a key interest.

This work is ongoing and to ensure effective governance the Bath Riverline Steering Group was formed to provide steerage and approval to changes and improvements. To ensure a coordinated response to the whole riverline through Bath & North East Somerset this group also worked with the Waterspace Partnership with representation from partners like the Environment Agency and Wessex Water. The function of this group is to provide input and strategic overview.

As a further matter of relevance, there was the approval in February 2019 of a policy in relation to Community Asset Transfers itself driven by the Localism Act of 2011. This built on previous work and circumstances where this had been done inside the Council and elsewhere and the aim of it was to facilitate where community assets could provide better outcomes, offer better value and be utilised with greater freedoms than would otherwise be the case.

For note the policy is clear under what circumstances a transfer may be made and specifies both the necessary criteria and the decision making process in regard to a transfer at what is called 'less than best consideration' – meaning in effect below market value.

Prior to elections in May 2019 all political parties made promises with regard to saving the Meadows and when the Liberal Democrats took over the Administration this remained a commitment.

In taking forward the wishes of the new Administration amongst the activity to see what might be done and how, officers and relevant Members engaged with the National Trust (NT) to see if this might offer possibilities. The interest from the National Trust was positive and it was thought that a Community Asset Transfer in line with the Community Asset Transfer policy was the most likely way forward.

In October 2019 the then Leader of the Council Dine Romero requested officers to continue to explore this option and a formal expression of interest was received from the National Trust in December 2019.

This was reviewed by officers in January 2020 and an opinion reached referring to the Community Asset policy that the interest was such that a recommendation to move to stage 3 (the submission of a full business proposal) should be made.

This was considered by the Infrastructure Group Board and agreed as a decision by the Director of Economy and Growth in April 2020 for officers to pursue.

As the proposal was developed it was considered by the Property Board in June 2020 who have an advisory role in terms of the implementation of the Community Asset Transfer policy. They indicated support for the transfer at less than best consideration and that the eventual decision if required and meeting CAT policy should be made via a Single Member decision.

As is normal the Cabinet (of which Cllr Guy was a part in his role at that time of Cabinet Member for Children and Youth Services) was kept apprised of what was happening with regard to Bathampton Meadows and the Avon Riverside as a whole.

For note Cllr Guy sought and accepted advice that he had a pecuniary interest and did not participate in any Council decision making or have sight of papers as is usual where a conflict of interest exists.\*

The Development of the business proposal took some time and eventually was submitted in final form in November 2020. It was subject to a full due diligence exercise via an officer led Community Asset Transfer Assessment panel also completed in November 2020. This indicated that continuation with the Community Asset Transfer was appropriate.

Under the Community Asset Transfer policy transfer of land is allowable via a Single Member Decision and this method had been supported by the Property Board. Things thus progressed in this way.

Notice of the decision was published in December 2020, made by Cllr Samuel the Cabinet Member for Resources on the 1<sup>st</sup> March 2021. This instructed officers to proceed with the Community Asset Transfer. There is a right of 'call in' by Councillors to ask for scrutiny of any such decisions and in this case it ran till the 8<sup>th</sup> March 2021. In the absence of this the member decision stood.

The disposal was undertaken by the Councils Property Services and the conveyance was eventually completed during December 2021.

Looking forward in order to work together to secure the stated business case benefits (as this is a condition of the Community Asset Transfer) the National Trust is now a participant in the Bath Riverline Steering group in order to monitor delivery of improvements.

**In terms of an overall view the information gathered suggests that the processes followed in the Community Asset Transfer were satisfactory.**

## **5.2 Question: Who was consulted on this, and when?**

The future use of Bathampton Meadows of course given the potential for Eastern Park and Ride development was consulted on as part of this proposal. Even after this was dropped the future of the meadows remained a high profile issue of which the public were well aware.

The Bath Meadowside Alliance formed in 2015 established and garnered support that the future of Bathampton Meadows be secured. This support included Batheaston, Bathford and Bathampton Parish Councils and within social media. The BMA also identified high levels of public support at parish meetings open Area Forums and in social media.

In a Community Asset Transfer it is largely up to the applicant to consult adequately and to demonstrate this in its business proposals. The National Trust asked for and received a document of support from the BMA in February 2020. When reviewed by the Community Asset Transfer Assessment panel in November 2020 as with other aspect of the National Trust proposals it was thought to be adequate.

By way of additional affirmation of support for proposals the Single Member decision made in March 2021 also references support of the Avon Wildlife Trust, the Bathavon Area Forum and the existing cross party support (present since 2018). It also identified that the National Trust in due course would commit to future public consultation to ensure best use.

**The information available suggests that the consultation undertaken was in line with expectations.**

### **5.3 Question: At what point a decision was made to give the land away for no charge?**

The decision to dispose of the Bathampton Meadows in the way it was, was ultimately taken by virtue of the Single Member decision taken on the 1<sup>st</sup> March 2021.

Looking back in beginning to look for options, discussions with the National Trust in July 2019 identified that it might be a good option but that a Community Asset transfer was the most likely possibility.

The written mandate for ways to secure the future of the area and particularly to undertake further discussions with the National Trust go back to October 2019 following instruction from Cllr Dine Romero the Leader at that time.

During this period the pursual of a Community Asset Transfer was initiated via the expression of interest from the National Trust.

The Councils Property Board which gives steerage to all Council land acquisitions and disposals, in June 2020 gave approval in principle to transfer of the Meadows at less than best consideration (including the possibility of a CAT) and via a Single Member decision.

In justifying a Community Asset Transfer there are significant criteria which have to be met with a transfer of this nature including safeguarding of community interests, confidence in future development, and social, economic or environmental benefits.

It was felt that the only other option would be that the Council retained the land and that the National Trust interest would secure a better future for land.

These criteria were met in which enabled a recommendation to approve via the Single Member decision.

**The information available suggests the decision making process on the transfer without charge had probity and that the decision timing was appropriate.**

#### **5.4 Question: Who was involved in shaping that decision, and when?**

The delegated officers to work under instruction on the potential transfer following the then Leaders instruction in October 2019 were the Head of Property Services and the Locality Manager for People and Policy.

The main liaison into the Bath Riverline overall project was the Strategic Manager Green Infrastructure and Nature Recovery and as would be expected this project was also subject to communication of the broader riverside interest and proposals.

Specifically for Bathampton the delegated officers roles are relevant and appropriate to the need for knowledge of property matters and the Community Transfer Asset policy. These roles led on the assessment of the National Trust proposals ultimately via the Community Asset Transfer panel in September 2020.

The Property Board which indicated approval to the potential decision to transfer the land at less than full consideration in June 2020 is constituted by officers across professional disciplines relevant to the work of the board.

Cllr Samuel the Cabinet Member for Resources was responsible for the Single Member decision taken in March 2021 and as is normal in the process would have had to satisfy himself that the proposal was sound.

**The input into the processes where the proposal might have been reviewed and amended seem reasonable.**

#### **5.5 Question: What the feedback from the internal consultation with councillors before the decision in February 2021 was, and who gave what views?**

The due diligence exercise undertaken references the Bathampton Meadows Alliance as the main consultee in the decision process. It is largely up to the applicant to provide sufficient evidence of consultation and this was done.

Aside from this being a Community Asset Transfer as a change of land ownership this is not uncommon and officers in the Property Board oversee this.

Following the expression of interest from the National Trust in January 2020 letters were sent to Councillor Guy and Councillor Warren in their role as ward councillors advising of this and seeking to understand any views they might have. In February 2020 Councillor Warren responded indicating she was happy with it. It is not thought Councillor Guy responded.



For the benefit of understanding the progress of the proposals under policy they did not require internal consultation per se with Councillors so as a formal mechanism this was not undertaken with all.

Outside of this, as has been referenced and is normal the Cabinet which is the body with Executive Members involved was kept apprised. For note as stated prior Cllr Guy had accepted advice that he had a pecuniary interest and did not participate in any Council decision making or have sight of papers as is usual where a conflict of interest exists.\*

**No issues are discerned with the treatment of any internal consultation requirements which seem to have been treated reasonably.**

**5.6 Question: The reasoning behind allowing such a significant decision (giving away a public asset worth at least £460,000 by officer's own assessment) to be a single member decision, and who was party to this reasoning?**

The Council reasoning for the Community Asset Transfer of the Bathampton Meadows was published as part of the Single Member decision made on the 1<sup>st</sup> March 2021. The stated rationale as published was:

*'It is considered that the long term permanency of preservation provided by the National Trust coupled with the exceptional nature of the community and environmental benefits, achieved through this proposed disposal significantly outweigh the loss of the open market consideration and justify a freehold transfer of for the land.*

*These social and environmental values have been calculated by the National Trust at £104,708 per annum. They have applied a mix of natural capital valuation tools, which calculate the additional social and environmental value their ownership will provide. The Net Present Value over 30 years is estimated at £2,288,203. In addition to this the projected value of volunteer time has been calculated at £10,900 per annum. These figures have been independently assessed by environmental economic consultants Eftec who have verified the methodologies and figures.*

*This permanency of preservation along with the net present value calculations, which have been assessed and verified by Eftec, far exceed not only the restricted but also the unrestricted value of the asset, providing the justification for the transfer of the freehold interest.'*

In terms of how this decision may be made within appropriate governance a fundamental requirement of the Community Asset Transfer process led by officers is a business proposal which meets relevant criteria. This was delivered.

Relevant to the financial aspect of the complaint it was also necessary as part of the process to assess fiscal value in way which has probity. The DEFRA approved

model was used. The model looks beyond fiscal and assesses value in other terms like social amenity.

The full details are in the NT Business Plan which is in the public domain via [https://democracy.bathnes.gov.uk/documents/s64537/Appendix%20D%20-%20Bathampton%20Meadows%20Business%20Plan\\_NT%20FINAL.pdf](https://democracy.bathnes.gov.uk/documents/s64537/Appendix%20D%20-%20Bathampton%20Meadows%20Business%20Plan_NT%20FINAL.pdf) . It assesses the net worth of the Bathampton Meadows as they stood and as they are intended to be. For absolute clarity this assessed annual value as was, at £88,251 p.a and in the future at £192,959 p.a, a net annual gain of £104,708. Over 30 years the business case would be expected to yield £2,288,203.

Of note these figures were independently assessed by environmental consultants with expertise in 'natural capital' and found to be sound.

In terms of mechanism a Single Member decision was considered the appropriate vehicle within the Councils democratic process and any Councillor may call this in for scrutiny. This was endorsed in principle by the Councils Property Board in June 2020. The Councils Legal and Democratic team would also have ensured this was correct as part of the processing of the matter through the democratic process. They have the ability to veto if not satisfied.

**For clarity no issues are discerned with the requirements necessary to make a Single Member Decision in this case.**

#### **5.7 Question: Why information on the conflict of interest of the consultee, Cllr Guy, was not included in the decision report?**

The decision report asked for assent to the Community Asset Transfer for Bathampton Meadows alone. Councillor Guy was not involved in the work undertaken with the National Trust to establish if this was viable independent of any consideration of other land. The National Trust submission and the evaluation of it was carried out by officers charged with this work alone.

As is normal practice they drafted the report for Councillor Samuel who in turn would have agreed its content. Councillor Guy would not have been involved in this nor the eventual decision. Authors of reports of this type are asked to exercise judgement on any strictly relevant pecuniary interests and on this occasion did not feel there were any appropriate.

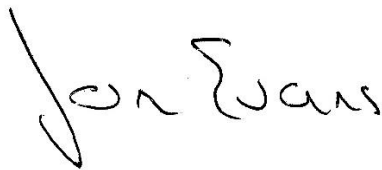
**The treatment of the report to enable the Single Member decision seems reasonable.**

## **5. Recommended outcome**

The information researched indicates that there was adherence to policy, procedure and process in the transfer of Bathampton Meadows. It is not recommended that the complaints should be upheld.

## **6. Conclusions**

Mr Pristos concerns are understood and the Council should welcome the challenge that he has made. It is hoped that in reading the report there will be reassurance of what has been done in relation to Bathampton Meadows and the probity of the Community Asset Transfer of it to the National Trust.

A handwritten signature in black ink that reads "Jon Evans". The signature is written in a cursive style with a large initial 'J' and 'E'.

**Signed:**

**Date:** 25th March 2022

**Senior Associate.**

**Note of clarification. To ensure clarity and accuracy, following query and checking of terms where indicated \* there has been an amendment to wording (29.3.22).**

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**Strictly Private and Confidential**

**Complaint Customer Feedback reference: CP-46045**

**Bathampton Meadows**

**Stage 1 – Additional Clarifications**

**Complaint made by:** Mr Graham Pristo

**Commissioning Manager:**

Sophie Broadfield, Director of Sustainable Communities

**Investigating Officer:**

Jon Evans, Senior Associate, Bath & North East Somerset Council

**Respondent on Councillor Conduct:**

Michael Hewitt, Head of Legal & Democratic Services & Monitoring  
Officer

**Report Completion:** 18th May 2022

## **a) Introduction**

Following an initial Stage 1 Complaint response Mr Pisto further corresponded with the Director of Sustainable Communities on the **13<sup>th</sup> April 2022**.

He advised that there were aspects of the response which he did not consider were sufficient or raised further questions.

As a result of this he asked that his complaint be elevated to Stage 2 of the Councils Customer Feedback policy.

Following discussion with the Customer Feedback & Standards Manager it was felt that it would be best responded to within the relevant service as additional clarifications of the Stage 1 process.

Mr Pisto was advised of the intention to do this on the **3<sup>rd</sup> May 2022** with an expected response by the **27<sup>th</sup> May 2022**. The Investigating officer then undertook further enquiries.

For clarity these applied to **questions 3-7**.

Additionally, upon reading, some elements relate to Councillor conduct (which falls under a different process). The relevant protocols which informed this position can be found via [Make a Complaint](#) on the Councils website.

It was felt helpful rather than separating these to refer them to the Monitoring Officer for appropriate responses to be included in the report.

For clarity this applied to **questions 1 & 2**.

The Investigating Officer coordinated overall responses.

For ease Mr Pistos points have been transposed in full, with clarification offered below each.

## **b) Questions / Requests for Clarification**

1. **Query:** *'First, given the prospect of transferring the land to the NT was clearly a possibility before he took office, and under active official consideration from at least July 2019, why did Cllr Guy not register his interest in Deepair Ltd, the owner of the adjoining Land which the NT was making clear it wanted to acquire alongside the Council's land? Why did the Monitoring Officer not require Cllr Guy to register this interest so after being informed in June 2020?'*

**Clarification:** Maintaining an accurate register of interests is a personal matter for each Councillor.

The Monitoring Officer has no power to require a councillor to register an interest.

2. **Query:** *‘Secondly, what evidence is there of advice being sought by Cllr Guy in June? Where is this recorded and how was this communicated within the Council? Cllr Guy’s pecuniary interest in the ownership of the adjoining land was not added to the Register until February 2022. If Cllr Guy, as is claimed, agreed he had a pecuniary interest in June 2020, why did he not add this to the Register of Interests?’*

**Clarification:** Advice provided by the Monitoring Officer (M.O), at that time, is contained in an e-mail exchange with Cllr Guy. M.O advice is personal advice and legally privileged. Consequently, such advice is not communicated within the Council save that the deputy Monitoring Officer was made aware of this advice. Cllr Guy agreed to waive privilege to enable the Investigator to view this for the purpose of this investigation.

3. **Query:** *‘Thirdly, given the lack of any recorded interest, how can residents be confident that subsequent decisions taken by officers and other Council committees and scrutiny panels were made in a sound fashion?’*

**Clarification:** The Community Asset Transfer (CAT) process was fully documented through the different stages required by the policy. This ultimately culminated in a Single Member decision to allow the transfer which was recommended by officers.

A valid CAT must consider it as a discrete matter relating to the existing situation of the land or property. For clarity the considerations needing to be made in order to recommend the Single Member decision were independent of New Leaf Farm.

Any formal papers going before Members are subject to the normal monitoring to allow them into the Democratic process. The documentation relating to the decision has been published, is clear and is in the public domain, available for public scrutiny.

4. **Query:** *‘Fourthly, the Business Case under which the decision was taken contains two maps (referenced above) which clearly show the NT’s intention to purchase both parcels of land.*

*What discussions, if any, were held to challenge the NT over whether the stated business case required the additional private land to be in ownership to deliver the stated benefits? Who was party to these discussions? Where are*

*these matters recorded? Were officers aware of the NT wishing to acquire the neighbouring parcel of land, and at a commercial price?’*

**Clarification:** The Business Case did not require additional private land to be in National Trust ownership in order to deliver the stated benefits. The CAT process requires that any potential transfer has validity matched against policy in its own right. The transfer of Bathampton Meadows accorded with this.

The Business Case in describing the ‘value’ of the land in terms of public amenity and in particular accessibility notes car parking (including provision for the disabled) and a toilet block.

The Business Case was subject to review during its development and was checked and endorsed by Environmental Consultants. It was published along with the Single Member decision and the transfer made accordingly. The financial business case was clear and was considered satisfactory.

It was transparent at the time from the publication of the Business Plan alongside the Single Member decision that officers were aware of the NT’s wish to acquire New Leaf Farm. The terms were a private matter for the owners and the NT and not of direct relevance to the Single Member Decision.

5. **Query:** *‘Fifthly, the report states that a CAT requires the applicant to consult adequately and demonstrate this in its business proposals. The report states that the NT proposal “references the Bathampton Meadows Alliance as the main consultee in the decision process”. What due diligence was undertaken by the Council on the BMA before accepting this as meeting the CAT requirements? Was any research undertaken on how the BMA is funded, by whom and how it controlled, and how representative it actually is? Also, importantly, how independent, or otherwise it is of sitting Councillors, officers and Cabinet members?’*

**Clarification:** In order to complete due diligence checks on the community asset transfer at the time, a full evaluation was undertaken following a pro-forma drawing from best practice employed by other councils. The primary purpose of the evaluation was to consider the National Trust and its proposal.

Officers sought to form a view on the adequacy of consultation. Public sentiment in terms of not developing Bathampton Meadows had been made very clear in relation to a planned Eastern Park & Ride. All political parties had made a commitment in this regard prior to election and this was picked up by the incumbent administration in light of its promise.

The Business Case set out that the Bathampton Meadowside Alliance (BMA) and Avon Wildlife Trust were specific consultees. The BMA was formed in 2016 and was clear in its wish to avoid development on the site. This position was stated well prior to the current Administration coming into force. There was little other public opposition to the CAT of Bathampton Meadows and it is



known that the relevant Parish Councils have been engaged. Given this context, officers did not conduct further scrutiny of the BMA specifically.

Notably as part of the proposals the NT has committed to undertaking additional consultation to ensure the 'fine tuning' of the Meadows future to meet the wishes of its users.

In recommending the Single Member decision officers judged that the consultation was adequate.

6. **Query:** *'Sixthly, in answer to my Q5.5, the report states that letters were sent to Ward councillors Cllr Warren and Cllr Guy in January 2020 to inform them of the expression of interest submitted by the National Trust. Cllr Warren, the report states, responded to say she was happy with the proposal but for Cllr Guy the report says: "It is not thought Cllr Guy responded." I was disappointed and surprised to see that the investigating officer was not able to establish whether or not Cllr Guy responded to the expression of interest, let alone what he said.'*

**Clarification:** No record has been found of any response from Cllr Guy. As part of progression of the CAT it was indicated that no objections had been raised by the Ward Cllrs following the notification of interest. Contextually in any case it needs to be understood that in large part communication with Ward Cllrs at this point of the process was done as a courtesy rather than because it was required for the CAT.

7. **Query:** *'Finally, I am dissatisfied with the explanation given as to why the section on "conflict of interest of consulted parties" is blank in the Decision Report. The Decision Report notes that Ward councillors were consulted. The fact that no conflict of interest is noted - given Cllr Guy's apparently verbally expressed pecuniary interest almost a year earlier - is surprising, to say the least.'*

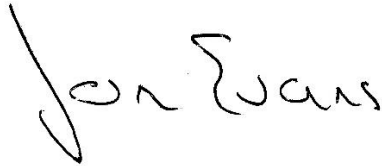
**Clarification:** The Decision report would rightly reference a pecuniary interest if a Cllr involved in the decision making relating to it had such an interest. In actuality this would be unlikely as the Cllr potentially involved would have exempted themselves. Cllr Samuel was being asked to make a Single Member decision and had no such pecuniary interest. Cllr Guy was not involved in the decision making and therefore this was not part of the report.

### **c) Recommended outcome**

The information researched continues to indicate that there was adherence to policy, procedure and process in the transfer of Bathampton Meadows. It therefore continues to be recommended that the complaints should not be upheld.

#### **d) Conclusions**

Mr Pristos concerns continue to be understood as well as the challenge that he has made. It is hoped that in reading the response there will be further reassurance of what has been done in relation to Bathampton Meadows and the probity of the Community Asset Transfer of it to the National Trust.

A handwritten signature in black ink, appearing to read 'Jon Evans'. The signature is written in a cursive, flowing style with a large initial 'J'.

**Signed:**

**Date:** 18th May 2022

**Senior Associate.**

Good evening Cabinet.

Tonight I am speaking on behalf of numerous residents who are exasperated by the ongoing Cleveland Bridge renovation works.

First, let me be clear that I recognise just how important this project is. Cleveland Bridge is one of our city's most treasured heritage assets and this conservation effort is essential if it is to survive for future generations.

I also welcome the fact that HGVs are currently unable to cross the bridge. Cleveland Bridge was not designed to transport such heavy loads and we need to do as much as we possibly can to find a long-term solution that directs HGVs elsewhere.

Despite this, serious questions need to be asked of the way in which this administration has handled the project.

Work began on 4 May last year. According to the timeline currently displayed on the council's website, the project should have been completed in November 2021. It's April next month. A six month project, then, looks like it may end up taking a whole year.

The disruption caused by the project, and its subsequent delays, has been, and remains, severe. Congestion has increased, journey times are up, tourists have been put off from visiting and popular events have been postponed.

Communications have also been poor, with residents and, indeed, councillors, kept in the dark. Updates from the cabinet member have only been provided after they have been requested, and even then engagement only goes as far as issuing a press release. Why hasn't the cabinet member hosted regular webinars to keep members up to date? Why hasn't she offered site visits so we can get a better understanding of how the work is progressing? The approach to communications taken by the administration – 'keep quiet and wait for an occasional press release' – simply isn't good enough for a project of such importance.

Earlier this month, the cabinet member gave a guarantee that the Bath Half Marathon will not need to be postponed again due to the project being incomplete. Last week, the event organisers announced that, due to the ongoing Cleveland Bridge works, the Half marathon would again be postponed.

Therefore, will the cabinet member resign?

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