

Wednesday, 5th December, 2012

**Present:**

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Roger Symonds	Cabinet Member for Transport

**112 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

**113 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the evacuation procedure as set out in the Agenda.

**114 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Simon Allen.

**115 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**117 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 9 questions from the following Councillors: Brian Webber (2), Tim Warren (3), Patrick Anketell-Jones, Geoff Ward (3).

There were no questions from the public.

*[Copies of the questions and response, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]*

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

Amanda Leon (Radstock Action Group) in a statement [*a copy of which is attached to the Minutes as Appendix 2 and on the Council's website*] expressed concern that local residents had not been properly consulted about proposals for the regeneration of the town centre of Radstock.

John Spratley in a statement read by Amanda Leon [*a copy of which is attached to the Minutes as Appendix 3 and on the Council's website*] expressed concern that local residents had not been properly consulted about proposals for the regeneration of the town centre of Radstock.

Amy Lunt in a statement [*a copy of which is attached to the Minutes as Appendix 4 and on the Council's website*] requested the provision of formal, controlled pedestrian crossings as part of the new Rossiter Road scheme in Widcombe. Councillor Roger Symonds thanked Ms Lunt for her statement and asked her if she was aware that under the scheme 80% of traffic would be diverted away from Widcombe Parade and that the courtesy crossings would be raised above the road surface. Ms Lunt replied that residents remained concerned about the future level of traffic on Widcombe Parade and that they believed that the facilities for pedestrians would be worse than at present. Ms Lunt submitted a petition from local residents requesting that the courtesy crossings be replaced by formal, controlled crossings in the form of zebra, puffin or pelican crossings.

## **119 MINUTES OF PREVIOUS CABINET MEETING**

On a motion from Councillor Paul Crossley, seconded by Councillor Dixon, it was **RESOLVED** that the minutes of the meeting held on Wednesday 14<sup>th</sup> November 2012 be confirmed as a correct record and signed by the Chair.

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

There were none.

## **121 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

There were none.

## **122 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

There were none

## **123 DOMESTIC RETROFITTING AND THE GREEN DEAL**

Peter Duppa-Miller made an *ad hoc* statement [*a copy of which is attached to the Minutes as Appendix 5 and on the Council's website*] .

Councillor Paul Crossley in proposing the item, said that the report was excellent and that its proposals would facilitate many initiatives to end fuel poverty. He reported

that he had just written to the End Fuel Poverty campaign, and noted the existence of several organisations in the South West focussed on fuel poverty.

Councillor Bellotti seconded the proposal and agreed that it was an excellent report. A number of concerns remained, in particular the difficulties faced by those on the lowest incomes, but the proposals would help many people to benefit from reduced fuel bills. He noted that a report relating to retrofitting listed buildings would be presented to a future Cabinet.

Councillor Beath welcomed the report. She thought some parts of the proposals would need further work, but they were certainly moving in the right direction. She noted the diversity of housing in Bath, from Grade 1 listed downwards.

Councillor Symonds said these were truly win, win, win proposals. Retrofitting would help householders, create new jobs and reduce carbon emissions.

On a motion from Councillor Paul Crossley, seconded by Councillor Bellotti, it was

**RESOLVED** (unanimously)

(1) To AGREE in principle, the proposed approach to the Green Deal in Bath & North East Somerset, through the development of a Community Delivery Partnership, initially led by the Council in partnership with Curo Group and other relevant community and private sector organisations;

(2) To AGREE that this approach will be supported through:

- partnership development, including cross-service and with partners in Bath and North East Somerset and, potentially, beyond;
- implementation of the starter projects (Housing Services);
- procurement strategy development for a partner Green Deal provider or providers;
- exploring potential for moving to a CIC model;
- development of the business case for potential capital investment and income generation (including from referral fees);
- building community engagement in energy efficiency retro-fitting;
- setting up an advice line to provide advice to all residents, including the vulnerable and the fuel poor, on home energy efficiency and the Green Deal;

(3) To AGREE that a new Green Deal/Retro-fitting budget line for 2013-14 will be set up for £35,000 to cover the last two points in 2.2: community engagement work and the setting up and running of the advice line, whilst the detailed approach is developed, subject to the approval of the Budget by the Council in February 2013; and

(4) To AGREE that the Council and its partners will communicate these 'in principle' intentions early in 2013, in order to send a signal to the market and to inform local residents of future options.

## **124 PROPOSED VARIATION OF THE AIR QUALITY MANAGEMENT AREA FOR BATH**

Councillor Dixon in proposing this item, said that this was a small variation to the existing Air Quality Management Area (AQMA) for Bath to include additional parts of

the City and parts of Newbridge and Lansdown, as indicated on the map. He said the existence of AQMA would assist the Cabinet Member for Transport (Councillor Symonds) in deciding investment priorities.

Councillor Crossley seconded the proposal.

Councillor Symonds said that an AQMA had to be declared when the air quality in an area failed to meet European standards. The designation of an AQMA was an indication that something should be done. If a low-emissions zone was declared, which he hoped would happen, something had to be done. The Council was already taking action in the AQMA. A leaflet had been issued, which from that day were being handed by Parking wardens to the drivers of vehicles who were allowing their engines to idle for more than two minutes.

On a motion from Councillor David Dixon, seconded by Councillor Crossley, it was

**RESOLVED** (unanimously)

(1) To VARY the Air Quality Management Area in Bath to include the blue/dotted areas on Appendix 1. Any residential property whose façade is within the area is deemed to be included. and

(2) To VARY the Air Quality Management Area in Bath to include the 1-hour Nitrogen dioxide objective.

## **125 PROPOSED AIR QUALITY MANAGEMENT AREA FOR SALTFFORD**

Councillor Dixon in proposing the item, said that this was a new AQMA, necessitated because emission levels in parts of Saltford had reached the European trigger level. The problem was the amount of traffic ascending Bath Hill into Saltford, causing queues of vehicles with their engines running slowly.

Councillor Crossley seconded the proposal.

Councillor Symonds said that traffic on the A4 through Saltford had declined since last December and many cars now had a facility for the engine to cut out when the vehicle was delayed in a queue of traffic. He said that other measures that could be taken to reduce emissions from traffic included the reopening of Saltford station.

On a motion from Councillor David Dixon, seconded by Councillor Crossley, it was

**RESOLVED** (unanimously)

(1) To DECLARE an Air Quality Management Area which extends along the A4 Bath Road, Saltford from Beech Road/Manor Road to the Southern end of Saltford, which is approximately 12m from the centre of the road in each direction. Any residential property whose façade is within the area is deemed to be included.

## **126 LOCAL SAFEGUARDING ADULTS BOARD ANNUAL REPORT 2011-12 (INCLUDING BUSINESS PLAN 2012-15)**

Councillor Crossley said that as Councillor Allen had not been able to attend the meeting because of illness he would propose the motion on his behalf. He read a statement from Councillor Allen. The LSAB annual report had been approved unanimously by the Health and Wellbeing (Shadow Board).

Councillor Ball seconded the proposal and said that the statistics for incidents of abuse against vulnerable adults were extremely worrying. There were many

vulnerable adults in his own Ward, and it was shocking to see how such people were sometimes treated.

Councillor Beath noted that efforts were being made to encourage better awareness among care staff and to bring back compassion in the treatment of vulnerable people. She hoped this would progress in care homes and other institutions.

On a motion from Councillor Crossley, seconded by Councillor Ball, it was

**RESOLVED** (unanimously)

(1) To APPROVE the report and business plan of the Local Safeguarding Adults Board.

## **127 LOCAL TRANSPORT BODY**

Councillor Roger Symonds in proposing the item, said that in the past the Council had bid for transport funds through the Joint Transport Plan agreed by the West of England Partnership, and that it had been successful in getting funding for many projects. The Government had now decided to devolve funding for major schemes, and was insisting that this be done through Local Transport Bodies (LTBs). LTBs would comprise four Councillor members and two business representatives. The Government wanted LTBs to be established quickly. A revised version of the recommendations in paragraph 2 of the report had been circulated to members. He proposed that in paragraph 2.3 of the revised recommendations "Strategic Director of Place" should be replaced by "Divisional Director Planning and Transport Development". This was agreed.

Councillor Crossley seconded the proposals as amended and said that the Council was moving forward with some major transport projects in co-operation with other partner authorities. He believed that because of the high costs of highway and rail investments, it was essential that the Council co-operated with the Government's agenda.

On a motion from Councillor Roger Symonds, seconded by Councillor Crossley, it was

**RESOLVED** (unanimously)

(1) To approve, in principle, the formation of a Local Transport Body to include the Joint Transport Executive Committee (JTEC) and two business representatives from the Local Enterprise Partnership;

(2) To agree that the necessary work is undertaken to support the creation of a formally constituted Local Transport Body, including the assurance framework to meet governance, accountability, financial management and value for money requirements to the satisfaction of DfT and the Council's own internal procedures; and

(3) To delegate to the Divisional Director Planning and Transport Development, in consultation with the Cabinet Member for Transport, the Monitoring Officer and the Section 151 Officer, to agree appropriate legal agreement to allow this new body to undertake this work, subject to appropriate financial provision being made in the February budget.

## **128 SAFETY FENCING ALONG THE RIVER AVON IN BATH**

Sarah Moore, a member of the public, asked

- (1) what provision would be made for anglers in the new safety arrangements? A fence would prevent them from fishing and the stretch of the river where it would be erected was used particularly by low-income people who were not members of fishing clubs.
- (2) Were similar safety measures being considered for the other bank? In the recent heavy rain flooding had been worse in front of Western Riverside than where it was proposed to erect stretch of the river by

Councillor David Dixon in proposing the item, said that it resulted from the tragic deaths by drowning of a number of young people in the river. The Royal Society for the Prevention of Accidents (RoSPA) had been commissioned to produce a report, which had recommended the installation of edge protection along a stretch of the river. Funding would come from the Council's budget, to be recouped through the section 106 agreement with Crest Nicholson. There would also be a £5,000 contribution from Bath Spa University. The plan was for a tubular fence with ladders down to the river. The ladders would be painted in a distinctive colour, so that they could be quickly identified by anyone who had fallen into the river. The main reason for choosing a fence was the height of the bank above the river and the consequent steep drop. The fence would be protection for pedestrians who stumbled and fell and for cyclists, who could make a misjudgement and end up in the river. It was not a complete solution, but it was a means for preventing further tragedies. The scheme had been progressed faster than even RoSPA had expected.

Councillor Beath seconded the proposal and said that the river was an important feature in Bath. She said that the rising of the river onto the steps down from Bath Western Riverside was actually a form of flood mitigation. She agreed that access to the river should be provided for anglers and hoped that the proposed scheme would allow that. However, it was a dangerous section of the river.

Councillor Crossley asked that discussions should take place with angling bodies to ensure that the fence had gates in the right places.

Councillor Ball said children congregated in large numbers to fish, most of them west of Windsor Bridge. The fishing season coincided with the time when the river was lower and the drop from the bank greater. Their safety needed to be ensured.

Councillor Romero asked who was responsible for the maintenance of life rings.

Councillor Dixon said that he would ensure that officers met with angling associations before the design of the fence was finalised. However, there could be no question of compromising safety for the sake of anglers. In reply to Councillor Romero, he said that landowners were responsible for maintaining life rings. Unfortunately, it was sometimes not worthwhile installing them because they were stolen; life rings installed by Crest Nicholson had disappeared within a few weeks. Life ropes were more satisfactory than rings. Additional safety measures were clear signage and making sure that the ladders from the banks down to the river were conspicuous.

On a motion from Councillor David Dixon, seconded by Councillor Beath, it was

**RESOLVED** (unanimously)

- (1) To APPROVE £140k for inclusion in the 2012/13 capital programme to allow the safety fencing to be installed before the end of 2012/13 financial year end; and
- (2) To AGREE that as part of this, £40k is released from capital contingency to be recouped in 2018/19 through s.106 funding from the Bath Western Riverside Corporate Agreement.

## 129 BEECHEN CLIFF OPEN SPACE - FUTURE MANAGEMENT ARRANGEMENTS

Councillor David Dixon in proposing the item said that officers apologised for having had to send members a supplementary late paper. He said that the proposal was an enabling one, which would allow officers to progress the matter. £500k for the project was already included in this year's capital programme. The Council would enter into an agreement with the National Trust for them to manage and maintain Beechen Cliff in perpetuity, though the Council would retain ownership. As the trees on Beechen Cliff were all about the same age, there was a risk that they would all disappear at the same time. There was also the risk of land slips, particularly after heavy rain of the kind that had occurred recently. Therefore under existing arrangements the pressure on the Council budget from maintenance costs could only increase. The proposed agreement with the National Trust would therefore be highly satisfactory from every point of view.

Councillor Bellotti seconded the proposal and said that he thought this was an extremely exciting project. He noted that although consultants had been commissioned to prepare a management plan for Beechen Cliff in 1993, little had been done since. The trees on Beechen Cliff were a notable feature of the Bath skyline, which should be preserved. The steps on the Cliff were unsafe and needed work done. This project was long overdue. He thanked Councillor Dixon for bringing it forward and asked him to thank officers for their excellent work. He thought this was an excellent example of how the value of Council spending could be multiplied through partnership working. He noted that there were high levels of membership of the National Trust in the Bath Area. The Trust provided excellent interpretive information at its sites; the information the Trust would provide in Alexandra Park would enhance the educational experience for the many children who visited it. He said that the previous administration had had the opportunity to take this project forward at the same cost, but had failed to do so. It was, he felt, to the great credit of this administration that it was taking it forward.

Councillor Ball congratulated Councillor Dixon for bringing this matter forward. Future generations would be grateful to the current administration that a distinctive feature of the Bath skyline had been preserved.

On a motion from Councillor David Dixon, seconded by Councillor Bellotti, it was **RESOLVED** (unanimously)

- (1) To ENTER into a management agreement with the National Trust whereby the future management and maintenance of Beechen Cliff is undertaken by the National Trust in perpetuity while retaining ownership of Beechen Cliff by the Council;
- (2) To TRANSFER the ownership of the adjoining fields and allotments to the National Trust as a gift;
- (3) To WORK with the National Trust as it launches a Bath World Heritage Landscape Appeal for up to £2m, the proceeds of which would initially be used to provide the necessary cost of the maintenance of Beechen Cliff and then the cost of the endowment of Beechen Cliff, and thereafter the protection and maintenance of other landscape features in the world heritage site; and
- (4) To CONTRIBUTE £500K (less the costs of immediate tree safety works), for securing the future of Beechen Cliff woodland as included for Provisional Approval in the Capital Programme for 2012/2013, subject to third party negotiations and a

detailed project proposal, with the management agreement recognising the appropriate level of future liability and subject to the agreement of the s.151 officer.

### 130 CHILDREN'S SERVICES CAPITAL PROGRAMME 2012/13

Councillor Dine Romero in proposing the item, said that the Council had a statutory duty to provide sufficient school places for every child resident in the Council's area who required a place. The growing population in the area mean that there would be a shortfall in the number of school places unless action were taken. She said that she would like to amend the second recommendation in the report by making each of the capital allocations subject to a feasibility study, and to add a third recommendation noting that the scrutiny of school planning would continue to ensure an open and transparent process.

Councillor Bellotti seconded the amended recommendations. He said that all the projects listed in the report were urgent. Unless action were taken, children would have to travel long distances to school displacing children living more locally. There should be local schools for local children without long-distance bussing. It was important that every school should be funded appropriately.

Councillor Romero said that she entirely agreed with Councillor Bellotti about the importance of local schools for local children.

On a motion from Councillor Dine Romero, seconded by Councillor Bellotti, it was

#### **RESOLVED** (unanimously)

(1) To APPROVE the projects put forward, in line with Children's Services capital programme priorities; and

(2) To APPROVE capital allocations for inclusion in the Capital Programme for projects at the following schools with phasing as shown in the report, subject, in each case, to the approval of a feasibility study;

Weston All Saints Primary - £1.8m

Castle Primary - £800k

Paulton Infants -£850k

Farrington Primary - £115k

St Saviour's Junior and Paulton Junior- £30k

(3) To NOTE that the process of scrutiny on school planning continues to ensure an open and transparent process.

The meeting ended at 7.30 pm

Chair \_\_\_\_\_

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

Prepared by Democratic Services