CABINET MEETING 13th November 2013

REGISTERED SPEAKERS

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

Statements about issues NOT on the Agenda

• Clarke Osborne (Chair, Stanton Wick Action Group)

Re: Gypsy and Traveller DPD

• Karen Abolkheir (Stanton Wick Action Group)

Re: Gypsy and Traveller DPD

Re: Agenda Item 13 (Restructure of Early Years, Children's Centres and Early Help Services)

- Cllr John Bull
- Cllr Liz Hardman
- Roz Lambert (Chief Exec, First Steps Bath)
- Sue Pendle (Chair of Trustees, First Steps Bath) read by Dougie Brown (Trustee)
- Nettie Williams (parent, Radstock)
- Jane Carter (Branch Secretary, UNISON)
- Cllr Eleanor Jackson
- Tony Crouch (Chair, Keynsham Children's Centre Advisory Group)

QUESTIONS AND ANSWERS - COUNCILLORS

M 01 Question from: Councillor Alan Hale

Regarding the general 20mph zones throughout B&NES;

- 1. What pre-evaluation has been carried out? Which roads have had speed recordings taken to establish user speeds currently?
- 2. On the basis that the police expect 20 zones to be self-enforcing with traffic calming measurers in place, what traffic calming will be put in place?
- 3. If there are no traffic calming measurers are the police going to enforce? I can tell you that no mobile camera van enforcement will be provided and it is highly unlikely that the sparse roads policing unit coverage of Avon and Somerset will be focussed on 20 limits.
- 4. How will you evaluate the worth and success of £0.5m spend once the limits are in place, and over what period?
- 5. What will success look like?
- 6. What is the current average speed in a selection of roads soon to be subject of the 20 limit? From enquiries elsewhere it is suggested that in most places there is a normal average speed of 31 to 34 mph. Approximately ten per cent over the legal limit.
- 7. I am able to tell you, having spoken to other areas that their finding is that with the establishment of 20mph limits they see a drop of some one to three mph on the above mentioned average speed. Therefore currently we have a very minor speeding problem. Once the 20mph limit is in then that average lower running speed of shall we say 30mph suddenly gives you a significant speeding problem of some 45% to 50% over the limit. Is that what we are seeking to achieve?
- 8. How do you propose to offer schools protection when currently they have a 20mph limit around their school and some people respond to it and travel past at 20 but not many, certainly if they are following me, they do, traffic going the other way is nearer 25 to 30? Once everywhere has a limit of 20 and everyone is exceeding it the schools will not have their protection?
- 9. How are we going to achieve our improved air quality with lower gears being used and traffic bunching?
- 10. Have we ensured that all bus time tables are being changed to recognise the lower speeds everywhere? This is important as well as that will impact on people's lives.
- 11. What meetings and when have been held with the bus and coach companies.

Answer from: Councillor Caroline Roberts

- 1. Prior to implementation of the programme a sample of the traffic speeds has been collected on roads representative of streets in the area.
- 2. 20 mph speed limit areas are distinct from 20mph zones. 20mph speed limit areas do not require traffic calming.
- 3. The Police are supportive of 20mph speed limits, but guidance offered by the Department for Transport Circular 1/2006 'Setting Local Speed Limits' advises that 20mph speed limits should be self-enforcing and that there should be no expectation on the Police to provide additional enforcement beyond their routine activities unless

this has been explicitly agreed

- 4. The worth and success of 20mph speed limits will be assessed using before and after speed and accident data over a 3 year period and continuing local support for 20mph speed limits.
- 5. A slight reduction in casualties, 50% of speeds at or below 24mph and continuing local support for 20mph speed limits.
- 6. No, the speed limits are set in mainly residential streets where speeds are already below or close to 24mph.
- 8. Only residential streets were speeds are already below or close to 24mph are covered by the 20mph speed limit areas so schools within the speed limit area will continue to have protection.
- 9. Reducing speeds to 20mph does not have a significant effect on air quality.
- 10. Only residential streets were speed are already below or close to 24mph are covered by the 20mph speed limits and bus timetables are not significantly affected.
- 11. Bus companies are consulted in writing on all speed limit traffic regulation orders before they are implemented.

M	02	Question from:	Councillor Geoff Ward
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How has the Council's resolution on the Military covenant been enacted and translated into reality?

Answer from:	Councillor Paul Crossley
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Following the resolution at Council on 6th May, the Community Covenant for Bath and North East Somerset was signed at the Council's Annual Flag raising ceremony on 24th June 2013. The signatories comprised representatives of The Army, The Royal Navy, The Royal Air Force, Bath and North East Somerset Council, Avon Local Councils Association, Curo, Armed Forces charities, Avon Fire and Rescue and Avon and Somerset Constabulary. The Chairman signed on behalf of Bath & North East Somerset Council.

A lead officer within the Council is responsible for working with the armed services and armed services charities to implement the provisions of the Covenant. Representatives from the army and the Royal British Legion have been invited to participate in a group established for this purpose. Some examples of recent initiatives which have arisen as a result of links made through the Community Covenant are:

- The Royal British Legion have been working with the Council to establish a regular presence in the Council's One Stop Shops to provide help and support.
 We understand from the Royal British Legion that they will begin operating from our Manvers Street one-stop shop later this month.
- The new gateway signs for Radstock are being produced by Royal British Legion Industries- a not for profit charity that provides rehabilitation, accommodation and employment for disabled and disadvantaged former service personnel.

Complementing this work are the preparations currently being made locally for the First World War centenary commemorations, A working party has been established to coordinate and oversee the range of activity taking place across our area.

The Council will be represented at the MOD's conference on Community Covenants

taking place in London on 22nd November.

M 03 Question from: Councillor Patrick Anketell-Jones

The news of the extension of Hinkley Point nuclear power station informed us that the national supply of electricity currently exceeds demand by approximately 15%. Over the next ten years that safety margin will fall to less than 5% resulting in an increased risk of power outages. Public communication networks depend on a reliable supply of electricity and the continuous delivery of front line services depends on uninterrupted communications. What measures has the Council put in place to ensure there is resilience within its communications networks to a prolonged power outage and has that resilience been tested?

Answer from: Councillor David Bellotti

Bath & North East Somerset Council will be taking part in EXERCISE HOPKINSON on 30 April/1 May. This is a Department of Environment and Climate Change exercise looking at a National Grid failure. This will be in the format of a table top exercise and will involve 3 Local Resilience Forums in the South West and will address the issues raised in this question.

In addition to this our Emergency Management team are working with all services to ensure Disaster Recovery Plans are up to date and well maintained.

Whilst we are not anticipating any long term outages we are supporting the governments initiative to use wind up radios and BBC broadcasting are our national default position.

M 04 Question from: Councillor Patrick Anketell-Jones

The Council's new car park information signs appear to be in place but they are not yet displaying complete information. Will the signs be fully operational before the Christmas Market opens?

Answer from: Councillor Paul Crossley

The new car park count system signs are currently displaying information from the following Council car parks:-

- Charlotte Street
- Avon Street

Manvers Street is linked into the system and is still being tested to ensure the best possible accuracy of data is displayed on the signs.

Southgate and the Podium car parks are in private ownership, however Southgate is linked into the system and as is still being tested for accuracy of data as in Manvers Street. We are actively working with the Southgate car park operators.

The owners of the Podium car park have agreed for their car park to link to our count system and to have a legal agreement to cover this, we are using our best endeavours to push on with the legal agreement for this exchange of data.

In light of the above is was considered a better option to progress the erection of the signs displaying as much information as possible ahead of the Christmas Market starting on the 28th November.

We are working to have as much car park availability information displayed.

M 05 Question from: Councillor Charles Gerrish

Once work is completed on the Council's office rationalisation strategy, what proportion of Council employees will be primarily based in Keynsham, what proportion in Bath and what proportion in other parts of the authority? How will these figures change from the current situation?

Answer from: Councillor David Bellotti

Broadly the percentages will be:

- Bath around 50%
- Keynsham around 45%
- Hollies and elsewhere 5%

We are exploring income from partners in Keynsham to make our development there better value for money.

We will be accommodating around 100 staff in the Guildhall Bath which was not originally planned by the previous administration.

M 06 Question from: Councillor Charles Gerrish

Now that the civic centre car park Keynsham has been partially reopened, other than the press announcement, what other action is being taken to make it clearer to car users that this car park is open for use?

Answer from: Councillor Caroline Roberts

The opening of the car park has been announced within the press releases and on the Council website. Highway signage directs users towards the car park from Temple Street.

Additional signage will be placed in Ashton Way to guide drivers towards the car park if they are unaware of the reopening.

M 07 Question from: Councillor Charles Gerrish

In light of the proposed work by Wales & West utilities, which will require Keynsham High Street to be made one-way from the 20th January to the 28th February, will the Council recognise there is a significant level of public support for a permanent one-way system, and therefore use this as an opportunity

Answer from: Councillor Caroline Roberts

It is often difficult to draw evidenced conclusion from temporary traffic arrangements, particularly during winter months when traffic levels can be much reduced and also do not take into account future developments such as K2, Town Hall and Somerdale and potential mitigation measures.

However I am happy to ask officers to undertake monitoring of these arrangements to see if it provides any indication of the deliverability of introducing one-way traffic working in the High Street on an experimental or permanent basis. I will ask officers to share the results of this monitoring with you in due course.

M 08 Question from: Councillor Michael Evans

In view of the fact that Ofsted is introducing tougher inspections for nurseries and preschools, with those rated as 'requiring improvement' at risk of closure if they do not rapidly improve, does the Council have plans and resources to support vulnerable centres and help them to improve rather than close?

Answer from: Councillor Dine Romero

The Council has a long-standing strong Early Years Foundation Stage Team that supports all our voluntary, maintained, private and independent nurseries, Reception classes and Childminders to deliver the best outcomes for children (approximately 100 Early Years preschool and nursery settings, 58 schools and 176 Child-minders).

Over the last 2 years this service has seen an upward trajectory in Ofsted ratings from 'satisfactory' to 'good' and from 'good' to 'outstanding'. In August 2009 70% of providers received an Outstanding or Good Judgement – by 31st December 2012 that figure had risen to 88% of nurseries and 89% of childminders.

The new Ofsted Framework that came into force since November 2013 is tougher and the requirements of providers are more demanding. Our aspiration is that all providers are good and they have a solid foundation upon which to build. However, there will be particular challenges relating to (i) high staff turnover in this sector (ii) the expansion of provision for two year olds and (iii) the growing number of young children with SEN and the changes in this area planned by the Government.

Given the wider changes proposed in this service area we plan to develop more of a 'traded' service based on our good reputation, where more settings would have to pay for the support we offer, in order for us to continue to deliver a quality service. The ability for the sector to pay needs to be gauged. The core budget will be focused on the geographical areas of the Council where children have the poorest outcomes, on the statutory responsibilities around inclusion and vulnerable children.

New Government legislation has reduced the timescale for settings to secure improvement before funding is removed. Obviously, the Local Authority will seek to support providers to improve as quickly as possible bearing this reduced timescale.

Supplementary Question:

Thanks to the Cabinet member for the detailed and informative reply. I note, however, the intention to charge those providing early years settings for advice from Council officers. Would this not tend to diminish the support actually received, and therefore make it more difficult to gain a good judgement from Ofsted, or to improve after an adverse one?

Answer from: Councillor Dine Romero

It is the responsibility of individual settings to address the standards expected of them by Ofsted and to consider what support they might need to improve or sustain their quality standards. The offer of support from the LA is not a specific statutory function for us to provide and the scale of support we are able to offer in future will be dependent on the final model agreed for the delivery of services within the budget available. However, we expect to continue to offer some targeted free support and believe that local settings have appreciated the support we have been able to offer in the past and may see purchasing support from us as a more effective and better value for money option than other sources of help available.

M 09 Question from: Councillor Tim Warren

Following the resolution of Full Council in September regarding the closure of public toilets, can the Cabinet Member please detail what work has been undertaken to enact the wishes of Full Council, with particular reference to resolutions 3 and 4 of the Full Council motion.

Answer from: Councillor David Dixon

Work is underway to ensure that Council can receive proper consideration of the issue as part of the budget setting process.

Supplementary Question:

Can he reassure me that the toilets will remain open until an alternative is found?

Answer from: Councillor David Dixon

We are abiding by the package agreed by Council. If no alternative is identified, we will present the costing options to Council to make choices.

M 10 Question from: Councillor Liz Richardson

What progress has the Council made in taking land at Twerton out of the Greenbelt to enable to building of the planned traveller site, and when does the Cabinet Member anticipate this work being completed?

Answer from: Councillor Tim Ball

National Planning Policy as set out in "Planning Policy For Traveller Sites" distinguishes between plan making and planning application on this issue as follows:

Policy E: Traveller sites in Green Belt

- 14. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 15. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Planning permission should only be approved in the Green Belt for a Travellers' site if very special circumstances are demonstrated and other planning requirements are addressed.

Therefore the only way to change the Green Belt is through the plan-making process and in the case of B&NES, this would need to be done through the Gypsies, Travellers, & Travelling Showpeoples' Site Allocations Plan if justified by exceptional circumstances. The timetable for the preparation of this Plan is set out in the Local Development Scheme which is being considered for review by Cabinet at this meeting. The timetable for the preparation of the Plan is the subject of cabinet question Cabinet QU #M11.

Supplementary Question:

Sooner.

For clarification, can he say whether it will be at the end of the DPD or sooner?

Answer from: Councillor Tim Ball

M 11 Question from: Councillor Liz Richardson

Can the Cabinet Member please detail the current timeframe for the production and publication of the Gypsy and Traveller Site DPD?

Answer from:

Councillor Tim Ball

The programme for the production of the Gypsies, Travellers and Travelling Show peoples' Sites DPD is set out in the B&NES Local Development Scheme. This is currently the subject of a review and a report on a revised programme is due to be considered by Cabinet at this meeting

However the report omits the proposed revised adoption date of the Plan and the full programme is as follows.

- Options consultation Nov 2014
- Draft Plan May 2015
- Submission for examination Jan 2016
- Hearings May 2016
- Adoption Dec 2016

Supplementary Question:

Given that £161K has been spent so far, can he clarify how many sites are left on the list?

Answer from:

Councillor Tim Ball

The list is unchanged since the question was last asked no further work will be done until the conclusion of the works on the Core Strategy

M 12 Question from:

Councillor Anthony Clarke

Can the Cabinet Member please detail how revenue raised from on-street parking is used by the Council?

Answer from:

Councillor Caroline Roberts

The Council uses all on street parking income in line with the requirements of the Road Traffic Regulation Act 1984 section 55 as required.

This requires that any surplus, after the costs of running the service are considered, is only spent on the purposes as specified within section 55 which include opportunities such as meeting the costs of providing or increasing off street car parking, meeting the costs of the provision or operation of passenger transport services or purposes of a highway or road improvement project.

Supplementary Question:

Does the Cabinet member have details of the surpluses generated and how they have been spent?

Answer from:

Councillor Caroline Roberts

Within the Parking Services budgets the on street budgets generate £1.4m over the direct operational budget. This funds attributable overheads from running Parking Services and Council Support Services, any surplus helps fund the net revenue budgets for Highways £7.5m and Transport Services Inc. Public Transport £5.8m.

M 13 Question from: Councillor Anthony Clarke

When does the Cabinet Member currently on reviewing the current parking charge regime at Royal Victoria Park, and does the Cabinet Member see merit in the proposal of creating 2-hours' free parking here?

Answer from: Councillor Caroline Roberts

The review of the arrangements will commence in December as previously confirmed. At that time all options will be considered and therefore it is not possible to pre judge the outcome at this time.

M 14 Question from: Councillor Anthony Clarke

Can the Cabinet Member please confirm the currently planned total cost of the Rossiter Road project, and if the estimated cost is greater than that currently earmarked within the Capital Programme, how the Cabinet proposes the additional funding requirement be met?

Answer from: Councillor Caroline Roberts

The current budget is £1.834m and at present the forecast is that the scheme will come in on budget. Until the final tenders are received and evaluated it is not possible to establish the actual works costs. Should tenders be submitted 'over budget', Cabinet will consider reducing the scope of the works or funding the addition costs from alternative capital allocations.

M 15 Question from: Councillor Eleanor Jackson

"Report: care home inequality

A report from Independent Age, a support group, has claimed that middle-class pensioners in care homes are routinely forced to pay up to £150 a week on top of their bills to subsidise council–funded residents. A study into how the industry would operate after a planned overhaul of the care system found that residents of homes in England were collectively having to find an extra £700m a year support it. A total of 350,000 older people live in residential care in England. Just over four in 10 of them have their fees paid by their local

council. Most of the rest have to meet all the costs themselves, but about 56,000 have some of their fees paid and make top up payments to cover the rest. Currently, only those with total assets of less than £23,500 get any state support with their care.

The Telegraph p2"

With reference to the above quotation from the Local Government website, could Cllr Allen say whether a similar system operates in B&NES?

Answer from: Councillor Simon Allen

B&NES Council's Residential and Nursing Care Home fee levels are in line with those paid by neighbouring local authorities.

As highlighted in the report, it is the case that many Care Home providers have differential fee levels, with higher fee levels for private individuals. However, this is not a "system" or "policy" of the Local Authority as the Local Authority is not in a position to control or dictate the fees charged by care home providers to private individuals (often referred to as "self-funders").

There is a benefit to care home providers in taking placements at Local Authority indicative fee levels as such placements come with security of income - particularly in respect of those providers that the Local Authority has a block contract arrangement with - which is why Local Authorities are often able to make placements at lower fee levels than individuals. The Council does have a policy of paying "market supplements" if necessary in order to make placements to meet eligible need.

Proposals in the Care & Support Bill, likely to be enacted in 2015, would enable self-funders to ask the Local Authority to "commission" placements on their behalf. The benefits to both the individual and the Local Authority of this arrangement include better value for money though the increased purchasing power of the Local Authority and, also, the fact that self-funder's are likely to be able to meet the cost of their care for a longer period of time and/or reduce the Local Authority's "call", through a Deferred Payment, on that individual's estate following their death.

Supplementary Question:

Thank you for your prompt and detailed reply. But is he aware that there is a dearth of residential home places in Radstock area?

Answer from:	Councillor Simon Allen
Yes.	

M 16 Question from:	Councillor Anthony Clarke
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In the light of the anticipated provision of £5.2m within the Council's capital budget for the provision of an East of Bath Park and Ride, when will an announcement be made on the Cabinet's preferred location?

Answer from:

Councillor Caroline Roberts

As I indicated in reply to Cllr Clarke's question at the last Cabinet we anticipate that the Bath Transport Strategy will identify a preferred location for this important facility. The Cabinet's agreement to this location will be aligned with the progression of the Placemaking Plan which is scheduled to be published next year as part of the Council's approval for the Core Strategy.

Supplementary Question:

The previous Cabinet member promised that we would know the new location by now. Do you know when we will be told?

Answer from:

Councillor Caroline Roberts

This is part of the Transport Strategy which is currently being developed.

M 17 Question from:

Councillor Anthony Clarke

Does B&NES adhere to the 'Well Maintained Highways' code of practice for the maintenance of its highways, or if not, what is the present regime for the inspection of feeder roads in rural areas?

Answer from:

Councillor Caroline Roberts

Although the standards are not statutory, the Council's maintenance regime is based on those specified in the Code of Practice. Officers work with the guidance contained in code, when exact standards are not specified.

M 18 Question from:

Councillor Dave Laming

Will the Leader of the Council investigate the possibility of setting in place a Memorandum of Understanding between Bath & N E Somerset Council, The River Regeneration Trust and Wessex Water to use the East of Bath meadowland as part of the Government's wetland, flood compensation and water drought storage?

Answer from:

Councillor Paul Crossley

The Council would be pleased to speak to the River Regeneration Trust as part of our on-going work with them to explore whether there is an opportunity to take this forward.

Supplementary Question:

Does he realise the significance of this in case of drought?		
Answer from:	Councillor Paul Crossley	
I certainly recognise the importance of the question and I look forward to exploring the		

QUESTIONS AND ANSWERS - PUBLIC

P 01 Question from: Judith Chubb-Whitt	le, Chair, Stanton Drew PC
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At the October 2013 Parish Liaison meeting I asked the following questions and was told that since the officer responsible was not in attendance on this agenda item an answer would follow. I have not received the answer to date. Could Cllr Ball update me on the Gypsy & Traveller DPD please as the following questions are of significance to the parishes and the wider community?

- 1. What is the status of the planning application on the illegal Lower Bristol Road travellers' site following your announcement in September 2012 to convert this to a legal site?
- 2. What provision is being made to accommodate the present occupants, many of whom are from vulnerable groups during the upgrade of the Lower Bristol Road site?

Answer from: Councillor Tim Ball

issues at the meeting.

- 1. It is expected that a full planning application for the scheme will be submitted by the end of this month. At present there is a single matter delaying the application. This relates to the design of an acoustic barrier which is required following the results of a commissioned noise survey. Once this matter is resolved, expected within the next few weeks, the application will be submitted.
- 2. Throughout this process the Council has attempted to maintain good communication and relations with the existing and often transient occupants. As such the Council has been able to keep the occupants informed about the Council's intention to submit a planning application to develop the site, consult on design requirements and importantly offer and provide housing options advice. However, given the highly transient nature of the occupants it is not feasible to quantify at this stage how many of the current occupants will be affected by the need to vacate the site pending any redevelopment. However, we are committed to assist any vulnerable occupants who express a desire to reside on any future site and who are likely to comply with site requirements, such as, being a Gypsy or Traveller. This assistance is yet to be firmly established but could include investigating the possibility of developing the site with one or two occupiers present, their possible relocation or other feasible and appropriate assistance.

P 02 Question from: Simon Whittle

In item 5.10 on page 150 of the Agenda, and in Annex 2, it is stated that the Gypsies, Travellers and Travelling Showpeople DPD is subject to yet another delay. Considerable Officer time and expenditure has already been invested in this programme with no tangible results or benefits for the very people it is intended to benefit, but with significant fear, uncertainty and doubt created in the settled communities where developments have been proposed or are under consideration. Could you please quantify how much money has been spent to date on Officer time, consultancy fees and other third party costs, and provide an estimate of the costs required to take the programme to completion?

Answer from: Councillor Tim Ball

Information provided to the B&NES Planning, Transport and Environment Policy Development and Scrutiny Panel in May 2013 stated that at that stage, expenditure on the Plan was approximately £161.4K. This included dedicated officer time (2009/10 and 2010/11) and consultant time 2011/12 and 2012/13). Yearly breakdown at that time was:

- 2009/10 = 13K
- 2010/11 = 18.4K
- 2011/12 = 28K
- 2012/13 = 99K
- 2013/14 = 3K

However the current question seeks a wider range of information on a number of items relating previous and future spending on the Gypsies, Travellers and Travelling Showpeople DPD. This will take some time to compile and will not be ready in time for the Cabinet meeting on 13/11/13. A response will therefore be provided as possible. Please note that it is not possible to specify the costs incurred by third parties.