

## CABINET MEETING 14<sup>th</sup> May 2014

### 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.

#### **Re: Agenda Item 14 (Heritage Services Business Update)**

- Cllr Patrick Anketell-Jones

Re: Victoria Art Gallery

#### **Re: Agenda Item 15 (Bath Transport Strategy)**

- David Redgewell (South West Transport Network)

Re: Transport Infrastructure and Public Involvement

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M 01</b>	<b>Question from:</b>	Councillor Sarah Bevan
<p>Following our meetings in my ward of Peasedown St John, I welcomed Cllr Dixon's offer of further investment for play areas in North East Somerset.</p> <p>Could the cabinet member for Neighbourhoods now confirm that £20,000 will be made available for new equipment in Peasedown's Eckweek Lane play area, known as the Westbury play park?</p>		
<b>Answer from:</b>		Councillor David Dixon
<p><i>I recently visited Peasedown at the invitation of Councillor Bevan and was able to agree some signage improvements and to look at Westbury Park. I'm delighted to confirm that later this meeting I will be asking Cabinet to approve substantial funds for improving play areas and I anticipate that Westbury Park will be one of those benefitting from this funding.</i></p>		

<b>M 02</b>	<b>Question from:</b>	Councillor Will Sandry
<p>There appears to be a wide discrepancy between the percentages of properties described as an HMO in the Consultation Draft (see appended Figure 1) of the HMO Supplementary Planning Document and that Issued (appended Figure 2). Current Data (appended Figure 3) does not seem to have been updated since July 2013.</p> <p>The areas identified in the Consultation draft appear to show a fair representation of the distribution of HMOs according to my knowledge of the City and its HMOs.</p> <ul style="list-style-type: none"> <li>• On what basis did the data change between the consultation draft and the final plan?</li> <li>• Is the Cabinet Member confident that the HMO location data available to the public is accurate, up to date and maintained on an ongoing basis?</li> </ul>		
<b>Answer from:</b>		Councillor Tim Ball
<p><i>The change between the Consultation Draft SPD and the final SPD reflects the difference between the planning definitions of an HMO and the Housing Act definition used by Housing Services (where the core data set originates). This difference became apparent during the consultation period. The need for the amendment to the map was set out in the schedule of changes agreed by Cabinet on adoption of the SPD (Appendix B).</i></p> <p><i>More detail:</i></p> <ul style="list-style-type: none"> <li>○ <i>Under the 2004 Housing Act, buildings containing self-contained flats which do not meet 1991 Building Regulations (i.e. built prior to 1991) count as HMO in Housing terms but do not typically count as HMO in terms of planning use class, which is based on 3 or more person occupancy per unit.</i></li> </ul>		

- Many of such flats were removed from the dataset and this had the effect of reducing the proportion of HMOs below the 25% threshold at London Road, St James Square, in parts of Lower Oldfield Park and Lower Weston where these generally larger properties sub-divided into flats predominate.
- There is still a presence of HMOs in these areas but not currently at the 25% level. This led to the amendment to the adopted map in which these areas were deleted from the map showing areas over a 25% HMO threshold.

#### HMO Data accuracy

I am confident that our HMO location data is robust and accurate. Housing & Planning Services continue to manage and scrutinize the accuracy of this data. Data on HMOs is updated regularly with the latest data and is maintained principally by Housing Services. There is now a steady stream of cross referrals between Planning and Housing Departments, who are working together closely on the issue – there have been 200 HMO cross referrals from Housing Services to Planning Enforcement since July 2013 to date. This typically leads to a cross-check with Council Tax to establish whether the property is a pre-existing HMO, further Enforcement action is then taken as required.

As agreed by Cabinet, 6 monthly updates of the 25% threshold map are issued for the purposes of planning decisions. These are published online on pre-agreed dates (1<sup>st</sup> July and 1<sup>st</sup> December). This was agreed so that there is a consistent baseline upon which to make such planning decisions. Only one update has been published since the SPD was adopted (1<sup>st</sup> December 2013) – which is available online at [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo) via iShare Maps

It should be noted that the map included in the printed SPD is labelled as “Stage 1 Example Assessment Map (July 2013) - City wide mapping for Stage 1 assessments will updated on a twice yearly basis and will be made available online [www.bathnes.gov.uk/hmo](http://www.bathnes.gov.uk/hmo)” – the Map in the printed SPD itself will not be updated as the online version available via iShare is higher resolution and has a zoom-in function making it much more useful to use and is kept up-to-date. This is made clear in the printed version of the SPD.

More detail:

- In the first 6 months after the Article 4 Direction, an increase of 58 HMOs in Bath was noted – of which 23 were evidenced to be pre-existing HMOs that were made known to the Council within the 25% zone. The remaining 35 HMOs made known to the Council were spread outside of the 25% zone.
- As a result of the new data, the baseline data changed although the stage 1 test area with 25% HMO remained the same visually on the map.
- Over the same period there have been 21 planning applications for change of use from C3 Dwellinghouse to C4 HMO in Bath – only two of which were in the 25% zone, and were subsequently refused. There have been a much higher number of pre-application investigations and discussions with Planning Information officers and the Article 4/SPD is acting as a strong deterrent for the purchase of properties within the 25% area with a view to change of use to HMO.
- To date 972 applications for Additional Licencing of small HMOs have been received by Housing Services, since the Licencing scheme was introduced on 1<sup>st</sup> January 2014. 200 of these related to HMO not previously known to the Council (and were subsequently cross referred to Enforcement to cross-check that there has not been an unlawful change of use).
- The 1<sup>st</sup> July 2014 map update will reflect the latest data above.
- The 25% threshold HMO map is based on Super Output areas – for data protection reasons the Council cannot show every individual HMO on a map, and this approach

*was seen to offer a sensible small scale way to aggregate data which is then able to be publicly available.*

- *If a member of the public considers that there has been an unlawful change of use to an HMO – a notification can be made to the Planning Enforcement/Housing Licencing team for investigation – any such notification relating to HMOs will be automatically cross-checked between the two departments.*

<b>M 03</b>	<b>Question from:</b>	Councillor Anthony Clarke
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Given the fact that the Cabinet had to call an immediate and early halt to the Dorchester Street Bus Gate trial and agree to cancel and refund all fines issued in relation to this Bus Gate, does the Cabinet Member now recognise and agree that the decision to push ahead with this Bus Gate was a complete folly and that the Council's mishandling of its implementation has caused significant damage to Bath's reputation as a destination for visitors, shoppers and businesses and wasted a large amount taxpayers' money in the process?

<b>Answer from:</b>	Councillor Caroline Roberts
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*No.  
The point of conducting any experiment is to try it and see what happens so that we can decide what we want to do in the future and that is what we will do. It was decided to suspend the experiment because it was felt that we had enough information to analyse the results of the trial.  
The key and important objectives of the experimental Bus Gate were to improve public transport punctuality, minimise congestion in Dorchester Street and improve the local environment by reducing the number of vehicles using Dorchester Street. These were achieved as we saw a significant reduction in vehicles using the street and this continued to fall throughout the trial. There were also a number of issues connected with the scheme including the level of understanding of the restriction by some motorists and whether the signage was adequate.*

<b>M 04</b>	<b>Question from:</b>	Councillor Anthony Clarke
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The Leader of Council has stated that the Dorchester Street Bus Gate trial is now over and that the Council has collected enough information to take a judgment on its future. Can the Cabinet Member please confirm when this data and information will be published and whether the Cabinet intends to reintroduce the Dorchester Bus Gate at a later date, either in its previous or revised form?

<b>Answer from:</b>	Councillor Caroline Roberts
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*Officers will provide the findings of the experiment once the process of refunding monies has been completed. I envisage that this will be before the end of July. Only when we have considered any benefits and shortcomings of the trial will we be in a position to determine whether to reintroduce Bus Priority Measures at this location,*

*when, and in what form. As resolved at Council on 16<sup>th</sup> January 2014, Cabinet will report back to Full Council the findings of the experiment in due course.*

<b>M 05</b>	<b>Question from:</b>	Councillor Anthony Clarke
<p>Aside from the difficulties the Council experienced during its trial implementation, does the Cabinet Member still believe that, in principle, having a bus lane on Dorchester Street is still a worthwhile idea which the Council would be right to pursue?</p>		
<b>Answer from:</b>		Councillor Caroline Roberts
<p><i>The Council must remain open-minded to implementing appropriate traffic management measures that benefit the city overall. Many of the city's streets were never designed to take the current levels of traffic or the needs of our residents, visitors and businesses. It is important to seek ways of improving the reliability of public transport and improving the local environment because the roads are too full of traffic at the moment but this must be done in a way which does not create further significant problems elsewhere so it will be necessary to consider what impacts any restriction would have on other roads once we have completed the Widcombe Parade and Rossiter Road improvements – a scheme which the previous administration was unable to deliver</i></p>		

<b>M 06</b>	<b>Question from:</b>	Councillor Anthony Clarke
<p>Based upon the most up to date figures the Council has available, if the number of people who travel to work, go to school, or travel for day-to-day shopping needs, by bicycle were to quadruple, what would be the percentage reduction in car usage for these purposes?</p>		
<b>Answer from:</b>		Councillor Caroline Roberts
<p><i>The 2011 census indicated that some 2,500 people cycled to work (not including shopping or other journeys) compared to over 48,000 people who travelled in a car. So if there were to be a quadrupling of those cycling it is anticipated that this would reduce the % travelling by car by over 15%.</i></p>		

<b>M 07</b>	<b>Question from:</b>	Councillor Liz Richardson
<p>At the Core Strategy Examination hearing on 10th April 2014 the Inspector asked whether the Core Strategy should highlight the potential need for gypsy and traveller sites to be allocated in a subsequent DPD on land removed from the Green Belt. The council's view was that it ought not. Since the proposed site on the Lower Bristol road is in the green belt would this not have been a helpful way to deal with the allocation of this site?</p>		

<b>Answer from:</b>	Councillor Tim Ball
<p><i>The Council's preparatory response before the hearings did not support the inclusion of reference in the Core Strategy to the potential removal of sites from the Green Belt for such sites because this could be seen as pre-empting the outcome of the sites selection process and work with adjoining Local Authorities. Furthermore, this provision is already clearly expressed in Government Policy.</i></p> <p><i>However at the hearings, the Inspector was concerned that clause (i) of Policy CP11 (the district-wide policy setting out criteria for assessing the suitability of sites) only referred to the very special circumstances needed to justify permitting a planning application in the Green Belt and did not cover the option of removing land from the Green Belt through the plan making process for a site allocation. The Council therefore accepted that there was merit in amending the wording of the policy to make reference to the fact that because this type of development is inappropriate in the Green Belt, either very special circumstances would need to be demonstrated to justify granting planning permission through a planning application AND exceptional circumstances are needed to allocate a site through the Plan-making process.</i></p>	

<b>M 08</b>	<b>Question from:</b>	Councillor Tim Warren
<p>If the Council were to pursue the implementation of a rail-based Park &amp; Ride facility to the east of Bath, as has been proposed by the Leader of Council, can the Cabinet Member please confirm what the estimated cost of such a scheme would be, what the likely funding sources would be, and what the timescale for delivering such a facility would be?</p>		
<b>Answer from:</b>	Councillor Caroline Roberts	
<p><i>The 'Getting Around Bath' Transport Strategy which was launched on the 30th April and subject to consideration for consultation at this Cabinet suggests that the existing Council policy of providing long stay parking capacity at the edge of the city through Park and Ride should be strengthened and extended. As the Strategy progresses it will identify what further work is required to establish the need for increased Park and Ride capacity as part of a wider parking strategy. Work will also be needed to provide a detailed assessment of sites to the East of the City to provide that capacity.</i></p>		
<b>Supplementary Question:</b>		
<p>The Cabinet member has not answered my question. Could she please provide me with an answer?</p>		
<b>Answer from:</b>	Councillor Caroline Roberts	
<p><i>It is not possible at this point to cost such a scheme, since we are still consulting on the options.</i></p>		

<b>M 09</b>	<b>Question from:</b>	Councillor Tim Warren
<p>Can the Cabinet Member confirm whether the Council is investigating the possibility of implementing an interim bus-based Park &amp; Ride facility to the east of Bath whilst the possibility of a rail-based Park &amp; Ride are investigated further, and if so when such proposals will be published?</p>		
<b>Answer from:</b>		Councillor Caroline Roberts
<p><i>I refer to my response to Question 8 above.</i></p>		

<b>M 10</b>	<b>Question from:</b>	Councillor Tim Warren
<p>Does the Leader of Council stand by his statement to BBC Points West that the Dorchester Bus Gate trial was a success?</p>		
<b>Answer from:</b>		Councillor Paul Crossley
<p><i>The key objectives of the experimental Bus Gate were to improve public transport reliability and improve the local environment by reducing the number of vehicles using Dorchester Street. There can be no doubt that these were achieved because we saw a significant reduction in vehicles using the street and this continued to fall throughout the trial. There were also a number of issues connected with the scheme including the level of understanding of the restriction by some motorists and whether the signage was adequate.</i></p> <p><i>The point of conducting any experiment is to try it and see what happens so that we can decide what we want to do in the future. I therefore intend to review the results of the trial with colleagues. The evidence gathered during the trial will be used to assess future traffic management proposals and ensure the Council develops appropriate schemes and measures to ensure that the city can continue to develop, prosper and meet future needs. We will also need to evaluate the impact on the changes that result from Rossiter Road and Widcombe traffic changes. Our aim for the city is that residents should see considerable environmental and economic benefits.</i></p>		

<b>M 11</b>	<b>Question from:</b>	Councillor Vic Pritchard
<p>Under the Council's Procurement Strategy - Delivering Social Value for the Community, is it envisaged that there will be an amendment to the Council's Standing Orders or relevant financial regulations to reflect the spirit of this strategy?</p>		
<b>Answer from:</b>		Councillor David Bellotti
<p><i>Officers are currently undertaking a comprehensive review of Contract Standing Orders (CSO's) in the light of significant changes in legislation and statutory guidance. This includes the Localism Act, the Social Value Act, transparency requirements and</i></p>		

*revisions for the implementation of the new EU Procurement Directives. This will be completed in the next couple of months as Cabinet Office guidance on the new EU Procurement Directives is finalised. In line with the Council's Standing Orders any revisions which may be required will then be taken to full Council for approval. This will ensure that the new strategy is embedded in the Council's policies and procedures. In the interim I will be taking to Cabinet a Social Value policy for adoption to further drive Social Value in the procurement and commissioning process across the Council.*

<b>M 12</b>	<b>Question from:</b>	Councillor Vic Pritchard
<p>It is now widely acknowledged that too many people are living in isolation and loneliness. The Shared Lives Initiative is a positive measure aimed at addressing this issue by matching disabled, vulnerable and older people with Shared Lives carers in their community. These then provide personal care and share their family and community life. What is B&amp;NES doing to help support and promote this initiative?</p>		
<b>Answer from:</b>		Councillor Simon Allen
<p><i>Bath and North East Somerset commissions a Shared Lives service from Sirona Care &amp; Health. The service is currently commissioned to meet individual needs of adults with Learning Disabilities and/or Autism. In addition there are a small number of people in receipt of Adult social care who are also supported through the Shared Lives scheme. The scheme provides a range of services, including Outreach and short breaks but can also be set up to provide full-time placements, which involves the person living within the Carers family home on a full-time basis.</i></p> <p><i>The primary aim of the scheme is to ensure that people are given the help and support they need to develop to their full potential and live as independently as possible.</i></p> <p><i>There are currently 35 registered shared lives carers/25 households with a further 5 households under assessment. The scheme supports 7 adults in full time placements; 20 adults in short term placements and 46 people on an outreach basis.</i></p> <p><i>In addition to the Sirona Shared Lives scheme the Council commissions a Supported Lodgings scheme, funded jointly between adult and childrens services. This service provides accommodation and support to young people. Supported Lodgings providers rent rooms to young people and give them the support, encouragement and guidance they need to develop the skills and confidence to live independently.</i></p> <p><i>The service supports a maximum of 20 independent young people (young homeless), care leavers and children in care. Most are aged 16-18 on entering the scheme, but will be supported in the scheme for up to 2 years. Social Services have a duty to support Care Leavers (this includes housing related support), while young homeless people are eligible for housing related support from the Supporting People &amp; Communities (SP&amp;C) commissioning budget. In addition to the core units there are an additional 2 "crashpad" units which are SP&amp;C funded and accessed through the Shape Mediation Service and 2 further emergency units for use by Children's Services.</i></p>		



<b>M 13</b>	<b>Question from:</b>	Councillor Charles Gerrish
<p>What consultation specifically relating to the planned changes to the public toilets in Keynsham's Memorial Park was undertaken by the Council or its public toilets contractor Healthmatic prior to submitting the planning application seeking permission to make the proposed changes to these public toilets?</p>		
<b>Answer from:</b>		Councillor David Dixon
<p><i>The Council's plans for refurbishing public toilets is very good news for the area. We have been working hard to deliver sustainable, long term provision. The plans will provide modern, well maintained facilities at the right places across the area. The first upgrade will be Monmouth Street – which we have been accused of “closing”. As part of the tendering process, we conducted usage counts and we provided those to the bidders. They were able to check these by conducting their own surveys. The surveys indicated that Keynsham requires 2 cubicles, which when installed will be both clean and safe. We are determined to deliver long term solutions. Healthmatic have already put in planning applications. Part of the agreement is that the Council will receive 20% of the income from the use of the buildings.</i></p>		
<b>Supplementary Question:</b>		
<p>Will the Cabinet member come to Keynsham to receive a petition from local residents who are up in arms about the proposals?</p>		
<b>Answer from:</b>		Councillor David Dixon
<p><i>I will come if I am available although it is unlikely to be in the next week. If Councillor Gerrish will contact the Leader's office, we will try to arrange a date.</i></p>		

<b>M 14</b>	<b>Question from:</b>	Councillor Michael Evans
<p>Following the publication of the report on Oldfield School and the prewarning letter from Lord Nash concerning the academy's shortcomings in governance, is there anything that the Local Authority can do to support the school and its pupils through a difficult period?</p>		
<b>Answer from:</b>		Councillor Dine Romero
<p><i>The local authority has been in discussion with the Acting Head Teacher and the Chair of Governors to offer support to Oldfield School. Services are already being provided for Governor Training, internal audit and staff support. A range of other services are available and arrangements can be made for access to these if and when the Governing Body decide to seek such support. I am aware that the Chair of Governors and Acting Head Teacher are also receiving advice and support from sources brokered through the Education Funding Agency and I am pleased that the school has chosen to</i></p>		

*reach out to other schools to seek support. I am also pleased to note the publicly stated commitment of the Chair of Governors to build relationships with the community, parents, other schools and the local authority. We would be pleased to support the school as necessary recognising that the school has a number of issues to address whilst not forgetting that it also has considerable academic strengths.*

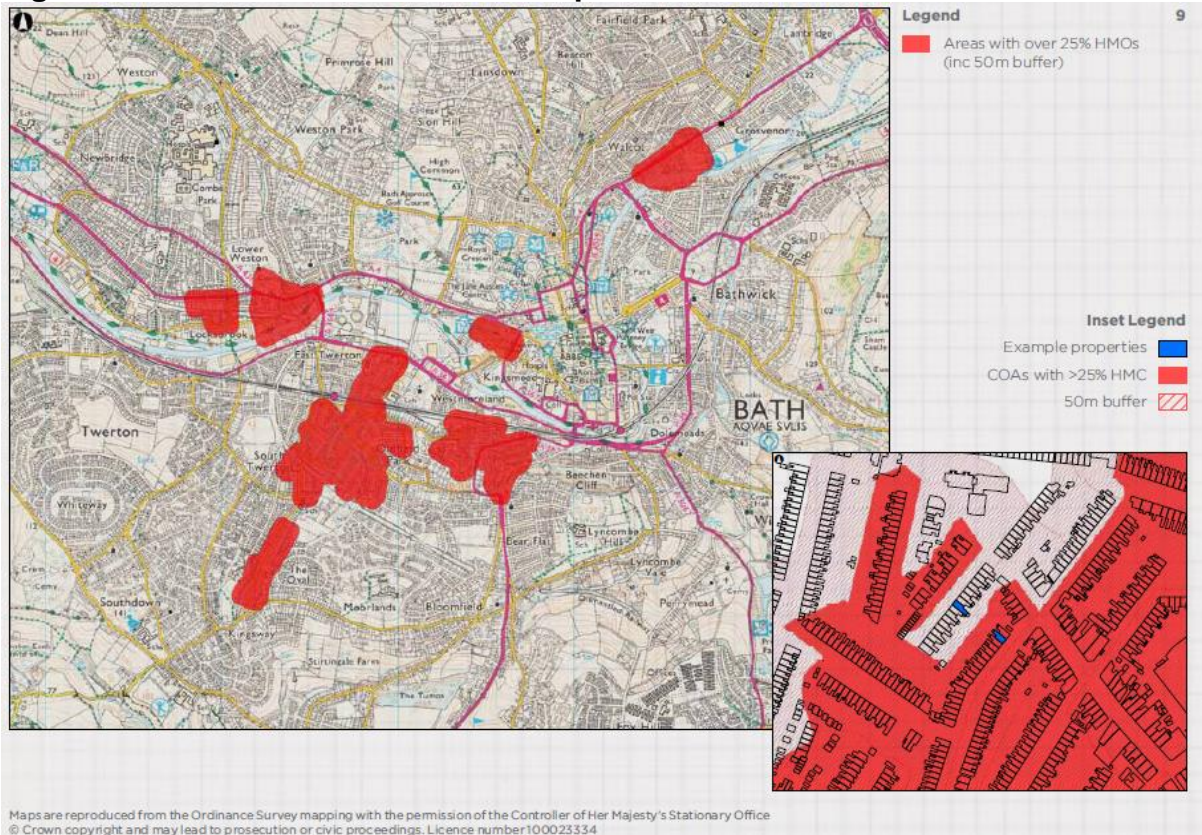
## **QUESTIONS AND ANSWERS - PUBLIC**

There were none

# Appendices

## #M02 - Cabinet Question for Cllr Tim Ball

### Figure 1: SPD Consultation Draft – September 2012



### Figure 2: Adopted Plan – July 2013

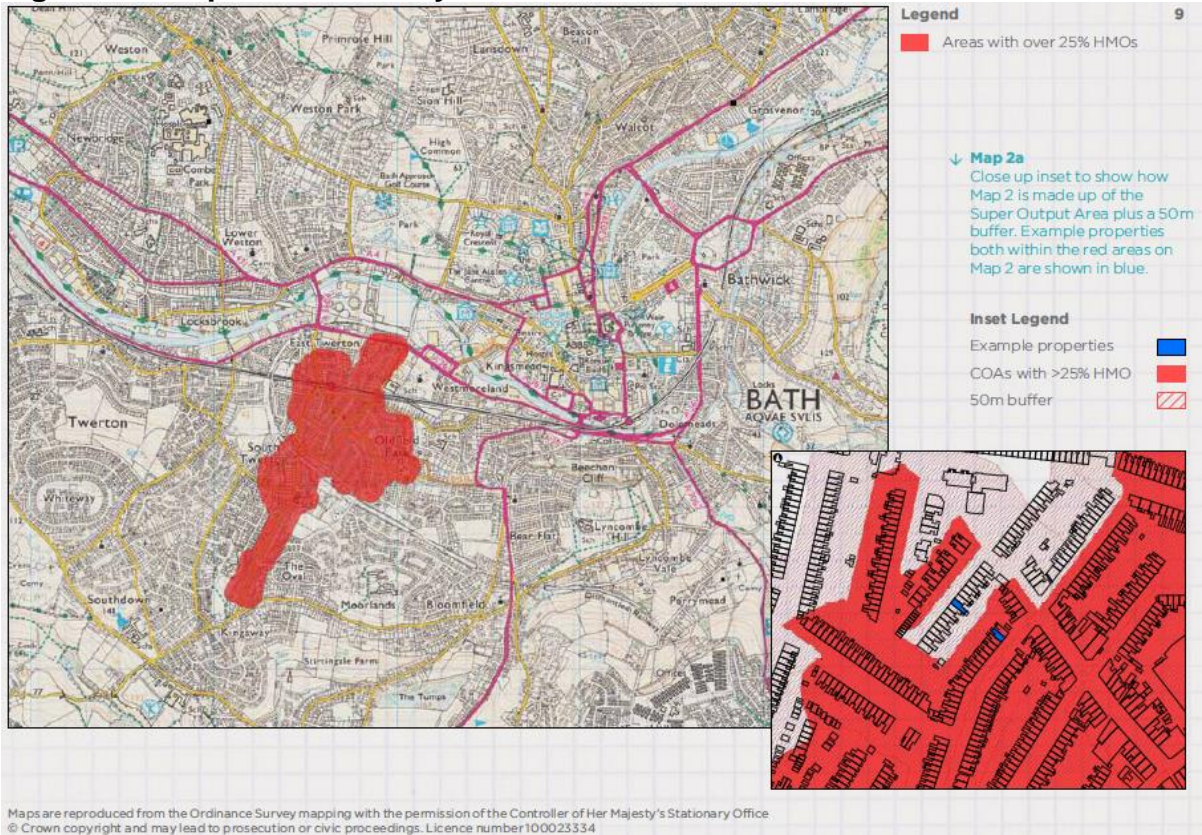


Figure 3: Current (30/04/14) iShare data on Council Website

