

CABINET MEETING 12th April 2017

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.

Public –

1. Andy Halliday re: Bath Central Library Resources
2. David Worskett (Vice Chair of Clutton Parish Council) re: Road Safety in Clutton
3. Liz Brimmell (Chew Valley Neighbourhood Plan Steering Group) re: Chew Valley Neighbourhood Plan

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Nigel Roberts
<p>The issue of hedges coming over the pavement has been an issue with a number of residents in Odd Down. Could the Cabinet Member clarify the policy on where hedges over hang the pavement - should the hedges be cut back to edge of the pavement or is there any other consideration made?</p>		
Answer from:		Councillor Anthony Clarke
<p><i>Overgrown hedges that present risk to the travelling public are dealt with under the Highways Act 1980. A notice is served on the property owner giving 28 days to remove offending foliage back to the property boundary. In the event of an owner failing to take action a further 14 day notice is issued. Failure to comply will result in the Council undertaking the work to cut back the vegetation and recharging the landowner.</i></p>		
M 02	Question from:	Councillor June Player
<p>Before issuing the new wheelie bins and gull-proof bags to residents would it not make sense/be a good idea to have a Section 46 Environmental Protection Act 1990 Notice attached to them in some way? This will achieve Stage 1 of the Enforcement Guidance, so should there be any issues with a household and their refuse / recycling then we are in a position to move onto Stage 2 immediately thus saving time and money and speeding up the process.</p> <p>With the Council's resources ever decreasing we need to ensure that we are in a position where we can act quickly. The system at the present time is very slow and costly, both for the Council (Officer time and service delivery) and very frustrating for surrounding residents. This will have the added benefit of helping contribute to good community relations.</p> <p>Additionally, the Section 46 Notice could be published in the Council Connect Magazine regularly and, because it goes to every household in B&NES there is no excuse for any residents not being aware of their responsibilities.</p>		
Answer from:		Councillor Martin Veal
<p><i>Thank you Cllr Player for this suggestion. Officers are exploring both the technical and legal feasibility of both of these options. Officers are also in contact with other authorities, in particular Oxford City, who have similar issues with large student populations, to exchange ideas and approaches.</i></p>		

M 03	Question from:	Councillor June Player
<p>There is a landlord in my Ward of Westmoreland who has had the foresight to put up small brass plates outside by the front door of his tenanted properties giving his name, contact details including 'phone number. This has proven to be very useful and good public relations. His willingness to be contactable is very reassuring for the neighbours. Although the details are usually in the hall this is of no use if one cannot get anyone to answer the door. Also, although there is the HMO Register for these types of properties one is not able to quickly contact the owner because no 'phone numbers are given.</p> <p>This has shown a level of commitment to the neighbours and his tenants.</p> <p>Could the Council not make this approach be a stipulation to be included in the Additional Licensing?</p> <p>Anything we can do to improve Town & Gown initiative must surely be welcome.</p>		
Answer from:		Councillor Liz Richardson
<p><i>The legislation supporting HMO Licensing includes a statutory requirement to maintain a public record of the name and address of both the licence holder and the property manager. This is made available on the Council's website (www.bathnes.gov.uk/hmopublic).</i></p> <p><i>However, email addresses and telephone numbers are not included in this requirement and indeed are covered by the Data Protection legislation. That said we encourage all licence holders and property managers to be more open and in particular encourage them to give their telephone numbers to the occupants of neighbouring properties.</i></p>		
M 04	Question from:	Councillor June Player
<p>Please can you explain how HMO landlords/tenants are being advised as to what type of waste containers their properties are being allocated in view of the fact that HMOs are not liable for Council Tax and for those who are, their Notification is arriving with their Council Tax bill?</p>		
Answer from:		Councillor Martin Veal
<p><i>Where the Council Tax bill was sent to an address other than the property in question, a duplicate letter was sent direct to the occupiers. We will also be working with our housing, landlord and student liaison contacts to ensure occupiers and HMO landlords are aware of the container allocated to their property. All registered HMOs with 5+ in the property have automatically been allocated the larger 240 litre bin.</i></p>		
M 05	Question from:	Councillor Karen Walker
<p>Letters have been sent to all residential homes in Bath and North East Somerset, back in March 2017, explaining that waste services will be changing in November 2017.</p>		

The Letter states:

'If you are concerned that the container we have allocated is not appropriate for your specific property or, if despite recycling all you can, you feel that the household will not manage with the allocated container, please complete the online form.

We will investigate to see if your circumstances are appropriate for an alternative. We may visit you and help you make the best use of your recycling container.'

Residents have contacted Banes and have been told that, there are certainly situations where amendments have been made, but of course not in every case. We could not possibly hope to run an efficient service or viable service if we were to present a bespoke option to anyone that wasn't 100% happy with their allocation.

Residents from my ward of Peasedown St John, felt the option that they were given was not suitable to their properties or to their ability, because of age and disability.

So why, When asked to contact Banes, if residents felt the container was not suitable, their requested was not granted?

Answer from:

Councillor Martin Veal

At the request of a resident the Council will review their bin allocation to see if it is suitable for their property. When contacted we will review the property type, including aspects such as storage and space for containers, and talk through any particular quirks there may be with that individual property. Whilst the approach we are taking is one that seeks to be as flexible and accommodating as possible, if there is nothing out of the ordinary with the property then there may not be a strong rationale to change the allocation. If the solution isn't obvious then officers will arrange to visit the property. With regards to residents who are concerned about their ability to carry or move their waste container, the Council will provide assisted collections for those residents who need them due to infirmity or disability.

M 06

Question from:

Councillor Andrew Furse

Will the Cabinet confirm to residents that fortnightly waste presented in black bin bags will continue to be collected at the edge of property after 6 November? The Cabinet has, on record, stated that the new regime will not be a 'one size fits all' approach. Many residents do not want or are unable to store a wheelie bin and when recycling properly their black bag only contains un-recyclable packaging.

Answer from:

Councillor Martin Veal

Black plastic refuse bags must be contained in the container given by the Council - either a wheeled bin or a reusable rubbish bag. This will ensure that split bags and street litter are reduced and that waste is contained securely. Reducing street litter is a key priority for this administration.

Supplementary Question:

Will the Cabinet Member address the fact that residents have been told that wheeled bins would be the only choice in Weston and that scheme the conservation area would be littered with these bins whether in the front garden or on the pavement?

Answer from:

Councillor Martin Veal

We intend to send waste officers to find out what issues may crop up. We already said that this will not be a 'one size fits all' approach. Officers will speak to residents if there are real issues and I am asking all Councillors to help getting this message out.

M 07**Question from:**

Councillor Ian Gilchrist

One of my residents in Gordon Rd has apparently been advised that if he does not like the black wheelie bin which he and all neighbours will be issued with then he should 'decorate it to make it less ugly'. Is this a serious piece of policy relating to the roll-out of the new scheme, or might we hope for a bit more flexibility when it comes to residents preferring gull-proof bags, which will be less unsightly?

Answer from:

Councillor Martin Veal

We have received some questions from residents asking if they can personalise their bins, which they can if done so appropriately. If there is a specific reason why a wheeled bin cannot be used at a particular property then the Council will of course be flexible and offer an alternative such as assisted collection or reusable rubbish bag. However, if there is no particular reason that a property is unable to store a wheeled bin or the individual is unable to use a wheeled bin, it is not feasible to change allocations solely on the basis of personal preference-this would simply not be operationally or financially practical. Nonetheless, where the Council receives concerns or requests from residents regarding their allocation we are always happy to discuss and investigate this with the resident to seek a resolution.

Supplementary Question:

Can you confirm that aesthetic considerations will not play a part when determining whether to allow wheeled bins?

Answer from:

Councillor Martin Veal

Officers will go out and deal with any issues that residents may have. If that particular issue crops up then they will deal with it.

M 08**Question from:**

Councillor Dine Romero

Could the Cabinet Member update us on the running total of requests from residents for a different waste container (wheelie bin or sack) or a different size than allocated? How

many of these requests have been refused and how many complaints has the Council received about the scheme in general?

Answer from:

Councillor Martin Veal

As part of the roll out campaign, we have encouraged residents to contact us.

The total number of requests from residents for a different waste container is as follows:

Number of Requests 1221 (61% on line, 39% by phone) Equivalent to approx. 1.5% of households

Reviewed so far 638

Accepted 420

Not accepted 218

(Still to be reviewed 583)

Customers who have queried their decision have had a full and detailed response provided. At this stage there have been no formal complaints received.

M 09

Question from:

Councillor Dine Romero

Following the public consultation on the Bath "Modern Library" proposal, can the Cabinet Member please confirm when the promised statistical and business case options analysis will be published and when the second phase of consultation will take place?

Answer from:

Councillor Martin Veal

We have published answers to a number of frequently asked questions relating to the Modern Library proposals on our web pages and in hard copy on the 10th April 2017 following the first round of consultation. We are developing the options and a business case for consideration by cabinet later in the summer and all relevant information will be provided in advance of any decision being taken.

Supplementary Question:

As you know the Council used to receive and income from renting out the exhibition space. How many community groups and how much revenue have been lost since the exhibition space has been used simply for storage?

Answer from:

Councillor Martin Veal

I will reply in 5 clear working days.

M 10	Question from:	Councillor Dine Romero
<p>What risk assessment was undertaken before sites B and F were selected as the potential locations for the East of Bath park and ride?</p>		
Answer from:		Councillor Anthony Clarke
<p><i>All of the risks associated with the development of sites B and F, as well as the risks associated with not proceeding with this project, were considered in the Cabinet report in January. You will be aware that this was preceded by a comprehensive review of all options for improving access from the east of the city following the Council resolution in November 2015. The report to cabinet considered in some detail all of the relevant factors in making the choice of which site to promote through the planning system as a new P&R; for example risks were considered in paragraph 3.3 regarding finance, paragraph 4.39 with respect to the development pressure arising from the Council's EA, Section 6 considered planning, paragraph 6.22 highlighted the need for HE's approval, whilst section 8 considered all of these in guiding Cabinet to its final decision, including that of the ownership of site B.</i></p>		
M 11	Question from:	Councillor Dine Romero
<p>Could the Cabinet Member please give an update on progress towards allocating places at other schools for pupils currently attending Bath Community Academy?</p>		
Answer from:		Councillor Michael Evans
<p><i>The families of the current BCA Year 9 students were invited to express their top three preferences for an alternative school for September. Forty seven of these students have been allocated their first or second school preference. The vast majority of students got their first preference for the Bath Studio School and the remaining students were allocated their preference at one of the Bath secondary schools, or at Wellsway, Writhlington or Norton Hill. Parents were being informed of the outcome on Friday 8th April.</i></p> <p><i>Work is ongoing to agree the most suitable places for the remaining three students who have a complex range of needs.</i></p> <p><i>The Year 9 student group was prioritised first as they will be commencing GCSE modules in September. A similar process will follow to ensure a well-managed transition for the current Year 7 and 8 pupils, who are able to remain at BCA until it closes in July 2018.</i></p>		
Supplementary Question:		
<p>Whilst I am pleased to see that good number of children has received 1st or 2nd preference of school, I am disappointed that some children have not. How many of these children will now receive home to school transport and for how long will this be in place?</p>		

Answer from:	Councillor Michael Evans
<i>I will reply in 5 clear working days.</i>	
M 12	Question from: Councillor Neil Butters
With reference to my previous question of 14 November 2016; I understand that some remedial works have been carried out to fill in potholes on Station Road in Wellow; however please could the Cabinet Member let us know when this road will be prioritised for resurfacing and making fit for purpose?	
Answer from:	Councillor Charles Gerrish
<i>The Council has a limited budget for the maintenance of our assets. Any works to this informal parking area will need to be considered against the remainder of the backlog of maintenance items. No decision has yet been made.</i>	
M 13	Question from: Councillor Ian Gilchrist
Can the Cabinet Member please clarify the intended planning process for the proposed cable car?	
Answer from:	Councillor Liz Richardson
<p><i>Curo have advised that they are using A Transport and Works Act Order (TWAO) to progress their infrastructure project. This is a statutory instrument which can be made by the relevant Secretary of State in accordance with the Transport and Works Act 1992 (TWA 1992). All applications are made to the TWAO Unit at the Department for Transport.</i></p> <p><i>The process is as follows:-</i></p> <ol style="list-style-type: none"> <i>1. TWAOs are routinely utilised to authorise transport schemes (e.g. schemes for short railways, light rail and trams) and operations to waterways. A TWAO can provide a number of consents within a single order to construct, maintain and operate a transport system.</i> <i>2. The TWA 1992 does not limit who can apply for an order. Applicants can be private companies and public authorities. Typically TWAOs are applied for by passenger transport executives, Transport for London and local authorities.</i> <i>3. A TWAO does not in itself grant planning permission, so an associated application for deemed planning permission would be submitted and considered by the Secretary of State at the same time. Conditions could be attached to the deemed planning permission which may reserve matters for approval of the local planning authority.</i> <i>4. There are numerous formal steps which must be taken in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 before an application can be made. These rules prescribe various documents which are required to submit a legally compliant TWAO application.</i> 	

5. Applicants need to demonstrate that they have properly considered possible alternatives, and can present a convincing case for their preferred scheme.
6. Applicants need to consult thoroughly on proposals with relevant statutory bodies, statutory undertakers, persons likely to be affected and the public.
7. Once an application for a TWAO has been made, there is a 42 day period for objections to be submitted. If there are a substantial objections to the application for the TWAO, or the case raises complicated issues, the Secretary of State is likely to arrange for a public inquiry to be held by an independent inspector. The procedures to be adopted at a public inquiry are governed by the Transport and Works (Inquiries Procedure) Rules 2004.
8. Following the conclusion of a public inquiry the inspector reports privately to the Secretary of State, with the report only being published at the time of the Secretary of State's determination. The purpose of the procedure is to allow the Secretary of State to come to an informed view on whether it is in the public interest to make the TWAO.

Curo's Indicative programme is as follows:

April 2017 – First public consultation on transport options

Summer 2017 – Review responses and consider taking the project further

Autumn 2017 – If decision made to proceed, second consultation on preferred alignment

Winter 2017/2018 – Review responses and design scheme

Spring 2018 – Third consultation on the preferred scheme

Autumn 2018 – Submission of the application for the TWAO

Autumn/Winter 2019 – Consent obtained

2020 – Scheme construction

2021 – Scheme operation

M 14

Question from:

Councillor Tim Ball

With regard to the uncertainty faced by EU citizens from other EU countries, many of whom work in the health and care sectors: have there been any reports from any of our partner agencies of problems recruiting and/or retaining care staff?

Answer from:

Councillor Vic Pritchard

I can confirm that partner agencies have not, to date, reported problems in recruiting and/or retaining care staff as a result of uncertainty faced by EU citizens from other EU countries.

Supplementary Question (1):

Will the Cabinet Member update the Cabinet and Council if and when there was a problem with agency staff retaining their employees from EU?

Answer from:

Councillor Vic Pritchard

I can only provide you with factual answer which is that to date there were no problems whatsoever and that is how I envisage to continue.

Supplementary Question (2):

Can the Cabinet Member clarify if he will be updating the Cabinet and Council if there is a problem with agency staff be report to him in retaining EU citizens?

Answer from:

Councillor Vic Pritchard

Should there be a problem then yes, I will make the Council aware of it. I don't see any problem at the moment and I can assure that you will be informed if there is.

QUESTIONS AND ANSWERS - PUBLIC**P 01****Question from:**

Caroline Ambrose

1. At the March 13th Communities & Transport Meeting, Councillor and Chair John Bull mentioned that the first he and most people heard about the library moving was in the Council's press statement published in the Bath Chronicle on December 19th. As this announcement included quotes attributed to Councillor Veal, can he show where the decision to move the library is recorded?

2. In the minutes of the Feb 1st Council meeting, Councillor Veal said the Lewis House library site plus the 189 sq m in the Guildhall basement would represent an 8% reduction on space. As Bath Central Library currently occupies a 2,344sq m site, and each floor of Lewis House has less than 400 sq m net space, can he explain his maths?

Answer from:

Councillor Martin Veal

1. *We have clarified that no decision has been made to move the library and that we are at the beginning of a 3 year programme to deliver our modern library agenda.*
<http://www.bathnes.gov.uk/services/libraries-and-archives/modern-library-service>

2. *Details regarding the available space were answered in a Cabinet question to Cabinet on the 1st February*
<https://democracy.bathnes.gov.uk/documents/g4649/Public%20minutes%2001st-Feb-2017%2016.00%20Cabinet.pdf?T=11>

P 02**Question from:**

Dionne Pemberton

1. At the March 13th Communities and Transport Meeting, Council Director Andrew Pate said that he was not sure the £800k annual savings being claimed for the library

was achievable and that he saw it more as "a target". Given this, and the estimated £5.9m for the project, can Cllr Warren explain why he is still presenting this as a savings driven project in this week's Bath Chronicle?

2. With trust in democracy at an all-time low, I trust the Council will agree that those in local government need to be seen to be acting fairly. Given that the plan to move the library was announced in December, was repeated by Councillors variously on the TV, on the radio, in the Chronicle, in Council meetings, Council emails, on the Council's website, leaflets and even on a 2m sign in the library, can Councillor Warren explain why he is now saying that the decision was never made?

Answer from:

Councillor Tim Warren

1. *The Council has to make £37million of savings over the next three years, the Modern Libraries programme impacts the whole of Bath & North East Somerset and will contribute to those savings whilst protecting and even enhancing services. At this stage the Council has only approved the budget for the current year but it has to look at the three year programme now in order to deliver its objectives. The £800k annual saving target from the Modern Libraries and Workplace project is planned to be delivered by Year 3 (2019-20) through developing new ways of working across the whole of Customer Services, this will form part of the full business case in due course, at this stage the £5.9million figure is only a provision and will be subject to the normal financial process.*

2. *The Council has accepted that some of the early material published about the proposals for Bath library implied that a decision had been taken over the future of the library when in fact this was just the first stage of public consultation on proposals to merge services. It has since corrected this and clarified that the process will mean there is to be a further period of consultation and full business case produced before any final decisions are taken. I would like to assure you that all the comments the Council has received will be taken on board before such decisions are taken.*

3.

P 03

Question from:

Sian James

On 1 March 2017 I raised an FOI request (ref 397/17). After 20 days I chased for a response, after a further 2 days I chased again but this time I did get a reply saying that it would be 'early next week' - this was week ago and still nothing has been forthcoming.

It is a perfectly simple request - why have I not heard anything from BANES? And when will I get a response?

Answer from:

Councillor Anthony Clarke

We apologise for the delay of seven working days in responding, however due to the volume of information requested - which included over 100 pages - and the fact that

information related to a third party organisation - Highways England - it took longer than initially anticipated to respond to the request. A full response was sent on the 10th April.

P 04	Question from:	Sian James
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The Parking Strategy is obviously central to any work on congestion and pollution in Bath. The consultation was before Christmas. When is the due date of publishing the strategy for review?

The Air Quality action plan is due to be consulted on from May - shouldn't the Parking Strategy inform the air quality action plan debate?

Answer from:	Councillor Anthony Clarke
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The Parking Strategy is due to be finalised during May. It will then go out for public consultation. The Air Quality Action Plan will be out for consultation at the same time so interested parties will be able to comment on both documents and officers will cross reference responses to both documents.

P 05	Question from:	Christine Boyd
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The Cabinet has requested that the business case for the east of Bath park and ride be brought back to them. When are you expecting to see this?

Answer from:	Councillor Anthony Clarke
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The report considered by Cabinet on 25th January 2017, entitled Park & Ride East of Bath, stated (at paragraph 2.4) 'Cabinet approves all necessary expenditure to enable the site to be secured and requests the development of a full business plan for appropriate executive approval'. This decision remains unchanged so the appropriate executive approval will be sought once the full business plan, which is currently being worked on, has been completed.