

CABINET MEETING 8th November 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.

NOTE: No registered speakers for this meeting.

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Neil Butters
<p>Would the Cabinet Member for Transport please confirm that he has ruled out the possibility of a link road between the A46 and the A36 impinging on either Bathampton or Freshford/Limpley Stoke Valley?</p>		
	Answer from:	Councillor Tim Warren
<p><i>At its meeting on the 30 October 2017 the West of England Combined Authority approved funding for the development of a feasibility study and business case for a road project linking the A46/A4 and A36, alongside the prospectus for North South Connectivity which was also launched as a joint document between various South West councils.</i></p> <p><i>This will form part of the a case to encourage the Secretary of State for Transport to mandate Highways England to carry out a Strategic Study in the imminent second Road Investment Strategy.</i></p> <p><i>These studies will identify which are the viable routes to consider and this will include an assessment of the issues relating to potential routes for the missing link between the A36 and A46.</i></p>		
M 02	Question from:	Councillor Neil Butters
<p>It is understood that the Cabinet Member has been considering options to ensure that people can safely access Bath on foot and cycle from the South of the city in the Churchill Street gyratory area. Can the Cabinet Member please update us on developments?</p>		
	Answer from:	Councillor Tim Warren
<p><i>I understand that Cllr Shelford, along with an officer, has met with the 'Sought Out Subway' campaign group and officers have carried out a feasibility study on the options to provide an alternative road level, signal controlled crossing or refurbish and improve the existing subway. I believe that a further meeting with the group is planned before Cllr Shelford makes a final decision on the preferred solution.</i></p>		
M 03	Question from:	Councillor Tim Ball
<p>Can the Cabinet Member for Highways confirm that, after the successful works that were carried on Kelston View this year, that sufficient money will be allocated in the Highways capital budget 2018 to carry out the works on North Way that are essential to stop this road collapsing?</p>		
	Answer from:	Councillor Tim Warren

As in previous years, requests for resurfacing and improvement works on our highway network always exceeds the funding available for highway maintenance and improvement, despite the increased investment in our highway network that we have made available through the West of England Devolution Deal. Officers will develop a programme of the highest resurfacing priorities for consideration by full Council at the budget setting meeting in February 2018, based on the usual assessments. All roads are subject to periodic inspection and officers will continue to regularly inspect and carry out any necessary work to keep North Way safe.

M 04	Question from:	Councillor Richard Samuel
-------------	-----------------------	---------------------------

Will the Cabinet member set out what action he has taken since July to comply with the Council's wish to declare a Bath Clean Air Zone?

Answer from:	Councillor Bob Goodman
---------------------	------------------------

Bath and North East Somerset Council has been identified in the National Air Quality Action Plan as an authority where nitrogen dioxide levels will continue to exceed the national air quality objective beyond 2021. As a consequence of this, the Council has been served with an Order of Direction requiring compliance with this objective in the shortest time possible.

Council officers are currently working on a feasibility proposal which will provide data and information to inform the possible options which will achieve compliance with the objective in the shortest time possible.

The feasibility plan and accompanying business case will inform the options available, and clearly this will include consideration of options for a Clean Air Zone/s. These options will be brought to Cabinet in 2018.

Supplementary Question:

Could the Cabinet Member provide assurance that the options which the Cabinet would consider before 31st March 2018, in relation to Government's requirements, would be produced in time for the Community Transport and Environment PDS Panel to review before it is adopted?

Answer from:	Councillor Bob Goodman
---------------------	------------------------

We will be presenting the document and the options in normal way but I cannot tell you when that will exactly be.

M 05	Question from:	Councillor Richard Samuel
-------------	-----------------------	---------------------------

The use of recently announced temporary ANPR cameras to track vehicle movements in Bath will undoubtedly enhance the data available on traffic movements. However, can the Cabinet member say how and when qualitative data on the purpose of the journey recorded will be gathered, in line with the Council policy adopted in July 2017?

Answer from:		Councillor Bob Goodman
<i>The temporary ANPR cameras are primarily being used to assess vehicle numbers and type and their emissions in relation to air quality as part of data gathering to inform the work being undertaken as part of the National Air Quality Action Plan. However, as part of this work we will be taking the opportunity to quantify the difference in the volume of traffic during and outside school term times. Qualitative data on the origin and destination of vehicle journeys, known as Roadside Interview (RSI) data was last carried out in 2014. It is considered to be valid.</i>		
Supplementary Question:		
Can the Cabinet Member provide assurance that 2014 data, referred to in the answer, is capable of correlating with the outcome of ANPR survey currently on the way?		
Answer from:		Councillor Bob Goodman
Yes.		
M 06	Question from:	Councillor Andrew Furse
I have recently been informed that funding is now available to re-instate the stream feeding the ponds in the Botanical Gardens, Royal Victoria Park. This water source is crucial in preventing the build-up of blue-green algae and preserving the eco-system. Now that funding has been made available through development contributions in the area, will the Cabinet Member please give dates as to when work is scheduled to start and how long it is expected to take? Could this work take place over this winter so that water flows are restored for spring/summer 2018?		
Answer from:		Councillor Bob Goodman
<i>I will provide an answer in 5 clear working days.</i>		
M 07	Question from:	Councillor Paul Crossley
Does the Council have the power to change rules for use of bus gates and bus lanes to allow only locally-approved Taxi and Private Hire vehicles to use them, thus removing this benefit from the many out-of-area drivers currently flooding into the area? If yes, has the Cabinet Member considered doing so?		
Answer from:		Councillor Bob Goodman
<i>Under the regulations that control bus gate and bus lanes the only option available to the Authority is to authorise all Taxis to use the Bus Gates or none at all if the restrictions are to remain enforceable. All bus gate and bus lane restrictions are controlled by Traffic Regulation Order and prescribed signage. The signage regulations under the Traffic Signs Regulations and General Directions 2016 for Bus Gate and Bus Lane restrictions does not provide a specific type of identifier for Taxi's (defined as hackney carriages or private hire vehicles under the Traffic Regulation Order) to identify</i>		

the licencing authority and thereby inform the driver if he is able to proceed.

M 08	Question from:	Councillor Caroline Roberts
-------------	-----------------------	-----------------------------

Does the Cabinet Member agree that no further Private Hire Licences should be issued to Company Operators that are based on internet apps and without a proper staffed office in B&NES, and if does will he ensure that this is acted on?

Answer from:	Councillor Bob Goodman
---------------------	------------------------

Reference is made to para 4.14 of the Council report dated 13 July which stated:

4.14 It should be noted however, that under section 55 Act where an application for a PHO licence is received by B&NES it shall be granted unless one of the legislative requirements are not met. (NB: Refers to Local Government (Miscellaneous Provisions) Act 1976).

Therefore, B&NES as the Licensing Authority must grant licences and it would be acting ultra vires if it did not.

M 09	Question from:	Councillor Caroline Roberts
-------------	-----------------------	-----------------------------

Will the Cabinet Member assure Council that when the Uber licence is considered for renewal it is done in public by the Licencing Committee?

Answer from:	Councillor Bob Goodman
---------------------	------------------------

The existing private hire operators licence held by Uber Britannia Limited expires on 31 October 2021. If an application for renewal of a private hire operators licence is considered as non-contentious within the meaning of the B&NES Policy, then the renewal is an officer delegated decision. Only contentious applications are referred to the Licensing Sub-Committee (LSC) for determination. A contentious application, within the meaning of the Policy, is where for example, an application from an applicant discloses a history of offending showing convictions or formal police cautions. This is discussed in Para 5.3 of the Council report dated 13 July.

To require Uber's licence to be determined by the LSC when it is not deemed to be contentious would be treating Uber in a different way to any other private hire operator and would leave the Licensing Authority open to challenge

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	Gillian Risbridger
-------------	-----------------------	--------------------

The recent draft coach strategy is flawed as increasing the number of drop-off spaces within the centre of Bath is incompatible with the council's stated policies to cut air pollution and reduce traffic. Coach drop-offs should be provided at locations outside the city centre. Can the Cabinet Member for Transport and Environment confirm that they will be rejecting the current plans and direct that a revised strategy is produced which removes coach traffic from the city centre, to assist with reducing air pollution below the legal limit?

Answer from:

Councillor Tim Warren

The Council has been seeking feedback on the draft coach parking strategy and we are currently evaluating the responses received. The coach parking strategy focuses on coach parking and drop off/pick up to address the removal of Riverside coach park. Until the analysis of the consultation is complete and the Council has had the chance to assess all the feedback I am afraid we cannot comment upon the findings or any amendments to the strategy which could result following this.

P 02

Question from:

Gillian Risbridger

Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being spoken to, you may be issued with a fixed penalty notice. This legislation covers all vehicles on public roads including buses, taxis and private cars. Recently many cities including most London boroughs have started enforcing this legislation and the fines pay for any additional enforcement officers required. Can the Cabinet Member for Transport and Environment explain why B&NES has not yet implemented this yet and that he will prioritise enforcement with immediate effect?

Answer from:

Councillor Tim Warren

In Bath & North East Somerset, three Air Quality Management Areas (AQMAs) have been declared for nitrogen dioxide (NO₂) because national objective levels are being exceeded. An Air Quality Action Plan has been created for each area and a consultation on the review of the Bath Air Quality Action Plan is currently underway.

In addition to the action plan consultation, a new National Air Quality Plan was published in July 2017. The UK Government has served a legally binding Direction on B&NES Council to reduce levels of nitrogen dioxide in the 'shortest time possible'; this specifically relates to a location around the A4 London Road but there are opportunities for wider benefits in improving air quality. As such, B&NES Council is mandated to undertake a feasibility study and come up with a nitrogen dioxide compliance plan by December 2018 to achieve compliance with the nitrogen dioxide objective in the shortest time possible. The feasibility study and nitrogen dioxide compliance plan are being developed in close collaboration with the Joint Air Quality Unit (DEFRA and DfT), who are providing funds and detailed guidance. Initial funding has been provided and there will be opportunities for more funding from central government as the project progresses. The Bath Air Quality Action Plan consultation comments will help to inform

this process.

The Council is aware of the specific legislation referred to and have previously assessed the impacts of use of the legislation for such offences. As a result of the assessment, it was considered at that time that focussing on education thorough awareness campaigns aimed behavioural change was the right approach and we would only consider using powers to issue FPNs under the Regulations as a last resort given the known challenges with prosecuting for non-payment of the FPN. Under the legislation the Council can seek to recover costs for a prosecution from the Magistrates Court but previous opinion suggested that it is likely that the amount awarded would be minimal and as a result the costs incurred in prosecuting will be significantly greater than that recovered.

However, in light of the current air quality challenges this approach is being reassessed and Officers are liaising with other Authorities to gather an understanding of the issues being faced when the legislation is used and how these can be overcome.

There is, as part of the Bath Air Quality Action Plan consultation process, a need to assess the options available to reduce emissions, the measurable benefits from each approach and prioritise accordingly. As such Bath and North East Somerset Council would welcome any input into the Bath Air Quality Action Plan, which is out to consultation until 26th November and available on the Council's website.