

## **CABINET MEETING 5<sup>th</sup> Sep 2018**

### **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. David Redgewell - Public transport issues and in regards to litter and graffiti at train stations and trains

#### **Councillors:**

1. Councillor Eleanor Jackson – The view from Westfield

## QUESTIONS AND ANSWERS - COUNCILLORS

|  |                       |                           |
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| <b>M 01</b>  | <b>Question from:</b> | Councillor June Player    |
| <p>Gull issues at Bath Western Riverside</p> <p>Over the last couple of years I have been approached by more and more residents at Bath Western Riverside about the nuisance that gulls especially are causing them. I have previously referred them to the Council's Gull Strategy Service. Having now looked into the matter further I find the below.</p> <p>As part of the approval decision for Bath Western Riverside Development Area, Midland Road, (ref no. 06/04013/EFUL) Section 34 states that:</p> <p>'prior to the occupation of any building within the development a Pigeon/Gull Management Plan shall be submitted to and approved in writing by the LPA and thereafter the management plan shall be adhered to'.</p> <p>Reason: to ensure the implementation of measures to discourage pigeons and seagulls.</p> <p>In Crest Nicholson's Gull and Pigeon Strategy, Bath Western Riverside, March 2011 Section 4.2 recommends control strategies around dustbin use and signage.</p> <p>However, 4.2.4 it states that:</p> <p>'..if these measures do not reduce the nuisance caused by gulls and pigeons then methods of population control such as egg and nest removal, sterilisation or the use of fake eggs will need to be incorporated into the management of the site'.</p> <p>This year I have been informed that 13 nests and 30 eggs were removed from the Western Riverside and currently Falconry is taking place every week to help with the gull problems.</p> <p>How exactly do the Council and Crest Nicholson work together on this matter and, what financial contribution have Crest made to the overall service?</p> |                       |                           |
| <b>Answer from:</b>  |                       | Councillor Bob Goodman    |
| <p><i>The Council's contractor for the gull treatment programme liaises with the local management of Crest Nicholson so that egg and nest removals can take place on the site. Crest Nicholson do not make any financial contribution to the Council's gull treatment programme. Officers will continue to liaise with Crest Nicholson in relation to managing this issue.</i></p>   |                       |                           |
| <b>M 02</b>  | <b>Question from:</b> | Councillor Richard Samuel |
| <ol style="list-style-type: none"> <li>1) Will the Cabinet Member (Goodman) confirm that the Council is intending to establish a Parks Foundation to support B&amp;NES parks and opens spaces with Bristol City Council?</li> <li>2) If so, can the Cabinet Member provide details of where the decision to establish</li> </ol>   |                       |                           |

such a Foundation was made and by whom, who was consulted on it, what the financial, legal and human resources implications are, and whether there is proposed to be any transfer of assets to the proposed Foundation?

- 3) Can the Cabinet member also provide full details of the grant award from NESTA, its terms and conditions, duration of the grant and project proposal, plan with timescales?
- 4) Finally can the Cabinet member confirm what the future governance arrangements will be for any Foundation?

**Answer from:**

Councillor Bob Goodman

- 1) Yes.
- 2) *The decision was made on 8th May 2018 by an officer delegated decision and endorsed by the Cabinet Member for Neighbourhoods. The financial and human resources associated with the project are shown in the relevant documents (available on request), and, at this stage, it's difficult to say what the legal implications might be as its unclear what the legal structure will be (see point 3 below). However it is worth noting that the project carries a significant budget (funded by NESTA) to cover the legal costs associated with the Foundation. B&NES is offering staff time and hotdesking office space as in-kind funding towards the project, but there are no funds being transferred from B&NES to the foundation. There are no proposals to transfer assets to the proposed Foundation, the desired models for the Foundation would not allow for land ownership and any efforts to pursue land ownership by the Trust would be well outside of the aims and spirit of the NESTA funding.*
- 3) *The grant application and project milestones are attached. In summary, Bristol City Council has been awarded £193,617 to develop an independent foundation to raise funds for, and attract more people to volunteer in, parks in Bristol and Bath. The funding is largely to cover staff costs – all of whom will be employed by Bristol City Council and the Natural History Consortium until the Foundation is launched. The project will also work with voluntary organisations in the two cities to promote the foundation, and will work in partnership with Bournemouth Council to learn from their experience of setting up a parks foundation and to identify the scope for a foundation to generate income through trading. The NESTA funded project will run until July 2020 and it is hoped that the Trust will be launched in June 2019. The Trust will be financially independent and will need to cover its costs from the funds it generates. From its launch, the Trust will need to cover all of its own costs from the funds it generates and will not be subsidised by either council.*
- 4) *Determining the governance arrangements for the Foundation will be one of the main tasks in the first year of the NESTA funded project (August 2018 – July 2019). It is anticipated that the Foundation will be an independent charity with separate advisory groups for Bath and Bristol, but this will be confirmed through development work undertaken in 2018/19.*

**M 03**

**Question from:**

Councillor Richard Samuel

What safety inspections were carried out at Bath Leisure Centre before the swimming

pool was re-opened to the public?

Who was responsible for carrying out safety inspections at Bath Leisure Centre before the swimming pool was re-opened to the public and what was the Council's role?

**Answer from:**

Councillor Bob Goodman

*Under the terms of their contract GLL are responsible for the safe management, operation and maintenance of the buildings and for the design, management and operation and maintenance of the refurbishment works to the facilities.*

*The Council received a Building Control application for the centre and provided that service as follows:*

*1. Safety Inspections through 2016, 2017 and into 2018. It is important to note that the Building Control regime exists to ensure compliance with the building regulation requirements.*

*The person undertaking the building work is responsible for ensuring compliance with building regulation requirements and guidance from the government is clear on this. Ministry of Housing Communities and Local Government advice makes it clear that the inspections which Building Control undertake should not be confused with full site supervision and completion certificates or final certificates, which local authorities or Approved Inspectors respectively issue, are therefore not a guarantee of warranty for the building work that has been carried out.*

*2. Inspections before the Leisure centre reopened.*

*The swimming pool refurbishment works were in phase 3 of the overall scheme and it was re-opened in July 2018.*

*The building regulations allow for a local authority to consent to a building being occupied before building works are fully completed providing that fire safety requirements are satisfied. This is normal with larger schemes as they near completion and was the case with the various phases of the leisure centre. This means that the building refurbishment works on the leisure centre have not yet been fully completed in terms of building regulations.*

*When an existing building is refurbished building regulations will generally apply only to new building work. They cannot be retrospectively applied to existing parts of the building which might not conform to current standards.*

*As an added layer of protection the Council and GLL employed an Independent Certifier to verify that the works had been carried out to the required standards. The Independent Certifier performed an occupation inspection before the building was opened to the public and while noting a number of issues that needed to be dealt with, the railings located within the viewing gallery, of which there has been significant media coverage, were not picked up as an issue by this inspection.*

*Once this matter was raised the Council advised GLL and the viewing gallery remains closed while the railing design is altered to resolve the issue.*

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| <b>M 04</b>  | <b>Question from:</b> | Councillor Will Sandry   |
| Is the council sufficiently resourced to check (and fill if necessary) its network of grit bins before winter?   |                       |                          |
|  | <b>Answer from:</b>   | Councillor Mark Shelford |
| <i>There is over 400 grit bins on the highway network and the Council will, as in previous years, replace any damaged Council bins and restock them prior to winter.</i>   |                       |                          |
| <b>M 05</b>  | <b>Question from:</b> | Councillor Will Sandry   |
| Does the Council have a policy regarding engine idling for its own vehicles? Has the Council provided any instruction or training on idling for drivers of its own vehicles or for officers using their own vehicles on Council business?  |                       |                          |
|  | <b>Answer from:</b>   | Councillor Mark Shelford |
| <i>There is no formal policy regarding engine idling, however fleet vehicle drivers are trained to drive in an efficient and safe manner.</i>  |                       |                          |
| <i>Research has shown that vehicles, certainly diesels, emit higher levels of exhaust fumes if they are constantly started and restarted. The driving requirements upon Council staff vary depending on the nature of the role and type of vehicle driven.</i>   |                       |                          |
| <i>Some vehicles such as those employed in refuse &amp; recycling require the engine to be idling to operate ancillary equipment such as compactors and roll-on/roll-off equipment.</i>  |                       |                          |
| <i>Many grey-fleet vehicles now have stop-start mechanisms fitted as standard. It is also a requirement of the Highway Code not to leave an unattended vehicle idling.</i>   |                       |                          |
| <i>The Council already has a number of electric vehicles in the fleet and will continue to invest in electric vehicles in the fleet which avoids the pollution from idling vehicles</i>  |                       |                          |
| <b>M 06</b>  | <b>Question from:</b> | Councillor Ian Gilchrist |
| Is the Cabinet member aware that there appear to be a number of failings in the running of the 'Buy With Confidence' scheme which is supposed to protect members of the public from incompetent traders, and from which the Council derives some income by allowing traders to claim endorsement from the Council? <i>(N.B. A second part of this question has been removed as it refers to a specific complaint that has been already raised with the Council, Constitution Part 4D Rule 30, though the details of that complaint have been acknowledged by the relevant Cabinet Member in their response).</i> |                       |                          |
|  | <b>Answer from:</b>   | Councillor Bob Goodman   |
| <i>This complaint related to an issue that was originally raised with the Council's Trading Standards team back in 2015. This complaint was thoroughly investigated and was subject to the Council's Stage 1 and Stage 2 Formal Complaint procedure before the</i>   |                       |                          |

*complainant referred the matter to the Ombudsman. I refer to the Ombudsman's report, and would draw attention to pages 4 and 5 of the Ombudsman's final decision which states*

*" 26. I commend the action the Council has already taken to improve the mediation service it offers under the BWC scheme, set out at paragraph 19 above.*

*27. The Council has also confirmed that in 2016 it reviewed the administration of the BWC scheme and appointed a new officer with responsibility for delivery of the scheme, leading to procedural improvements.*

**Supplementary Question:**

Will Councillor Bob Goodman meet with the member of public on this matter and hear the evidence.

**Answer from:**

Councillor Bob Goodman

Yes.

**M 07**

**Question from:**

Councillor Rob Appleyard

How many B&NES residents have registered for the MiPermit residents' discount since it was launched and how many discounted parking sessions have taken place? What is the processing cost or administrative charge for using the app? Are there any additional costs to the Council?

**Answer from:**

Councillor Mark Shelford

*We are pleased to say that as of 30th August 429 Resident Parking Saver Accounts have been set up and 329 residents have received a discount on the advertised parking charge from accessing this benefit. An additional 498 users who auto qualify for a Resident Parking Saver account by way of having an existing Residents Permit have also received a discount on their parking. A total of 899 stays have been created saving residents approximately £400 against the standard advertised tariffs.*

*The costs for using the system to access the Residents Parking Saver are in line with the charges for the standard cashless parking system for all users. All customers pay a 10p convenience fee to offset the costs of running and maintaining the system as well as any standard network charges that apply from the customers' network provider. The total cost of making a payment using the Resident Parking Saver system is always less than the standard advertised tariffs for the general public.*

*The Council's costs are limited to, in line with all cashless payments, to the fees due for processing the credit/debit card payment at approximately 8p per transaction. This cost is approximately half of the fee due per transaction if a credit card payment is taken through the Pay and Display machines within the car parks.*

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| <b>Supplementary Question:</b>   |                       |                           |
| Can the system identify how many of our residents are parking for the minimum time?  |                       |                           |
| <b>Answer from:</b>  |                       | Councillor Mark Shelford  |
| <i>An answer will be provided in 5 working days on how many of the 899 stays were short.</i>   |                       |                           |
| <b>M 08</b>  | <b>Question from:</b> | Councillor Paul Crossley  |
| How many road repairs are currently outstanding on the Fix-My-Street scheme and how many of these have been reported more than once?   |                       |                           |
| <b>Answer from:</b>  |                       | Councillor Mark Shelford  |
| <i>Due to annual leave it has not been possible to provide the information in time for the Cabinet meeting. A full answer will be provided to Cllr Crossley within 5 working days</i>  |                       |                           |
| <b>M 09</b>  | <b>Question from:</b> | Councillor Paul Crossley  |
| What is the average length of time to resolve a problem reported on Fix-My-Street?   |                       |                           |
| <b>Answer from:</b>  |                       | Councillor Mark Shelford  |
| <i>Due to annual leave it has not been possible to provide the information in time for the Cabinet meeting. A full answer will be provided to Cllr Crossley within 5 working days.</i>   |                       |                           |
| <b>M 10</b>  | <b>Question from:</b> | Councillor Richard Samuel |
| Can the Cabinet member give an update on the proposals to relocate the Bath Recycling Centre including progress on identifying a replacement site?   |                       |                           |
| <b>Answer from:</b>  |                       | Councillor Bob Goodman    |
| <i>The current site at Midland Road will need to close as a household recycling centre sometime during the financial year 2021/22 as we need to construct a new waste transfer station at Pixash Lane before the site can close. Any new location needs to be easily accessible for residents bringing bulky waste items for reuse and recycling, and designed to maximise opportunities for reuse and recycling both now and in the future as the population grows, diverting waste from landfill and enhancing resident's satisfaction when using it. Therefore, we are currently reviewing suitable alternative sites and officers have been referring to the advice from WRAP as part of this process.</i> |                       |                           |
| <b>Supplementary Question:</b>   |                       |                           |
| Can you confirm the timescales for the alternative provision, whatever decision is made, and confirm that the alternative provision will be accessible?  |                       |                           |

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| <b>Answer from:</b>  |                       | Councillor Bob Goodman   |
| <i>An answer will be provided in 5 working days with details but the alternative provision will be state of the art and accessible.</i>  |                       |                          |
| <b>M 11</b>  | <b>Question from:</b> | Councillor Paul Crossley |
| Can the Cabinet member please confirm whether the bid for Homes England grant support for Bath Quays North has been approved or not? If it is approved, how many social units will it enable on Bath Quays North? If it is not yet approved, when will the allocation be confirmed or not?   |                       |                          |
| <b>Answer from:</b>  |                       | Councillor Paul Myers    |
| <p><i>The Council has been awarded the following Homes England Accelerated Construction funding for the delivery of housing at PACE, the Governments methodology for accelerating delivery of new homes above the rate the market would normally achieve. Delivery of the works being funded has to be complete by March 2021.</i></p> <p><i>The Grant is not directly for subsidising affordable homes but has the effect of supporting delivery by closing the viability gap and retaining the value of this in the scheme for affordable housing. Depending upon the tenure and unit mix the amount of affordable will vary.</i></p> <p><i>We have a grant offer for the following;</i></p> <p><i>BQS - £2.423m</i><br/> <i>BQN - £3.533m</i><br/> <i>BWR - £5.253m</i></p> <p><i>The expectation being that we achieve 30% affordable delivery with a blend of shared ownership and discounted market sale and rent.</i></p> <p><i>We have not yet entered the agreement, each of the above sites having pre-conditions to enable us to commit to the funding terms.</i></p> |                       |                          |
| <b>Supplementary Question:</b>   |                       |                          |
| Is the answer that there are zero social rented units?   |                       |                          |
| <b>Answer from:</b>  |                       | Councillor Paul Myers    |
| <i>An answer will be provided in 5 working days.</i>   |                       |                          |
| <b>M 12</b>  | <b>Question from:</b> | Councillor Paul Crossley |
| Are the Cabinet aware of any schemes to ensure education on the Bath Community Academy site and, if so, what are they?   |                       |                          |
| <b>Answer from:</b>  |                       | Councillor Paul May      |



*A report on developing future plans for the BCA site is on the agenda for the Children & Young People Policy Development & Scrutiny Panel meeting on 18th September. This report sets out both short term arrangements for continuing occupation of the site (including some educational provision) and the anticipated process for developing a longer term masterplan for the site. The Regional Schools Commissioner made clear that the DfE could not support the provision of a mainstream secondary school on this site and our data (also being reported to the PDS panel on 18th) bears out that there is insufficient demand to fill another school. The city of Bath has 6 mainstream secondary schools for 11-16 year olds and a seventh is unsustainable. Indeed an additional school could impact on the viability of existing schools. There may however be future requirements for a venue for more specialist educational facilities to serve the wider B&NES area and these can be considered as part of the masterplanning process described. Such a facility would be accessed on the basis of individual need criteria and not on the basis of geographic proximity.*

#### **Supplementary Question:**

Can you confirm that the masterplan contains awareness that the land has a covenant?

**Answer from:**

Councillor Paul May

*I will check on this before the item goes to the Children and Young People Policy Development & Scrutiny Panel meeting on 18<sup>th</sup> September.*

**M 13**

**Question from:**

Councillor Dine Romero

What preparatory work or risk assessments has the Council carried out with regard to Brexit?

**Answer from:**

Councillor Tim Warren

*The Council is monitoring the position with regard to Brexit and is considering the possible implications for local government, and Bath and North East Somerset Council in particular. The Council is receiving briefings from the Government as the negotiations progresses. Also, the Local Government Association is part of the national planning process and will provide advice and guidance to the sector. As the outcome of this process is not yet clear, the Council does not have a definitive assessment it could make public.*

**M 14**

**Question from:**

Councillor Shaun Stephenson-McGall

What steps has the Leader taken to implement the resolution of Council of 12 July 2018, with regard to transparency around his discussions with other Council Leaders in Somerset?

**Answer from:**

Councillor Tim Warren

*There has been one further informal meeting involving the Council Leaders and Chief Executives of the six Somerset Councils which I attended and which discussed the proposals for the six Councils to commission work to review options for local government re-organisation within the boundary of Somerset. No formal processes have yet started and my intention would be to brief Group Leaders about developments and before any formal participation by Bath and North East Somerset Council.*

## QUESTIONS AND ANSWERS - PUBLIC

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| <b>P 01</b>   | <b>Question from:</b> | David Martin          |
| Has the Council undertaken a strategic economic and social assessment of the potential impact of Brexit on B&NES, and if so can the findings be made public?  |                       |                       |
|   | <b>Answer from:</b>   | Councillor Tim Warren |
| <p><i>The Council is monitoring the position with regard to Brexit and is considering the possible implications for local government, and Bath and North East Somerset Council in particular. The Council is receiving briefings from the Government as the negotiations progresses. Also, the Local Government Association is part of the national planning process and will provide advice and guidance to the sector. As the outcome of this process is not yet clear, the Council does not have a definitive assessment it could make public.</i></p> |                       |                       |