

CABINET MEETING 31st Oct 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. Ron Hopkins (Vice Chairman Westfield Parish Council) – Westfield Neighbourhood Plan
2. Luke John Emmett - Arts Development Department
3. Caroline Ambrose – Libraries
4. Gerard Cooke – Arts Development Department

Councillors:

1. Councillor Eleanor Jackson - Westfield Neighbourhood Plan
2. Councillor Tim Ball (statement read by Councillor Dine Romero) – School Bus Services
3. Councillor Richard Samuel – Clean Air Zone
4. Councillor Dine Romero - Arts Development Funding
5. Councillor Eleanor Jackson – Youth Connect

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Eleanor Jackson
<p>A £15 million fund is now open to bidders to enable the public sector to build homes. The latest funding round of One Public Estate, a partnership between the Local Government Association (LGA), the Office of Government Property within the Cabinet Office and the Ministry of Housing, Communities and Local Government (MHCLG), will see the programme place particular emphasis on unlocking surplus public land for housing supply.</p> <p>New and established partnerships are invited to apply. This year's fund comprises £12 million in grant funding with £3 million allocated as a "recyclable" grant to be returned to the programme within three years and reinvested in future projects.</p> <p>One Public Estate, which was launched in 2013, now works with 318 local authorities in 76 partnerships on 450 projects to transform local communities and public services. By April 2020, current partnerships are set to release land for 25,000 homes, create 44,000 jobs while raising £615 million in capital receipts and cutting costs by £158 million.</p> <p>In view of the above statement on the Planning Portal website, is the council planning to access these funds in any shape or form, given the shortage of affordable homes in Bath and NE Somerset Council?</p>		
Answer from:		Councillor Paul Myers
<p><i>The Council is part of a One Public Estate (OPE) Partnership with Bristol, South Gloucestershire and North Somerset. We will be bidding as a partnership to OPE round 7. The maximum any one partnership can bid for is £500,000.</i></p>		
Supplementary Question:		
<p>I was hoping for more specific reply considering the growing need for affordable housing in the area?</p>		
Answer from:		Councillor Tim Warren
<p><i>I suggest that you (Councillor Jackson) and Councillor Myers talk to each other in person.</i></p>		
M 02	Question from:	Councillor Liz Hardman
<p>1) How are you monitoring the Council's contract with Action for Children to provide the Bath West Children's Centre service?</p> <p>2) How many families is Action for Children working with? How does this compare</p>		

with First Steps who previously provided the Bath West service?

3) What feedback do you have from families about the quality of the service they are receiving from Action for Children? How does this compare with the feedback received when First Steps was providing the service?

Answer from:

Councillor Paul May

1. *The Bath West Children's Centre Service contract is monitored under the commissioning framework which includes:*

- *Quarterly Performance Reviews on activity, quality and outcomes*
- *Annual Safeguarding and Quality Assurance Verification (this process has just commenced for Action for Children in October 2018 and includes assessing the service against safeguarding and early help quality assurance standards).*

Action for Children have supported between 80-85 families across quarters 1 and 2 which is in line with their service specification to continue to support the same number of families as were supported under the previous contract.

2. *As part of the contract management framework, feedback from families regarding the quality of the service received is regularly sought through case studies and on-site visits.*

3. *We are currently in the process of undertaking the annual safeguarding and quality assurance verification audit and have so far interviewed 10 parent/carers who were all very positive about the quality of the Bath West Children's Centre service. All reported how much they valued the opportunity to discuss any issues with the staff and it was evident that through engaging with the service, families are achieving positive outcomes in terms of health, parenting, increased safety and reducing isolation.*

M 03

Question from:

Councillor Robin Moss

I would like to ask the Leader of the Council the following questions:

1. Are you aware that, as a result of the huge increase in demand for its services, Bath Foodbank's current warehousing facility is becoming inadequate - both in terms of size and from a health and safety viewpoint - and that in any case the lease is unlikely to be renewable at the end of the current term?

2. Given that B&NES is by far the main source of referrals to Bath Foodbank, what help will the Council offer to Bath Foodbank to enable it to identify suitable premises?

3. In view of the dependence of this Council on the Bath Foodbank, what assessment has been undertaken of the impact of any potential significant reduction of service on the welfare support scheme?

Answer from:

Councillor Tim Warren

I very much value the contribution of all our local foodbanks including the Bath Foodbank, Somer Valley Foodbank and Keynsham Foodbank. The Council has been in touch with the Bath Foodbank through its business growth team and is working with them to find suitable premises.

Supplementary Question:

Would you approve that as we agreed to be a pathfinder for Universal Credits we do have moral responsibility with consequences; and, I would hope that the assistance that we are giving to Foodbanks in identifying the premises includes those that are owned and controlled by B&NES Council?

Answer from:

Councillor Tim Warren

I am sure that Councillor Moss is aware of our budgetary positions though we will do what we can.

M 04

Question from:

Councillor Robin Moss

1. As you are aware, I asked a series of questions about the numbers of disputes over payment for social care. Your answer was that there are none currently. As I asked the questions in response to a resident who is in dispute over payments for social care would you like to review that answer?
2. When I raised this discrepancy with officers, concerning a dispute they were aware of, they said that they would email me with an explanation, which has yet to arrive. Do you believe this is acceptable?
3. What steps will be you be taking to ensure that answers to questions will be accurate in the future?

Answer from:

Councillor Vic Pritchard

The answers given in September which were in relation to property disputes are accurate and still stand in respect of the specific questions that you raised at that time.

In the normal course of business, the Council receives queries and challenges in respect of client contributions, whether directly from clients, their representatives or as questions from MP's or Councillors, but these do not always lead to a formal complaint or dispute. It should be noted that the calculation of client contributions is set out in regulations and is quite clear about how contributions should be calculated which is based on information provided directly by the clients themselves.

The Council currently has 6 cases where it is engaging with clients who are challenging the assessed charges. There are a further 3 where the Executors are challenging the debts accumulated by former clients. For completeness we have a further 13 cases where clients are currently refusing to pay or engage with the Council at all. With nearly 2000 clients successfully assessed, this represents a very small percentage of clients who are in any form of dispute with the Council. However none of these cases fit the

criteria quoted in the previous set of questions and it would not be appropriate to expand on any of individual cases in a public meeting. Officers have offered a meeting with you to understand any specific concerns underlying your questions and to seek to provide appropriate assurance.

Supplementary Question:

Could you explain the discrepancy here – you have given an answer in September 2018 that there were zero disputes; how does that equal with your answer today that the Council currently has 6 cases of clients challenging charges, 3 cases of executives challenging charges and 13 cases of people refusing to pay or engage with the Council?

Answer from:

Councillor Vic Pritchard

I think that answer given for the question you asked before was an appropriate. We identified further scope but it wasn't in relation to question you have asked at time. We were fully honest in giving you appraisal of everything and anything, so you have full disclosure now.

M 05

Question from:

Councillor Robin Moss

1. With regard to parking & charging policies, what measures are in place to ensure that essential workers, such as health & social work professionals, are not disadvantaged in being able to park while fulfilling their professional duties?
2. Are you aware that health professionals in Radstock have received parking tickets as their appointments with patients have overrun?
3. Are you aware that social workers in Keynsham have received parking tickets as there appear to be errors & discrepancies in how charges are collected?
4. Would you agree that a parking strategy needs to balance the needs of residents & professionals while discouraging 'commuter' parking?
5. Will you be reviewing the current parking regime to ensure it is fit for purpose?
6. Will you consider reimbursement where essential workers have prioritised their patients & clients over the need to feed parking meters?

Answer from:

Councillor Mark Shelford

The Council's staff travel policy is currently being reviewed in order to ensure that it is fully fit for purpose, modern and efficient; that all staff are treated equally and fairly based on the requirements of the job that they do and that Council business travel is fully in line with the Council's relevant public policy, for example on air quality and carbon reduction. It is not possible for me to comment on the individual cases raised concerning parking tickets.

M 06

Question from:

Councillor Paul Crossley

In the light of the announcement by the Secretary of State for Housing, Communities and Local Government to encourage Local Councils to apply for consideration for a new 'Garden Community' site, has the Cabinet got any plans to investigate whether B&NES

should make a submission?

Answer from:

Councillor Bob Goodman

The Council is responding to the MHCLG Garden Communities Prospectus, and will seek to ensure that the North Keynsham and Whitchurch Strategic Development Locations are officially recognised by the government as Garden Communities. This would assist in securing funding to enable their development and help to achieve the delivery of the policy objectives as set out in the Local Plan Options document. The Council is also a member of the Town & Country Planning Association (TCPA) New Communities Group.

Supplementary Question:

How did Councillor Goodman decide that two extensions to existing Garden Community are classified as new Community?

Answer from:

Councillor Bob Goodman

I will provide an answer in 5 clear working days.

M 07

Question from:

Councillor Rob Appleyard

Could the Cabinet member please provide a summary of Community Infrastructure Levy income in the last 2 years? What projects have been funded in this period? What funds are committed, and to what projects?

Answer from:

Councillor Bob Goodman

I will provide an answer in 5 clear working days.

M 08

Question from:

Councillor Sue Craig

1. Can the Cabinet Member please confirm that CCTV cameras in Kingsmead Square are not currently operational and the reasons for this?
2. Is it the case that a software upgrade is required?
3. If so, what are the costs related to this software licence?
4. Do all CCTV cameras across the city require the same software upgrade?
5. Were ongoing software costs factored into future budgets following the installation of CCTV?
6. Have any investigations been undertaken regarding alternative software which could be used for the cameras we have or options for alternative cameras?
7. When will the CCTV cameras in Kingsmead Square and across the city be operational?

Answer from:

Councillor Mark Shelford

I can confirm that the CCTV cameras in Kingsmead Square are currently fully operational.

All B&NES CCTV cameras are currently fully operational and no upgrades are required. If Councillor Craig has information about suspected software failures then if she provides the detail we will investigate and respond.

M 09 **Question from:** Councillor Andrew Furse

Can the Cabinet member please confirm whether he believes current CCTV provision is adequate?

Answer from: Councillor Mark Shelford

We believe CCTV is adequate in its current form. There are always requests to extend CCTV coverage, however this needs to be balanced against legislation which includes the Human Rights Act, Data Protection Act and the Information Commissioners Office and available resources. Our CCTV is currently monitoring 24/7.

M 10 **Question from:** Councillor Tim Ball

Can the Cabinet Member confirm whether the Council will be offering a Christmas Tree collection service this year?

Answer from: Councillor Bob Goodman

I will provide an answer in 5 clear working days.

M 11 **Question from:** Councillor Paul Crossley

There are a large number of major road schemes under way around Bath at present. This is causing a lot of congestion and tailbacks. In view of the Cabinet's desire to implement a Clean Air Zone will the cabinet member start by putting signs up at congestion hotspots such as Widcombe Parade requesting drivers to turn their engines off whilst at a standstill?

Answer from: Councillor Mark Shelford

*The Council is concerned about the impact of idling engines and willing to consider any measures that help improve the environment for our residents and visitors. The Council should only erect signs in accordance with the Traffic Signs and General Directions Regulations, which are legally enforceable. The requested sign would only be advisory and at present there is no scheme in the programme to provide such signage, which would also require an increase in the revenue budget to fund future maintenance of these signs. However, I have asked officers to explore further opportunities as part of our work on improving air quality.
The scheme to improve Widcombe Parade has been particularly successful in reducing traffic and congestion.*

M 12 **Question from:** Councillor Richard Samuel

In May I submitted a petition from residents in my ward seeking the introduction of a

resident's parking scheme in the Brunswick St/Kensington Gardens area of Walcot Ward. I have now been told by officers that a decision has been made to delay processing any applications because of potential impacts of the introduction of the Clean Air Zone.

Will the Cabinet Member clarify exactly what the Council's policy and approach now is to the introduction of new RPZs and why the petition has not been progressed?

Answer from:

Councillor Mark Shelford

The Council has published information on the Parking services pages of the public website which sets out clearly the requirements for the introduction of Resident Parking Zones (RPZs) across the district and in the first instance the Ward Councillor should canvass public opinion, and only if, over 50% of the residents in the proposed zone support a scheme would the project be considered further.

As a result of RPZs needing a Traffic Regulation Order, a scheme design and signs and line to be installed there is a considerable investment needed to introduce an RPZ . At present the capital programme which funds these schemes is fully committed for 2018/19. However, all Members have an opportunity to consider the content of future programmes of work as the Highways and Transport Capital Programme is subject to consultation and approved at the annual Budget setting meeting.

Additional funding is also being sought via the Clean Air Fund to allow further consideration and review of schemes where necessary as a result of the proposed introduction of a class D CAZ. However, as no decision has been taken to date on the CAZ this is not confirmed.

Supplementary Question:

Does the Cabinet accept that an additional parking regulation will be required in areas that will sit just outside the Clean Air Zone once it is declared?

Answer from:

Councillor Mark Shelford

This is a very good point. We are looking at the whole business of the RPZ and how it will be affected with the Clean Air Zone. We are looking at that matter to find the best and most effective solution.

M 13

Question from:

Councillor Richard Samuel

Earlier this year a detailed report was presented to you from the Camden Residents Association setting out suggestions about traffic congestion and pollution could be better managed in Camden.

Can the Cabinet member say what he has done with the report since its presentation?

Answer from:

Councillor Mark Shelford

Since that time the Project Team for the Clean Air Plan have been engaging with the

Association which has resulted in amendments to the proposed boundary for the Clean Air Zone in the Camden area. Discussions, as recent as 24 October 2018, are ongoing and positive.

M 14

Question from:

Councillor Dine Romero

Now the Council has cancelled the dedicated coach marshals and plans to disperse coach drop off points around the city, what efforts will be made to ensure that these drop off points, some of which are in residential areas, will not become parking areas for coaches?

Answer from:

Councillor Mark Shelford

The proposed drop off points around the city are still subject to the statutory Traffic Regulation Order Process. If the proposals are agreed and the new restrictions have been implemented, the Council's Civil Enforcement Officers will regularly monitor the additional locations as part of their existing patrols.

Coaches using the locations that are not in compliance with the restrictions will be encouraged to move on to the appropriate layover locations, with enforcement action taken where necessary. For long stay parking (over 1.5 hours) this will include the new 24 hour coach parking facility adjacent to Odd Down Park and Ride in addition to daily parking available at the First Ltd bus depot on Western Island.

In line with existing policy and practice, should regular monitoring of these locations by Officers on foot and electric moped indicate an increasing number of contraventions, resource will be allocated and diverted accordingly to ensure a balance is maintained so that other areas of the city are not adversely affected.

Where frequent abuse of these locations is identified by the same operators, the Council will continue to provide evidence to the area Traffic Commissioner for consideration against operator licence obligation.

Supplementary Question:

Will any consideration be given to other facilities at these drop-off locations, such as toilets etc?

Answer from:

Councillor Mark Shelford

Very good point. We don't have a specific answer yet as we are still looking for the best solutions. For information, Park and Ride at Odd Down does have toilets.

M 15	Question from:	Councillor Shaun Stephenson-McGall
<p>With regard to the Bear Flat Resident Parking Scheme:</p> <ol style="list-style-type: none"> 1. Does the Cabinet Member feel that the impact of these proposals on neighbouring areas has been fully considered and taken into account when making this decision? 2. Does the Cabinet Member consider that the parking stress levels were properly stated in the evidence for the single member decision? 3. Does the Cabinet Member believe that the decision taken in conformity with the Aarhus convention on Public Participation in Decision-making given that UN Case Law of the Aarhus Convention Compliance Committee has concluded: “The [Traffic Regulation Order] TRO1 provides direction on how traffic would be organized in a certain area. It is not an act permitting a specific activity, but has general application to all persons that are in a similar situation and unlike a plan or programme, it creates binding legal obligations. As such, it is an act within the scope of article 8 of the Convention.”? (United Kingdom ACCC/C/2010/53; ECE/MP.PP/C.1/2013/3, 11 January 2013, para. 83.) 		
Answer from:		Councillor Mark Shelford
<ol style="list-style-type: none"> 1. <i>When considering an area for a possible residents’ parking scheme we do have to consider where the boundary should lie. However, if we were to extend the boundary far beyond the area where the current parking problem exists then it’s unlikely that residents in those streets without a commuter parking problem will be in support of such a scheme. Officers advise me that in their experience of working in other areas and in other authorities, when they have tried to put forward schemes to include areas where no problem exists but they try to anticipate future issues, residents in those areas reject the proposals which ultimately prevents or delays the scheme going ahead in the streets where residents do support it. Should the Bear Flat scheme go ahead and parking issues then occur in other roads they can be considered to become part of a future residents’ parking scheme.</i> 2. <i>The study undertaken by consultants on the council’s behalf was a thorough analysis of the level of parking occupancy on a number of days and I am satisfied that this provided the evidence required to justify the proposed scheme.</i> 3. <i>The Council’s procedures are in conformity with its legal obligations.</i> 		
M 16	Question from:	Councillor Paul Crossley
<p>In the light of the sudden changes to the board of Bath Tourism Plus, can the Cabinet member point me to where the advert for a new Chair was posted, what job specifications were listed as essential/desirable etc. and how many applications were</p>		

received before deciding on the current Chair?

Answer from:

Councillor Paul Myers

The current chair was appointed to the Board as a Director following an external advert in the summer of 2017. 15 CVs were received and a shortlist of candidates were interviewed by the previous chair of the company and a Council Director. The Council's Senior Management Team in a shadow holding company role authorised the appointment of this additional Director in August 2017. The Company's Articles of Association provide that each director is appointed for a fixed term of 3 years and may be reappointed only once (a maximum of 6 years). The previous chair had served for the maximum number of years and was no longer eligible for re-election as a director. The Articles of Association provide that the Chair shall be appointed by the Parent i.e. the Council. The shareholder group was consulted in May 2018 and recommended the appointment of an existing board member (the current chair) to the Leader in his role as sole shareholder. The Company Secretary, at the direction of the Council as Parent, subsequently appointed the current chair.

Supplementary Question:

Will the Cabinet Member, or the Leader of the Council, be involved in the job specification advert, and in the selection of the Chief Executive for Bath Tourism Plus?

Answer from:

Councillor Tim Warren

I will provide an answer in 5 clear working days.

M 17

Question from:

Councillor Dine Romero

What is the Council doing to involve local creative and high-tech industries in policy making and consultations?

Answer from:

Councillor Paul Myers

Local creative and high tech industries are an important part of our local economy. We engage proactively via our Businesses Growth team's visit programme and through a variety of forums, such as the B&NES Initiative, local Chambers of Commerce, Creative Bath, Tech Spark, Invest Bristol and Bath, Federation of Small Businesses and Bath Digital festival. As individual companies they are able to respond to Council consultations through our consultation portal and directly through the Business Growth team.

M 18

Question from:

Councillor Dine Romero

What efforts have been made to support the Bath Studio School and prevent the

closure which was announced on 22 October? If this school does close, will there be adequate secondary school places for Bath children going forward?

Answer from:

Councillor Paul May

The studio school was set up in 2014 as part of the previous coalition government policy of creating 14-19 technical schools via a bid by the adjacent Aspire Academy, now part of the Wellsway MAT. Following the success of that bid, we worked with the new school from before it opened, to try to ensure its success as an additional educational offer in the local system. For example we have offered our community influence to widen engagement with businesses in the area, promoted the new Studio School option to parents, made sure they have been involved in all headteacher meetings and briefings we hold, they have been an active member of the Schools forum and we have been participating in discussions about their low admission numbers and exploring future options.

The closure proposals are as a direct result of low take up of places at this school due to parent choice to continue sending their children to other schools in Bath. This has affected both the educational and financial viability of the school, which could ultimately impact on the resources available to other pupils across the MAT. The school's results have been disappointing and there is little prospect of applications increasing.

The closure proposal will allow existing students to complete their current key stage before any closure takes place.

The council has no direct responsibility for opening, operating or closing Academies and have to accept any decision made by the RSC in this respect.

We had a peak figure of applications for year 7 places in Bath last year which have been coped with by expanding existing secondary school places in the city with close cooperation with all City schools.

We have also engaged with the DfE Schools Adjudicator's consideration of the catchment admissions policy of Beechen Cliff. There is clearly sufficient capacity in Bath to meet the needs of all pupils requiring secondary school places if parents use the five options available to them on the application form. The loss of places in year 10 upwards at the Studio School will not impact adversely on Year 7 admissions.

Pupils in B&NES are fortunate that the schools mostly perform highly in the area thanks to the majority of schools and academies being Good or Outstanding and our role continues to support LEA schools plus promoting the highest school standards by cooperation with MATs via the new School Standards board.

Supplementary Question:

Does Cabinet Member agree with me that we do need mainstream secondary school in South West of Bath serving children in that area, and maybe offer alternative qualifications such as T levels?

Answer from:	Councillor Paul May	
<p><i>The closure of the school is quite clearly an issue for the Wellsway MAT and regional schools commissioner. They made it very clear that the closure of the school is an exercise that they do first. The BCA Academy site is something that we need to talk to parents about. If there are opportunities to do in different way then we will engage with regional schools commissioner and the Wellsway MAT. I don't think that the case for additional school in Bath is there because of the area coverage, but we could look at other educational solutions in Bath. I am more than happy to give further information as the time goes on.</i></p>		
M 19	Question from:	Councillor Tim Ball
<p>Can the Cabinet Member comment on whether the current SEND budget is being well spent where it is used by the secondary academy school?</p> <p>Can the Cabinet Member comment on the growing number of pupils, who are either SEND pupils or on the autistic spectrum, that are either being officially excluded or unofficially sent home and asked to stay home by secondary academy schools?</p>		
Answer from:	Councillor Paul May	
<p><i>The SEND budget supports children and young people with Special Educational Needs and Disabilities, with funding for each pupil being allocated through a statutorily prescribed assessment process linked to their Education, Health and Care Plan. For the pupils with more severe or specialist needs, the Plan will support them in a Special School environment.</i></p> <p><i>Mainstream schools similarly receive funding for individual pupils from the SEND Budget via Education Health Care Plans (EHCP). The funding is there to support identified needs and deliver the outcomes in the EHCP. For the majority of parents and carers with a child with an EHCP in B&NES, the experience is a positive one, as evidenced by our recent survey with parents and carers asking about the quality of the support they receive in our schools.</i></p> <p><i>https://www.rainbowresource.org.uk/pages/web-site-information/you-said-we-did</i></p> <p><i>However, we do know that some parents feel dissatisfied with the support they receive. The local area commissions independent advice & support for parents/carers who may be in disagreement with a school, or the local authority.</i></p> <p><i>We also have the EHCP annual review process. Parents and carers with the school and the local authority can review the plan, and raise any concerns regarding the provision that is being put in place by the school.</i></p> <p><i>We believe the majority of our children are well supported, and therefore we consider that the majority of SEND finance is well utilised. Where we learn that funding is not being spent on a child's needs, either via the parent or through the annual review process, we take action to address this matter with the school. As a service, we monitor concerns regarding schools and look for patterns or trends in complaints that are</i></p>		

concerning or repetitive.

Councils across the South West and nationally are struggling with the SEND budgets due to growing demand, parental expectations, complexity of cases and the high costs of dealing with specialist cases outside of the area. Some of these pressures are compounded by a lack of available special school places locally (including as a result of children from outside B&NES being placed in our local schools).

We have some excellent specialist providers locally and are working with them constructively to expand local provision. We have invested over £1 m of capital in local schools and the college to create more capacity. The government has provided nearly £0.5 m to help this initiative.

There are considerable issues locally, regionally and nationally but by increasing the base budget by an additional £2.3 this is a clear outward sign of this conservative council's commitment to the most vulnerable people in our area.

Nationally, school exclusions have risen, as they have in B&NES. Within this, there has been an increase in exclusion of pupils with SEND, both on a fixed term and on a permanent basis. The local authority has highlighted this issue with schools and addressing rising exclusions is a priority for the school standards board.

The SEND team has also re-issued guidance to schools on the process for managing exclusions for children who have SEND and provided advice and guidance in following the correct procedures.

Schools should not be un-officially excluding pupils by whatever means. When the LA becomes aware of un-official exclusions, we will intervene and provide the school with the correct advice and support the parent to challenge.

M 20

Question from:

Councillor Tim Ball

1. Can the Leader comment on the democratic deficit in the WECA area whereby Bristol City Council has six councillors on the WECA Scrutiny Committee, South Gloucestershire has three and Bath and North East Somerset has only two?
2. Can he also comment on whether he feels it is correct for Bristol to hold both the Chair and Vice Chair positions on the WECA Scrutiny Committee?
3. Will the Leader work to improve the balance on the WECA Scrutiny Committee so that it is not dominated by one Council, which has the ability to block all votes?

Answer from:

Councillor Tim Warren

1. *I do not agree there is a democratic deficit.*

The Order setting up the Combined Authority requires that:

“ s.4.—(1) The combined authority must— appoint such a number of members of each of the constituent Councils to an overview and scrutiny committee, so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together;”. The Councillors were allocated on this basis as set out in the Scheme for a Mayoral Combined Authority for the Area of

Bristol, Bath & North East Somerset and South Gloucestershire agreed at the Council meeting on 26th June 2016.

- 2. The Council resolution was that: "A sufficient level of support must be given to the Scrutiny and Audit roles of the new Combined Authority to allow it to be fully effective and independent from the executive. The membership of Scrutiny and Audit roles of the new combined authorities must be chosen in a way that ensures fair representation for all political groups across the region and equal representation of all authorities, should appropriately reflect the scrutiny roles that members hold on the individual authorities, and must be chosen in a clear and transparent manner." WECA Overview and Scrutiny Committee voted and agreed on its Chair and Vice Chair at its first meeting on 22nd September 2017.*
- 3. As far as I am aware there have been no such incidents. The purpose of the WECA Overview and Scrutiny Committee is to review and scrutinise decisions made by WECA and to make reports or recommendations to WECA on matters in the area or WECA responsibilities. Any concerns that the councillors are acting to the advantage of their council and are not considering the best interests of the whole of WECA should be referred to the WECA Monitoring Officer. The Parliamentary Order establishing the WECA and its Constitution provide for effective governance and fair representation of each constituent authority. As a Leader of Bath and North East Somerset I will always make sure that the interest of our residents are fully recognised.*

M 21

Question from:

Councillor Richard Samuel

In the report Modern Libraries options for Bath Appendix D: Site Issues Summary, approved by the Cabinet on 19th July 2017, the following statement appeared:

"Planning

1. The Podium designation is a Library so any change of use to offices (under option 3) would require planning permission.
2. Similarly under option 3, planning permission would be required to change part of Lewis House to a library.
3. Option 4 will also require a change of use application as the library and OSS within the Podium will constitute a mixed use. In addition, any material external changes to either of the buildings under either option will also need planning permission.
4. Although the design process has not yet started, discussions are ongoing with the planners to ensure their requirements are included in any scheme."

Can the Cabinet member explain:

1. Why the advice provided by officers and approved by the Cabinet has now changed?
2. When and by whom was the decision to ignore the previous advice was made and on what basis?
3. How much was paid to CSJ Planning Consultants to provide advice on whether to seek a certificate of lawful development in respect of Bath Central library rather than seeking full planning consent as previously approved by the Cabinet?

Answer from:

Councillor Karen Warrington

The statements made in the July report were correct at the time and reflect the various options that were then under consideration, from which option 4 was selected. Regular dialogue has been undertaken with Planning as the project moved into the design stage from when the aforementioned report was written based on early concept ideas. It was inevitable that until design and operational usage of the space was worked up by the project team, formal final advice could not be given which is the stage the project is now at and is following due process.

Spend to date on CSJ Planning Consultants is £2,500.

Supplementary Question:

In the light of your answer that £2,500 of public money was spent and authorised by the Cabinet Member to avoid the full planning application in respect of Bath Library – does the Cabinet Member consider that spending that money to avoid public scrutiny represents good value for money from the Council's dire financial position?

Answer from:

Councillor Karen Warrington

The money (£2,500) was not spent to avoid public scrutiny. We had 3 rounds of engagement on design and development of Bath Library. This was an unavoidable amount of money to make sure that the Council was on the right track and that planning application was not needed. The final design is mostly books and it hasn't changed to what we have currently.

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	Sarah Moore
<p>Please can the cabinet member for Highways confirm that the road restructuring costs for North Way, Redland Park (road section to rear of Day Crescent) and Poolemead Road are included in either the council's budget for next financial year, or have been requested for inclusion in the Metro Mayor's budget for the same period, if responsibility has been passed over to him?</p>		
Answer from:		Councillor Mark Shelford
<p><i>Officers have been requested to draft a proposed programme of resurfacing and reconstruction for consideration by myself. The development of a proposed programme is currently underway and at this point in time I cannot confirm which schemes will be recommended for approval. The approval of the programme will, as in previous years, be decided by Council at its annual budget setting meeting.</i></p> <p><i>I can however confirm that isn't part of the Metro Mayor's budget. The work being requested would normally be funded from the Structural Maintenance Block grant from the Department for Transport.</i></p>		
P 02	Question from:	Sarah Moore
<p>Please can the cabinet member for Neighbourhoods confirm what is happening with the litter bins he has promised Twerton, despite locations being suggested, no bins have been put in place and the litter issue is not improving?</p>		
Answer from:		Councillor Bob Goodman
<p><i>Following meetings with the local councillors I have agreed to provide bins, these will be scheduled in November, unfortunately due to administration it has taken a little longer than we would like.</i></p> <ol style="list-style-type: none"> <i>1. High St Twerton - bin to be installed by mid November.</i> <i>2. Poolemead and Shaws way - bins to be installed by 2nd Nov.</i> <p><i>The Cabinet member encourages all members of the community to take their litter home if they don't have access to a bin, and to recognise that litter dropping is antisocial and pollutes our environment causing harm to our watercourses and wildlife. Recognising the seriousness of the pollution caused by littering the Council is increasing its</i></p>		

enforcement against those who continue to choose to drop litter.

P 03 **Question from:** Caroline Ambrose

1. Please provide a breakdown, per library, of the £798k per annum savings for the whole Modern Libraries Programme?
2. Please provide an up to date breakdown of the savings pa which can only be achieved by relocating the One Stop Shop from Lewis House to within Bath Central Library?

Answer from: Councillor Karen Warrington

1. *This was covered in previous Cabinet Q&A:
The majority of savings will come from a reduction in staffing resource across the whole of customer services; the reduction represents around 20% of the overall establishment. This will be achieved by implementing new ways of working and bringing the two services together. It is anticipated this will be done through natural turnover in staffing numbers.*
2. *Achievement of the savings is dependent on the whole programme delivery, in all locations, due to the way the staff resources operate.*

P 04 **Question from:** Andrew Grant

1. Please provide the latest costings breakdown for relocating the One Stop Shop from Lewis House to within Bath Central Library?
2. Income opportunities of up to a £m were identified to council for Bath Central Library in its present layout. Please provide a breakdown of the income to be delivered at Bath Central Library post the co-location?

Answer from: Councillor Karen Warrington

1. *Refer to the published business case. The costs have been refined over the design period but they remain within the provisional capital allocation. A breakdown of costs remains commercially sensitive information whilst we seek competitive tenders for the work.*
2. *It is anticipated that income will be generated from the numerous newly created spaces in the Podium which will be additional to existing provision and better equipped than at present. The income has not been factored into the costings at this stage as we are reviewing our events and activities policy and protocols as part of the programme. The council is keen to ensure that all spaces are well used and that the events and activities support the universal offers and our corporate priority outcomes. We continue to monitor and seek opportunities for both national and local grant or BID funding opportunities where appropriate/we may be eligible.*

P 05	Question from:	Mari Levant
<p>1. Where will Bath Central Library be sited throughout 2019?</p> <p>2. What will the opening hours be for the combined One Stop Shop and Bath Central Library in 2019?</p>		
Answer from:		Councillor Karen Warrington
<p>1. <i>Two possible alternate locations have been identified in central Bath in order to allow the library to be decanted, thus minimising the required duration for the works. Both alternate locations are subject to the conclusion of technical reviews and commercial negotiations. If these locations are ultimately deemed unsuitable, the refurbishment works will be undertaken in two phases within the existing library space.</i></p> <p>2. <i>This was covered in previous Cabinet Q&A:</i></p> <p><i>At this stage there is no plan to change Library opening hours which include both Saturday and Sunday opening times in Bath.</i></p>		
P 06	Question from:	Dionne Pemberton
<p>1. At least three times this year Bath Central Library has been closed Sunday due to staff shortages/illness. Given that council still need to make staff cuts, can Councillor Warrington confirm that the library will be open on Sundays? Currently council staff at the One Stop Shop has Sundays off, as the OSS is closed. However, given that most children visit the library on the weekends can we have assurance that Sundays will find the doors open?</p> <p>2. Regarding the temporary library that BANES will need to lawfully provide to residents, and that Council need lawfully provide a 'comprehensive and efficient service' during refurbishments to the Podium, when does Councillor Warrington plan to let council and residents know the location of the temporary library, and has the cost of relocating the library to a temporary home for up to a year been factored into the £3M costs of co-location?</p>		
Answer from:		Councillor Karen Warrington
<p>1. <i>This was covered in previous Cabinet Q&A:</i></p> <p><i>At this stage there is no plan to change Library opening hours which include both Saturday and Sunday opening times in Bath.</i></p> <p>2. <i>Both a temporary Library and a phased approach has been factored into the programme plans and when planning stage has been finalised the public will be advised fully of the detail, location and timings in line with normal communications to give notice of any change.</i></p>		
P 07	Question from:	Andy Halliday

1. Please can you make public the revised access report prepared for the proposed integration of OSS into the Podium library, specifically in respect of access for wheel chairs users, and also the fire evacuation routes for the potential footfall increase, in respect of the latter please advise the liaison with Waitrose landlord and the, site manager for O+H property owners company?

2. Please confirm the details of wheel chairs and partial sighted/blind persons groups who were consulted in respect of changes that might occur if the integration of OSS into the Podium library does happen, relating in particular to the revised entrance, layout of the purpose built Library space, and access and signage for the proposed book press locations?

Answer from:

Councillor Karen Warrington

1. *Early consultations took place with both Building Control and Access specialists to advise and inform the design team (Architects, M&E and Structural Engineers). Access to and use of buildings is currently in the process of being updated.*

As with any project of this nature, a Fire Strategy (which includes fire evacuation routes) has been prepared in liaison with the Building Control Officer/consultant and this has been incorporated in the design that is currently out to tender. A formal application for building regulations approval will be made when the contractor is appointed and before work commences. We continue to liaise and share proposals with the landlords on all relevant matters.

2. *See response above.*

The design team are experienced in the requirements of the Equality Act 2010 and the differing needs of all the various groups. Additionally individuals with disabilities formed part of the invited group to work with us on the design of the new space. Other special interest groups were specifically engaged throughout the design process as the council is committed to meeting the needs of the whole community.

P 08

Question from:

Gill Kirk

1. In 2016/7, what was the forecast cost of the Podium library works until completion (planning, consultation, survey, build, and ancillary activities) for each financial year until reopening, and the current re-forecast costs for each financial year until completion?

2. What were 2016/17's associated forecast Podium library staffing redundancy/other costs for each financial year, and what are they now?

Answer from:

Councillor Karen Warrington

1. *Refer to the published business case. The costs have been refined over the design period but they remain within the provisional capital allocation. A breakdown of costs remains commercially sensitive information whilst we seek competitive tenders for the work.*

2. *Refer to the published business case and to previous Q&A provided*

The majority of savings will come from a reduction in staffing resource across the whole of customer services; the reduction represents around 20% of the overall establishment. This will be achieved by implementing new ways of working and bringing the two services together. It is anticipated this will be done through natural turnover in staffing numbers.

P 09	Question from:	Mary English
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1. I would like to ask about the £3Million 'loan' for the library re-formatting, re-organising and altering. How long will it take to pay back?
2. And how are you planning to do that, where will that money come from?

Answer from:	Councillor Karen Warrington
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1. *The payback period for the capital investment was identified in the published business case.*
2. *The borrowing costs have been factored into the business case.*

P 10	Question from:	Sophie Hooper Lea
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1. How many full time equivalent (FTE) QUALIFIED librarians are employed by B&NES at Bath Central Library at the moment and how does that compare with the number of FTE qualified librarians at the time of the first B&NES announcement on 16 December 2016 that Bath Central Library was moving? How many FTE qualified librarians will be employed in the integrated library/OSS once it opens?
2. How many full time equivalent (FTE) staff will work in the new, integrated Bath Central Library/OSS, and how does that compare with the number of FTE OSS staff and the number of FTE Bath Central Library staff at the time of the first B&NES announcement on 16 December 2016 that Bath Central Library was moving?

Answer from:	Councillor Karen Warrington
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Staffing levels have been and will continue to be maintained in both locations to ensure all the appropriate skills and professional experience is available to support service delivery.