

CABINET MEETING 18th Dec 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 – Clean Air Zone
2. Sarah Moore – A petition for a pedestrian crossing outside/near Twerton Infants School
3. Adam Reynolds (Bath Cycle Network) – Budget allocation for cycling and walking
4. John Drake (UNISON) – Sirona dispute

Councillors:

1. Councillor Karen Walker – Budget statement
2. Councillor Richard Samuel – Libraries

QUESTIONS AND ANSWERS - COUNCILLORS

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| M | 01 | Question from: | Councillor June Player |
| <p>In January 2012 I asked the following question regarding To-Let Signs.</p> <p>“What action is the Council prepared to take to restrict the To-Let signs in areas such as Westmoreland and Oldfield Park?</p> <p>Prior to 2009 I understand that there was a Gentlemen's Agreement amongst Estate Agents whereby To Let signs were not put up outside vacant properties. I would ask that this Council follow in the steps of other cities where To Let signs are being banned/restricted in problem areas. The signs increased and relentless annual appearance blights many streets. Due to the internet and its use by the students, there is no longer the necessity to display these signs. They are only of benefit to the Estate Agents for free advertising.</p> <p>Due to the failure of this Gentlemen's Agreement and the apparent disregard for the state and concerns of communities I ask that the Council seeks approval from the Sec. of State under the Town & Country Planning Act to direct that in future Estate Agents have to 'seek express' consent before they put up a sign in Bath and/or Wards that are heavily populated with HMO's.”</p> <p>The issue has raised its head again and is blighting our streets. This is sheer unpaid-for advertising by Estate Agents at the cost however to the area and its residents as these signs are totally unnecessary. Would-be tenants do not walk around the streets as they now go online/Estate Agent Offices or in the case of students seek accommodation via the Universities Accommodation Lists or by word of mouth. What is the Council going to do to prevent this situation?</p> | | | |
| Answer from: | | | Councillor Bob Goodman |
| <p><i>The Regulation 7 Direction which was most recently extended in November 2016 for a further period of ten years prevents the display of estate agent boards on properties only within the City of Bath Conservation Area. This has been in place since 1989.</i></p> <p><i>The majority of Oldfield Ward and the entire Ward of Westmoreland are outside of the City of Bath Conservation Area and are therefore outside of the additional controls provided by the Regulation 7 Direction.</i></p> <p><i>If a ‘gentleman’s agreement’ has been in place then it was only that and the Council has never sought to control the display of estate agent boards in areas outside of the conservation area.</i></p> <p><i>In order to justify the extension to the Regulation 7 Direction there would have to be a significant identifiable harm to the visual appearance and character of the area and significant concern that existing controls available to the Council do not offer sufficient safeguards.</i></p> | | | |

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| M 02 | Question from: | Councillor Eleanor Jackson |
| <p>Can you explain how it is that residents in Westfield and Radstock, whether at the RUH or not, are being asked to provide their own walking aids, Zimmer frames etc. post-surgery?</p> <p>When was a decision made that residents should provide their own equipment?</p> <p>Do you agree that the impression given by a recent press release and survey is that B&NES and local NHS CCG are still providing community equipment?</p> <p>What are the criteria for determining whether an individual gets community equipment or whether they are expected to provide it for themselves?</p> | | |
| Answer from: | | Councillor Vic Pritchard |
| <p><i>The provision of Community Equipment is a statutory duty for Councils, as outlined in the Care Act (2014). Such duties note that where the Council issues equipment, this must be free of charge to those who have an assessed and eligible need. Similarly, Clinical Commissioning Groups also fund the provision of Community Equipment.</i></p> <p><i>To enable the Council and the CCG to deliver such requirements, the Council and CCG jointly commission the provision of Community Equipment within B&NES and have a number of contracts in place with several organisations. The largest of these contracts is with Sirona Health and Care, who support the ordering and delivery of Adults Community Equipment to individuals who have been assessed as requiring such equipment to support their care and support needs. Equipment prescribers, primarily occupational therapists, physiotherapists and registered nurses, are able to order equipment from a catalogue of equipment. Sirona will then order and deliver this equipment free of charge to the individual.</i></p> <p><i>For people recovering from surgery, individuals would generally be expected to receive any minor aids that they need, such as crutches or Zimmer frames, from the provider of the surgery, free of charge, at the point of discharge.</i></p> <p><i>Where individuals or prescribers are requesting equipment that is over and above their assessed needs, this may not be provided by the Council or CCG through the Sirona contract and thus may liable to a charge.</i></p> <p><i>In addition, the Council and CCG do hold a contract with the British Red Cross to support the provision of short term loan wheelchairs to residents of B&NES. Individuals should be able to access a wheelchair from the Red Cross for a short period (up to 12 weeks) enabling people who are either waiting for a bespoke wheelchair, or those who have a short term need for a wheelchair to benefit. Such provision is free of charge, although it is noted that the British Red Cross may request a deposit for such wheelchairs or may accept donations to support this provision.</i></p> <p><i>If individual residents have concerns in regards to the issuing of equipment post-surgery at the point of discharge we would be keen to explore them further. Please encourage individuals to raise such concerns via the Clinical Commissioning Group PALS team on Freephone: 0300 013 4762 or via email: BSCCG.Feedback@nhs.net.</i></p> | | |

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| M | 03 | Question from: | Councillor Richard Samuel |
| Can the Cabinet member state the total expenditure on the now abandoned Bath Library/OSS project? | | | |
| Answer from: | | | Councillor Karen Warrington |
| <p><i>To correct your misinterpretation of the issue, the project is on pause not abandoned. In October 2017 we reported to cabinet that £322,000 had been spent more than half of which was invested in the new Local History and Archives research and information centre in the Guildhall. A further maximum budget of £330,000 was approved to take the Bath project into the design stage. As a result of the decision to pause the investment plans at the podium site, a detailed review by the Council finance team of all project expenditure to date is underway. The capital investment in the Podium sat within an overall programme of modernising libraries and customer services across the district, much of which has been and continues to be delivered, and separating out individual items to establish the specific expenditure of the work to the Podium only is part of the review by finance. When the review is concluded the information will be shared.</i></p> | | | |
| M | 04 | Question from: | Councillor Richard Samuel |
| <ol style="list-style-type: none"> How much has the Cabinet saved by cutting the Christmas tree collection? How much does the Cabinet expect to spend in picking up uncollected Christmas trees on the streets as a result of the cut? | | | |
| Answer from: | | | Councillor Bob Goodman |
| <ol style="list-style-type: none"> <i>£35K is anticipated to be saved by standing down the garden waste collection for 2 months. The Service will resume on 28th January.</i> <i>There is no additional budget allocation. We do not expect residents to leave Xmas trees on the public highway. We expect residents to take responsibility for their own waste and not dump trees on pavements. Xmas trees can be recycled at any of our 3 recycling centres or stored on the residents own property for the garden waste collection service which resumes on 28th January. Charities will carry out Xmas tree collections in parts of the district also and we urge residents to look out for the publicity if they would prefer to make a charitable donation.</i> | | | |
| M | 05 | Question from: | Councillor Richard Samuel |
| <ol style="list-style-type: none"> How many road gullies exist in B&NES? How many have been routinely cleared in the past 12 months? How many reports have been made of blocked road gullies in the past 12 months? What the normal programme of gulley clearance is and what budget was provided from 2015-2019? | | | |
| Answer from: | | | Councillor Mark Shelford |
| 1. 31260 | | | |

2. 22487
 3. 447 reports recorded
 4.

| Description | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 |
|--|--------------|--------------|--------------|--------------|-------------|
| Drainage Reactive – Gully Jetting & Emptying | £ 111,425.00 | £ 113,654.00 | £ 114,791.00 | £ 117,087.00 | £119,429.00 |
| Drainage Planned – Gully Emptying | £ 327,589.00 | £ 334,141.00 | £ 337,482.00 | £ 294,232.00 | £300,117.00 |
| Total | £ 439,014.00 | £ 447,795.00 | £ 452,273.00 | £ 411,319.00 | £419,546.00 |

M 06 Question from: Councillor Richard Samuel

Can the Cabinet member provide the exact date when the Clean Air Zone decision will be made?
 If this date is after the 31st December 2018 - has the Council received advice from DEFRA that the legal deadline can be deferred and is this in writing?

Answer from: Councillor Bob Goodman

*The date for a decision on the Clean Air Zone will be confirmed following the completion of the consultation analysis and any further modelling which is required to be done as a result of these consultation outcomes.
 The Council has written to the Secretary of State for DEFRA advising them of the situation.*

Supplementary Questions:

1. How long does the Cabinet Member expect the analysis he referred to take?
2. Has the Cabinet Member received legal advice from Council's legal officer about the failure to comply with the direction?
3. Can the Cabinet Member confirm that the Council is not exposed to any legal and financial risk?

Answer from: Councillor Bob Goodman

1. *I fully expect us to have a line of direction in the next 6-8 weeks.*
2. *Yes, we had sought a legal advice from our legal officers.*
3. *We could be in the risk.*

Answer from: Councillor Tim Warren

As there were so many responses it would be unwise not to look at all responses properly.

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| M | 07 | Question from: | Councillor Tim Ball |
| Can the Cabinet member confirm that Christmas trees outside residents' houses, awaiting collection at the end of January/beginning of February, will not be treated as fly tipping? Will additional side waste be collected after Christmas this year? | | | |
| Answer from: | | | Councillor Bob Goodman |
| <i>We expect residents to be responsible for their own waste, and to not to leave Xmas trees on the public highway. They can be recycled at any of the 3 recycling centres or through the garden waste collection service which resumes on 28th January. The tree should be kept on the resident's property, not on the street. Additional side waste will be collected after Xmas, but we encourage everyone to make sure they recycle as much as they can so there is not much waste left for disposal.</i> | | | |
| Supplementary Question: | | | |
| Can you confirm that you have encouraged people by default not to use real Christmas trees this year? Real trees are more environmentally friendly. Would you be looking to bring green waste collection forward in future years? | | | |
| Answer from: | | | Councillor Bob Goodman |
| <i>There is no evidence at all that anyone is going to plastic trees. Like you, I do oppose the use of plastic trees. We will be looking at all provisions for bringing forward green waste collection. I would remind everyone that they can bring Christmas trees to any of the three recycling centres, which is very much on the same principle what other Local Authorities do.</i> | | | |
| M | 08 | Question from: | Councillor Tim Ball |
| Can the Cabinet member confirm that the new compounds in allotments for fallen leaves and compost will be in place during the next financial year? | | | |
| Answer from: | | | Councillor Bob Goodman |
| Yes. Officers are working on proposals now. | | | |
| M | 09 | Question from: | Councillor Tim Ball |
| Can the Cabinet member give a progress report on the use of anaerobic digestion for fallen leaves? | | | |
| Answer from: | | | Councillor Bob Goodman |
| <i>Leaves collected from the highway are deemed to be contaminated (by law) and go through a variety of processes to treat them. We recover as much value from the leaves as possible through different treatment processes via our contractor. The separated silt fraction from our leaves is processed through anaerobic digestion.</i> | | | |

Leaves from parks are not contaminated and are recycled through open windrow composting to produce a valuable compost product.

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| M | 10 | Question from: | Councillor Rob Appleyard |
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How many issues have been reported through Fix My Street since the new system launched and how many issues have been resolved? Does each individual who reports an issue receive feedback on progress and resolution of the issue?

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| Answer from: | Councillor Bob Goodman |
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A written response will be provided within 5 working days

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| M | 11 | Question from: | Councillor Will Sandry |
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Please provide data on all events in Bath and North East Somerset over the last 12 calendar months which have been applied for via the Apply4 website.

Please detail:

- Name of organisation
- Description of event
- Fee charged

Please highlight any events for which the fee has been:

- waived
- paid for by an internal transfer from a Bath and North East Somerset Council cost code.

Have any event applications been processed without the Apply4 website being used as part of the application process? If so, please detail give the details outlined above for these events too.

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| Answer from: | Councillor Bob Goodman |
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A written response will be provided within 5 working days.

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| M | 12 | Question from: | Councillor Dine Romero |
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Was any monitoring carried out of the effect on air quality in different areas of Bath (e.g. the Southern end of Gay Street) whilst Milsom Street was closed during the Christmas Market? If so, are any figures available regarding the impact?

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| Answer from: | Councillor Bob Goodman |
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Monitoring of nitrogen dioxide has been carried out in a number of locations near Milsom

Street during 2018 using diffusion tubes. These are small analysers which are exposed for one month and then analysed in a laboratory. The period of the Milsom Street closure was mainly covered by a diffusion tube exposed in November (exposed 31/10-4/12), these tubes were sent to the laboratory recently and the results take approximately one month to be processed. Results for November can be made available in early 2019.

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| M | 13 | Question from: | Councillor Dine Romero |
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Has the Cabinet member considered assigning more dedicated motorcycle parking spaces as part of the on-street parking offer in Bath?

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| Answer from: | Councillor Mark Shelford |
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The use of motorcycles is increasingly popular due to their ability to bypass congestion, fuel efficiency and ease of parking. They also produce significantly lower emissions than cars and so have positive impact on air quality as well as congestion levels. In line with the Parking Strategy Objective PSO26: Improve the provision of high quality dedicated motorcycle parking spaces on street and in Council operated off-street car parks designated spaces should provide motorcycles with anchor points for locking the motorcycle. Currently, there are secure points at the following on-street locations, Portland Place; Sydenham Buildings; and Westgate Buildings. Further locations for improved provision will be identified as part of the parking strategy action plan as and when funding streams can be secured.

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| M | 14 | Question from: | Councillor Dine Romero |
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At the recent conference organised by the Bath Alliance for Transport and the Public Realm, the Cabinet member referred to “a technical study” on the feasibility of using one carriageway of the A4 Batheaston bypass as a park and ride site.

1. Does the technical study find this proposal to be technically feasible?
2. How many parking spaces are possible?
3. What is the likelihood of the A4 being released to B&NES or WECA for this purpose?
4. What is the likely cost?
5. What was the cost of the technical study work carried out by consultants?

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| Answer from: | Councillor Mark Shelford |
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A draft technical study is being reviewed by Officers who will issue the report with a summary before the end of December 2018. Whilst this is still work in progress the Technical Study work is anticipated to cost £2,300.00.

Supplementary Question:

Will technical study be definitely available by the end of 2018?

Answer from:

Councillor Mark Shelford

We are working hard with timetables so I have no other information than it will be delivered by that time.

M 15

Question from:

Councillor Neil Butters

Can the Cabinet Member give an update on Terrace Walk following the withdrawal of the dedicated coach marshals? Is he aware that the situation with regard to coach traffic has deteriorated since the removal of the marshals? Accidents are apparently occurring on a regular basis and air quality has deteriorated, with drivers keeping their engines idling for prolonged periods of time.

Answer from:

Councillor Mark Shelford

Due to the seasonal nature of coach traffic the dedicated marshals have been removed during the periods of the year when coach traffic is lower but will be in place during the busier peak periods to ensure best use of the resources available. The Traffic and Safety team have reviewed the reported accidents statistics for the period up to the end of October 2018 and can confirm that there has been one reported injury accident in Terrace Walk in the last 5 years (up until the end of Oct 2018 – the latest data we have). It occurred in March 2015 when a pedestrian stepped out in front of a bus or coach, which then hit them, resulting in slight injuries.

There is currently no evidence that air quality has been impacted by the removal of coach marshals during the off peak period. Analysis of the results from the diffusion tube analyser which has been in Terrace Walk since Oct 2017 (monthly averages) and the AQMesh type monitor which was in Terrace Walk from April to Oct 2018 confirm that whilst there is variation in nitrogen dioxide concentrations due to weather and emissions no step change in results is seen. However, this will be monitored as part of the regular monitoring processes and if issues are identified consideration will be given to taking appropriate action.

Supplementary Question:

How well the new Odd Down Coach park is working?

Answer from:

Councillor Mark Shelford

I have visited the site the other day and it was full. I will get back to you how full it is by days with figures from officers.

M 16

Question from:

Councillor Neil Butters

Can we please have an update on what transport-related powers have been transferred to

WECA so far, what are still to be transferred, and their likely timescale?

Answer from:

Councillor Mark Shelford

A written response will be provided within 5 working days.

M 17

Question from:

Councillor Neil Butters

What is the envisaged timetable for implementation of MetroWest through Bath, and to and from which destinations? How likely is it that these services will be run by GWR? Is any rebranding of rolling stock, to proclaim 'MetroWest', likely?

Answer from:

Councillor Mark Shelford

MetroWest Phase 1 will see half hourly services on the Severn Beach Line and local stations to Bath Spa with a possible extension to Westbury. The additional works required to facilitate the Westbury link are currently being assessed by Network Rail.

Network Rail's programme of renewals and enhancements up to late 2021 includes the renewal of Bristol East Junction (east of Temple Meads station) which is programmed to be completed by September 2021, subject to confirmation of funding by the DfT. The quantum of changes to train services planned for January 2019 is such that Network Rail are not currently able to confirm whether MetroWest Phase 1 services could operate without the renewal of the Bristol East junction. WECA continue to work with Network Rail to map out infrastructure improvements to facilitate short, medium and long-term rail aspirations such as Bristol East. The current programme for MetroWest Phase 1 identifies delivery in late 2021 following the completion of the Bristol East junction.

There is a potential that the Department for Transport will extend GWR rail franchise until 2022, in which case GWR will run the MetroWest service and we would expect rebranding of the rolling stock to proclaim "MetroWest"

M 18

Question from:

Councillor Neil Butters

What representations have been made to GWR to provide additional rolling stock between Bristol and Westbury - now it is becoming available from other areas - to tackle overcrowding? What answers have been received?

Answer from:

Councillor Mark Shelford

A written response will be provided within 5 working days

M 19

Question from:

Councillor Neil Butters

A tram or tram-train system has been mooted between Bristol and Bath, broadly along the

route of the A4. What assurances have been received, and from whom, that a sufficiently broad corridor has been identified to facilitate such a system? What would the key elements of that corridor comprise?

Answer from:

Councillor Mark Shelford

A written response will be provided within 5 working days.

M 20

Question from:

Councillor Will Sandry

Please could the Cabinet member detail the progress of and achievements to date of the Council's mental health review.

When will the review be completed?

Answer from:

Councillor Vic Pritchard

I provided a written briefing to Health and Wellbeing Select Committee in November, confirming that the review remains on track. A number of specific deliverables have been identified as a result of the review, further details of which are published on the CCG website at www.bathandnortheastsomersetccg.nhs.uk/get-involved/project/mental-health-services-review. Some key areas of development include:-

- Improved Crisis Provision: Strongly identified as a local need, Commissioners and Virgin Care are working with Bath Mind who will lead the service operation to develop the specification for a new safe haven facility in Bath and North East Somerset. An NHS Grant has been identified to support start-up of the project and the safe haven space is expected to be open in Spring 2019.*
- Wellbeing House: The need for pre-crisis support was clearly identified in the review and whilst Commissioners have received positive feedback from this service the review showed that people wanted it to be open for longer, and to deliver an increased level of support. Discussions are in progress with the existing provider about enhancing the offer including extended opening and the option of an additional bed for longer stays.*
- Service Specifications: The review showed a need for more joined up work and stronger collaboration across a coherent and clear pathway. Workshops are in progress with providers and review deliverables are being integrated into transformation plans. Any new specifications will have a focus on joined up working, holistic support, putting the person at the centre and making best use of community resources.*
- Collaborative Framework: All providers involved in the mental health review support the development of a collaborative framework. The framework that is currently in draft sets out the spirit of collaboration as well as the actions that will need to be taken to achieve a unique and high quality pathway for individuals with mental health needs. We expect this framework will incentivise people and services to work together to build a unique package of support which promotes recovery and*

maintains wellbeing.

A consultation on the identified deliverables will be commencing in January with the expectation that the full business case will be presented to Governing Bodies in March and contracts in place by 1st April 2019.

Supplementary Question:

1. Wellbeing House – is your desire that it will move to 7 days in a week operation?
2. Do you believe that an additional bed for longer stay would be sufficient?

Answer from:

Councillor Vic Pritchard

1. *Wellbeing House – I recommend to any Member of the Council to visit the Wellbeing House and see how they work. The reason why it is not yet 7 days in a week operation is purely down to finance. If we can identify sufficient finances then it would be open as 7 days a week provision as early as possible,*
2. *This is a starting point and we will measure as we progress.*

M 21

Question from:

Councillor Neil Butters

What instances are there of doctors' surgeries which are based outside B&NES having outposts within B&NES? What support can be given to Freshford surgery, recently closed by its parent at Beckington due to building problems, to re-establish itself? Is this a unique situation?

Answer from:

Councillor Vic Pritchard

The provision of GP surgeries is not directly within the remit of the Council, but I have shared your question with officers at the CCG who have confirmed that apart from Beckington Surgery, which is in Somerset, there are no other practices outside of the B&NES boundary who have a branch surgery in B&NES.

M 22

Question from:

Councillor Dine Romero

What could the Council do to encourage or incentivise other city centre landlords to bring accommodation, such as empty spaces above shops, back into residential use?

Answer from:

Councillor Paul Myers

Through the Council's housing development company we are demonstrating to other landlords the value of bringing these spaces back into use and encouraging others to do the same. There are 30 properties fully let by Aequus where they were previously empty premises. The Council also recently ran a campaign on empty properties and there are the council tax incentives to bring them back into use (e.g. Council Tax penalties where properties lie empty). The Council has also previously used its CPO powers in extreme

cases.

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| M | 23 | Question from: | Councillor Dine Romero |
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Has the Council considered possible investments in Avon Mutual?

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| Answer from: | Councillor Charles Gerrish |
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Members and Officers met with representatives of Avon Mutual a few months ago to consider their proposals. We decided that we were not in a position to make a long term commitment at that time. However, we remain in contact with Avon Mutual and receive regular updates from them on their progress.

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| M | 24 | Question from: | Councillor Will Sandry |
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With regard to Lorne Road car park (at the junction of Lorne Road, Brougham Hayes and Lower Bristol Road):

1. What was the capital receipt from the sale of this land?
2. What were the terms of the sale (e.g. freehold, leasehold)?
3. What was the income generated from this land in each of the last three financial years?

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| Answer from: | Councillor Charles Gerrish |
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1. *The capital receipt from the sale of the subject site was £100,000.*
2. *In regard to the terms of the sale of Lorne Road Car Park, the property was sold on a long leasehold basis.*
3. *From a review of the records, the income generated over the past three years was £1,000, the expenditure from the DDA grant is the sum of £3,035 which equates to the maintenance works undertaken at the site since 2015.*

Below is the full breakdown of the income and expenditure generated from residential car parks including Lorne Road, London Street and James Street West which is where the figures were determined from:

| Income: | 2014 | 2015 | 2016 |
|--|---------|--------|--------|
| Grand Total | | | |
| Car Parks, Residents & Former £29,610 | £11,836 | £9,056 | £8,717 |
| LBA30 | | | |
| Expenditure: | 2014 | 2015 | 2016 |
| Grand Total | | | |

Car Parks, Residents & Former
£49,840.34

£16,130.17

£15,728.99

£17,981.18