

CABINET MEETING 12th September 2019

REGISTERED SPEAKERS

There are no registered speakers for this meeting.

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillors Jess David and Shaun Stephenson-McGall
<p>Residents in Moorlands and Oldfield Park wards are working to protect and improve local green spaces including Moorlands Park, the Sandpits Playground and the Memorial Garden. Could you confirm whether you will support a legal agreement between B&NES and Fields in Trust to enhance protection of these spaces and preserve them for future generations to enjoy?</p>		
Answer from:		Councillor Paul Crossley
<p><i>The Council considers that there are planning policies in place that provide sufficient protection for these sites and that a legal agreement and Fields in Trust application is not necessary.</i></p> <p><i>Whilst this not something the Council has resources to fund, we would look favourably if the 'Fields in Trust' application is progressed and funded by residents groups.</i></p> <p><i>The relevant plans and polices are:</i></p> <ul style="list-style-type: none"> • <i>LCR6A Local Green Space</i> • <i>LCR5 Safeguarded Sport & Recreational Facilities</i> 		
M 02	Question from:	Councillor Vic Pritchard
<p>Will you confirm what you are doing in order to ensure that Bath Rugby does not move out of the city to another city such as Swindon given your party's opposition to the current proposals, particularly to Bathwick residents, during the 2019 local election campaign?</p>		
Answer from:		Councillor Dine Romero
<p><i>The Council places great value on the presence of Bath RFC within the city, however, the Council has two roles in this regard the first as place-maker and the second as planning authority and it is necessary that planning considerations are managed separately as required by legislation. We remain committed to retaining Bath RFC within the city and will continue to work with them to secure this and Bath RFC remain able to seek pre-planning advice from our planning and development services as is the case for any other agency interested in development within the city and wider area.</i></p>		
M 03	Question from:	Councillor Karen Warrington
<p>What exactly are you planning to spend the £9,000 of taxpayer's money on by reopening the clean air zone debate?</p>		

Answer from:	Councillor Sarah Warren
<p><i>The cabinet has commissioned an independent review of the Clean Air Zone decision-making process to ensure that no opportunities have been missed to bring about compliance with air quality objectives in the shortest time possible. This independent review is appended to the Cabinet report and was commissioned for £8,680.00 plus VAT.</i></p>	
M 04	Question from: Councillor Karen Warrington
<p>Will reopening the clean air debate not just cause further delay to the already extremely tight deadline to achieve air quality compliance by the end of 2021? Furthermore, wouldn't such a delay have an adverse effect on the Council's commitment to declaring a climate emergency?</p>	
Answer from:	Councillor Sarah Warren
<p><i>The Cabinet Paper to be considered today is part of our on-going programme of work and has been developed following consultation with communities undertaken in Autumn 2018. It is appropriate that we provide communities with the opportunity to comment further on the details of a CAZ C zone. A revised timetable has been considered as part of our decision to undertake an independent review of the CAZ work to date and the requirement to undertake further consultation. The amended implementation of the CAZ does enable us to achieve compliance by the 2021 date, subject to the Full Business Case sign off by the end of the calendar year.</i></p>	
M 05	Question from: Councillor Paul Myers
<p>Given that you pledged to make democracy more open and transparent during the election campaign, what is your rationale for the proposed idea, we understand you are considering, to reduce the number of Council Motions allowed on the full council agenda which is one of the few opportunities at local level for opposition groups to voice the ideas of their residents?</p>	
Answer from:	Councillors Dine Romero
<p><i>I think it important to clarify that this option was raised by the Chief Executive and Director of Legal and Democratic Services as there has been a substantial increase in the number of motions being made to full Council. It was only one of a range of possible solutions that have been provided to the Group Leaders to discuss how best such motions can be managed so that they do not disrupt other business or cause the agendas for full Council meetings to become unmanageable. Given the number of resolutions passed over recent years, a "tracker" document has had to be created so that recommendations in reports do not inadvertently contradict a previous resolution - that tracker now runs to 49 pages.</i></p> <p><i>As you know from our last Group Leaders' meeting we, as Group Leaders, have agreed the way forward which we will be testing at the Full Council meeting in October 2019.</i></p>	

M 06	Question from:	Councillor Paul Myers
<p>In the event that there may be a General Election in the coming months, how do you intend to balance the workload of being Council Leader in B&NES whilst fighting for the seat of Kingswood in South Gloucestershire, or will one / both of those duties be neglected? Moreover, is there not likely to be potential conflicts of interest arising from your position on WECA?</p>		
Answer from:		Legal and Democratic Services
<p><i>This question is not accepted as 'it contains an allegation against, or comments about, the conduct of individual Councillors or officers' (Constitution, Part 4D, Rule 30.4).</i></p> <p><i>Rule 30 of the Constitution also requires that 'Questions must only be asked of:</i></p> <ul style="list-style-type: none"> <i>• a Cabinet Member (where the matter falls within his or her portfolio) or</i> <i>• the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest)'</i> 		
M 07	Question from:	Councillor Paul Myers
<p>Given your recent spending pledges such as £75k to Bath Festivals, £350k to the Victoria Art Gallery and £40k to street cleaning, where are you finding the money for these proposals given the extremely tight budget? If you are using the Council's reserves, are you planning to make future cuts to vital services or selling off council owned assets should an unexpected expense arise which has not been budgeted for?</p>		
Answer from:		Councillor Richard Samuel
<p><i>The grant to Bath Festivals of £75k was made to assist the groups three year recovery programme and was funded from Revenue Budget Contingency. The £40k for additional Street Cleaning in Bath City Centre is trialling the effectiveness of additional cleaning in the summer months ahead of preparations for the 2020/21 budget and was funded from Revenue Budget Contingency. The Budget Monitoring Report in this agenda outlines that the Reserve is expected to remain at £1m by the year end assuming that the current projected over budget position cannot be mitigated. Officers and Members are currently working on other mitigations to resolve this to ensure the reserve is sufficient to meet budget needs in 2020/21.</i></p> <p><i>The Victoria Art Gallery has had a Provisional Capital Programme project for air conditioning for £225k that has been moved to Full Approval. This was included in the budget approved in February 2019.</i></p>		
M 08	Question from:	Councillor Paul May
<p>The Joint Spatial Plan process has been going on since at least 2016, the inspectors have indicated the process should be reconsidered – can you please confirm how much this total process has cost residents so far, including the hearing costs shared with other local authorities?</p>		

Answer from:	Councillor Tim Ball
<i>The overall current cost of JSP work across the 4 Unitary Authorities is £1,311,525 from the period covering 1st April 2015 to the 6th September 2019.</i>	
Supplementary Question:	
<p>Before I ask my supplementary question, I would like to say in public that we need to give a support to our planning officers for the professional way they have handled the whole process.</p> <p>Will you support me in thanking the community for the correct and proper way that they have handled the whole process?</p>	
Answer from:	Councillor Tim Ball
<p><i>I would like to thank everyone who took part in these hearings (Councillors, officers, public), and who have handled the process in dignified manner.</i></p> <p><i>Furthermore, I would like to read out the statement issued by West of England Combined Authority and Local Enterprise Partnership:</i></p> <p><i>"We are disappointed by some of the conclusions drawn by the Inspectors, but we are also pleased to see they have confirmed the benefits of our strategic approach to planning, and our co-operation across the region. We remain fully committed to working together to achieve the best outcomes and while it is clear that we will not pursue the JSP in its current form, we will now consider their detailed comments carefully as we work to determine the best way forward.</i></p> <p><i>We share the desire of the residents and businesses that make up our communities and want to see us working together effectively. We are still totally committed to working co-operatively to provide the homes, space for jobs, the living environment and the infrastructure we need to meet the challenges of the future - including addressing the housing crisis, the need for jobs and affordable housing, and responding to the climate change emergency.</i></p> <p><i>We will fully consider the technical details carefully and the potential options open to us to move forwards, in addition to considering the implications for the ongoing development of Local Plans. We will do this in the coming weeks and anticipate submitting a formal response to the Planning Inspectorate as soon as practicable."</i></p>	
M 09	Question from: Councillor Brian Simmons
<p>What is the current administration going to do in order to secure a provider for the electric bike hire scheme given that they have currently failed to attract any new companies from coming forward?</p>	
Answer from:	Councillor Joanna Wright and Councillor Neil Butters
<i>Following extensive engagement with potential suppliers in October 2018, the Council</i>	

was disappointed to learn that none of the previously interested parties were willing to make a tender bid for the on-street, e-cycle hire contract.

Suppliers indicated that they did not bid due to current much larger commitments to existing and potential schemes plus the relatively small scale scheme would be commercially challenging.

Officers are submitting a change of scope to OLEV (Office of Low Emission Vehicles), to include loan bikes which will support an increased uptake of e-bikes in and around Bath, providing many of the predicted benefits of the on-street cycle hire scheme.

M 10	Question from:	Councillor Karen Warrington
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When will you publish the effectiveness data to the public regarding the Council's wholesale introduction of the 20mph zones?

Answer from:	Councillor Joanna Wright and Councillor Neil Butters
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In autumn last year the Department for Transport (DfT) published a report relating to research into the performance and impact of a range of 20mph speed limits across the country. This was summarised by our Highways & Traffic officers in a report to the Council's Communities, Transport and Environment Policy Development and Scrutiny Panel on 11 March 2019.

The research undertaken for the DfT was based on a far larger data set than would be available from the 20mph limits in B&NES and more considered statistical conclusions can be drawn from this larger data set. For this reason we have not yet undertaken further analysis of the 20mph limits across Bath & North East Somerset and resources are limited at present to do so.

M 11	Question from:	Councillor Karen Warrington
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Following the announcement of £40,000 spent on cleaning up Bath's streets, how much funding will you be allocating to cleaning up our streets in North East Somerset?

Answer from:	Councillor Sarah Warren and Councillor David Wood
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Thank you for the question. The problems faced by North East Somerset are more complex than street cleaning alone. We are concerned about fly tipping in rural areas, the state of the rivers in some towns and litter across B&NES.

We will be reviewing the resource allocated to the street cleansing service and other areas through the Council's budget setting process to ensure our priorities are met both in North East Somerset and in Bath. If you have any specific cleansing concerns that need addressing with urgency then please do report these through the Council's website for prompt action by the relevant team.

Supplementary Questions:

- 1) Are you going to ensure that there are sufficient funds and resources in order to ensure that fly-tipping is kept under control? Some of my residents had hazardous waste left at their land.
- 2) Would you consider mobile cameras in areas that are constantly targeted by fly-tippers?

Answer from:

Councillor David Wood

Thank you for the questions.

After 4 years of neglect by the previous administration both North East Somerset and Bath are facing great challenges around cleanliness.

From a filthy city centre that was threatening the economic health of our area, to verges full of litter on rural roads, to rivers clogged with plastics and volunteer litter picking groups feeling unsupported to fly tipping.

The 2019/20 budget passed by the previous administration did nothing to alleviate these problems and this meant that in-year funding was required to solve a very immediate crisis.

We are currently going through the councils budget setting process to identify areas where Conservative cuts need to be reversed in both North East Somerset and Bath, so that residents can feel assured that they finally have a Council that's on their side.

There are CCTV cameras available for fly-tipping accumulations so I will be in touch with you about it.

M 12**Question from:**

Councillor Karen Warrington

When can the public expect the results of the 2019 Annual Air Quality Report to be published? For the last 2 years these have published in June and given the importance of this issue to local people – it should be published as a matter of urgency.

Answer from:

Councillor Sarah Warren and Councillor David Wood

The Annual Status report has been peer reviewed by DEFRA and has been published on the Council's webpages in the week beginning 9 September 2019.

<https://www.bathnes.gov.uk/services/environment/pollution/air-quality/reports>

M 13**Question from:**

Councillor Vic Pritchard

When rules / conditions are set for Temporary Event Notices what is the administration doing to ensure that correct controls are in place so that these conditions are appropriately complied with by those who have requested them, particularly those who are first time applicants?

Answer from:	Councillor Paul Crossley	
<p><i>Temporary Event Notices (TEN's) are designed to reduce the burden of bureaucracy to organisers of small scale events and Licensing Authorities are encouraged to take a light touch approach to enforcement with respect to these applications. The only responsible authorities which can object to a TEN are the Police and Environmental Protection team of the local authority.</i></p> <p><i>All submitted TEN's are risk assessed in terms of the potential nuisance or crime and disorder which could be caused by the event and any appropriate action is taken prior to the event taking place. If an event subject to a TEN has caused complaints, then these are investigated afterwards and appropriate action taken if the applicant makes applications for TEN's in the future.</i></p> <p><i>Specifically, conditions can only be set for a Temporary Event Notice (TEN) when a representation has been received in connection to a TEN that relates to a premises that has an existing Premises Licence with conditions attached.</i></p> <p><i>Should this circumstance arise then on receipt of a representation, the matter will be referred to the Licensing Sub-Committee for determination, which then has the option to add any of the existing conditions to the TEN. To date, this situation has never arisen in Bath and North East Somerset.</i></p>		
Supplementary Questions:		
<ol style="list-style-type: none"> 1) Have you considered issuing TENs in North East Somerset, particularly in Chew Valley area where there is an event happening on almost weekly basis? 2) Will you recognise its imperative that requirements for the statement of Licensing and Policy section 14 (Prevention of Public Nuisance) is applied to TEN together with section 34.1 where the Licensing Authority acknowledges its duty to protect amenities and businesses in the vicinity of licensing premises? 		
Answer from:	Councillor Paul Crossley	
<p><i>Thank you for your questions.</i></p> <p><i>I would like to have a conversation with you outside the meeting and get more details about that weekly event that you said it is happening, and which is not licenced. As the rest of your questions require detailed response, I will provide an answer within 5 clear working days.</i></p>		
M 14	Question from:	Councillor Grant Johnson
<p>I note that in the Weekly List dated the 30 August 2019, a decision relating to Domestic Violence and Abuse (DVA) funding was withdrawn as it is to be dealt with by part of the overall approach to medium term financial planning. The background to the item states that core DVA services are currently funded from a range of sources including grants and charitable donations which are mostly time limited and the majority of funding for DVA support services will come to an end in April 2020.</p> <p>Please could the Cabinet Member advise me of the following:</p>		

- (i) What services are currently provided by the DVA service?
- (ii) Who is commissioned to provide these services?
- (iii) What is the current budget for DVA?
- (iv) What are the sources of this funding?
- (v) When precisely is this funding due to end?
- (vi) What would be the impact of not funding these services?

Answer from:

Councillor Paul Crossley

DVA support services in B&NES comprise a comprehensive range of help for victims, a small targeted perpetrator service and information and advice for professionals dealing with domestic abuse. Domestic violence and abuse services in B&NES are currently funded from a range of sources, including grants and charitable donations. However these are mostly time limited and the majority of this funding will come to an end in April 2020. The detailed answers to (i) to (v) are set out in tabular form below.

- (i) What services are currently provided by the DVA service?**
- (ii) Who is commissioned to provide these services?**
- (iii) What is the current budget for DVA?**
- (iv) What are the sources of this funding?**
- (v) When precisely is this funding due to end?**
- (vi) What would be the impact of not funding these services?**

i) Service	ii) Commissioned to provide	iii) Annual budget	iv) Source of funding	v) Due to end
1x Independent Domestic Violence Adviser	Southside Family Project	£30,000	PCC Community Safety Grant	3 year allocation currently planned to end 31 March 2020
0.5x Support Worker	Southside Family Project	£18,000		
1x IDVA manager	Southside Family Project	£32,000	Tudor Trust	TBA
1x IRIS Advocate/Educator	Southside Family Project	£41,691	B&NES CCG	From CCG this is continuing with no end date
1 RUH IDVA	Southside Family Project	£30,000	B&NES & Wilts Councils & CCG	From B&NES CCG this is continuing with no end date.
1x High risk IDVA/toxic/complex trio	Southside Family Project	£90,420	Home Office	3 years ending 31st March 2020

			VAWG Programme	
1x Support worker for RUH IDVA	Southside Family Project			
Information & Advice Navigation	Southside Family Project			
Crush/relationships	Julian House	£21,319		

vi) *There is no doubt that these services provide significant contributions to safeguarding the welfare and meeting the needs of some of the most vulnerable people in our area. For example, the Independent Domestic Violence Adviser service managed 203 high risk cases in 2018/19, previous years have seen a case load of around 300 cases per year. Leaving victims unsupported risk an escalation of violence an abuse with an increased risk of domestic homicide in certain circumstances. Annually some 350 medium and lower risk victims or their representatives receive telephone advice, support and referrals to other agencies.*

Any reductions in support are likely to feed through to increased pressure on social care, safeguarding and first response colleagues in all agencies with all associated extra costs and resources. Local GP practices using the IRIS service and the RUH IDVA staff will have no local onward referral process.

Any end to existing funding streams, for example from central government, would therefore have impacts. Given the above, sustaining current levels of service for this key area of work clearly represents a significant growth pressure which the council is taking the lead on seeking to address, particularly through the new Community Safety and Safeguarding Partnership and through the budget process.

Supplementary Question:

- 1) Part 4 of my question was about the sources of £30,000 funding for RUH IDVA (for Southside Family Project) by B&NES and Wilts Councils and CCG. Can you please provide a breakdown of funding from each organisation?
- 2) Does the Council have any commitment to funding of DVA support services in B&NES?

Answer from:

Councillor Paul Crossley

- 1) *I will get back to you in 5 clear working days.*
- 2) *I have seen the figures produced by officers which include long term funding for DVA support services and therefore Council's commitment to that funding.*

