

CABINET MEETING 8th October 2020

STATEMENTS FROM PUBLIC AND COUNCILLORS

1. David Redgewell – Transport during COVID-19
2. Simon Banks – Ecological Emergency
3. Danny Groves – Ecological Emergency
4. Frank Kenny – Ecological Emergency
5. Councillor Duncan Hounsell – Mead Lane Moorings
6. Elisabeth Evans – Mead Lane Moorings
7. Phil Harding (Saltford Parish Council) – Mead Lane Moorings
8. Rebecca Sarll – Mead Lane Moorings
9. Avril Mc Govern – Mead Lane Moorings
10. Ross Fender – Mead Lane Moorings
11. Laura Darling – Mead Lane Moorings
12. Dom Newton – Mead Lane Moorings
13. Peter Denmead – Mead Lane Moorings
14. Jassy Powles – Mead Lane Moorings

QUESTIONS AND ANSWERS - COUNCILLORS

M	01	Question from:	Councillor Liz Hardman
<p>I want to draw attention to the report on the Children's Services Improvement Plan which was considered by the CAHW PDS Panel in July. It stated the following:</p> <p>There are still challenges in relation to the number of Care leavers who are not engaged in Education, Employment or Training (NEET) despite best efforts. The skills and engagement worker and senior PA are always proactively looking for opportunities for employment and training. However, there is a concern that post Covid-19 that nationally Care Leavers have been one of the worst hit groups in relation to work opportunities. Many that were accessible no longer exist as businesses struggle to return to operating again.</p> <p>This message of concern about the number of care leavers who are not in education, employment or training and the impact of Covid-19 on their employment opportunities, was reiterated at a recent meeting of the Corporate Parenting Group.</p> <p>I'd like B&NES, as an employer, to consider what it can do to support young care leavers to access training and employment opportunities within the Council. While B&NES must operate within the bounds of UK employment law which requires a fair and open recruitment process without discrimination, it can, lawfully, take positive action. For example, the Council could send details of training opportunities directly to care leavers to help increase their chances, it could direct adverts to care leavers (sending links to jobs advertised on the Council's website) and it could offer additional support through the selection process.</p> <p>So my question is, would the Cabinet members consider adopting the measures outlined above to support our care leavers in applying for employment and training opportunities that arise within the Council and will they consider amending the Local Offer to Care Leavers to reflect this new support?</p>			

Answer from:	Councillor Kevin Guy	
<p><i>The council already has a very strong track record in employing and supporting apprentices and we see this as a logical extension of that work. Councillor Hardman is correct – we are lawfully able to take positive action and the HR&OD team will work with the CYP team to provide details of vacancies and training opportunities. We will look carefully at what further additional support could be offered, but this may be limited simply due to the resources we have available.</i></p> <p><i>We are also investigating the government’s new Kickstart programme and how we could utilise that for our care leavers, both in our role as a local authority and intermediary, and also directly as an employer offering a number of paid roles to young people.</i></p> <p><i>The Local Offer for Care Leavers will be updated accordingly.</i></p>		
Supplementary Question:		
<p>I very much welcome this positive response. Would the Cabinet Member agree to monitor the effect of the actions proposed so that we can see whether more Care Leavers are able to take up opportunities within the Council?</p>		
Answer from:	Councillor Kevin Guy	
<p><i>As the Lead Member for Children and Young People I welcome the focus on access to support for care leavers and I would be very happy to work with Council officers to progress the local authority proposals as set out in the response to question 5. I would also be very happy to meet with you and discuss these issues after the meeting.</i></p>		
M	02	Question from: Councillor June Player
<p>Can the leader of the Council please explain why the 5G issue was deemed not appropriate to be debated at the last Council meeting due to it being a National Issue and not a Local one when other National issues presented through motions by different political parties have been? Topics such as Electoral Reform, Fracking, Food Poverty and Unfair Evictions.</p> <p>I was extremely shocked with this decision. Whether we are for 5G or opposed is beside the point, and after all, only a short debate of</p>		

10 minutes was being requested. The petitioners undertook all the procedures set down by this Council and presented a petition signed by the relevant number of residents. All they were asking was that this Council debated the topic.

Given that OUR residents, that WE represent had asked US to debate / look at this issue and ask some questions I feel should have taken place as it is their democratic right. The speakers made some very good and pertinent points which I believe should have been debated.

Answer from:

Councillor Dine Romero

Please refer to the minutes of the Council meeting of 23 July 2020 (excerpt below) and to the briefing note supplied to Councillors in advance of the Council meeting, which notes that the Council's only role in relation to 5G is in determining planning applications relating to telecoms infrastructure where this does not fall under permitted development. Just to confirm – all Group Leaders have agreed not to debate on this matter.

“Under procedure rule 34, the Chair asked if the Leaders of the 2 larger groups required a 10-minute debate on this issue.

“Councillor Dine Romero thanked the petitioners and explained that they would not be able to debate this issue as it was an issue for national government. She recommended the petitioners make contact with their local MPs. She proposed that the petition be passed to the relevant Cabinet Members to respond to the points raised in the petition. Councillor Paul Myers supported this course of action.”

M

03

Question from:

Councillor Colin Blackburn

In light of the scrutiny already taken place on the controversial release of land at Bath Cricket Club, why was the decision taken to not pursue public recognition of the wrongdoing over tree damage at this site?

Answer from:

Councillor Tim Ball

The Council is always guided by legal advice in these circumstances. There were two investigations. First whether or not the Council could reasonably satisfy the CPS public interest test to prosecute the offence. The legal advice was that there was insufficient evidence that the cricket club had directly ordered the work that resulted in the tree damage to warrant a criminal prosecution, nor had

sufficient damage been caused so as to amount to them being destroyed. As a result of this a second piece of legal advice was received about whether we could pursue a civil action against the club. The legal advice received made it clear that because no actual loss to the Council has been incurred, there is no case to pursue. This was a disappointing outcome given the damage caused, and we do of course keep this under review, given the serious issues that took place.

M 04

Question from:

Councillor Vic Pritchard

Telford recycling plant had to bring in specialist pumping equipment to deal with an extensive fire in their recycling plant. Do we have immediate access to a water source at all our recycling facilities?

Answer from:

Councillor David Wood

At Midland Rd transfer station, we have high pressure hoses on site and there is also a fire hydrant located immediately outside the main entrance.

At Ashmead Rd Recycling centre, there is a fire hydrant located outside the main entrance on Ashmead Rd.

At all our recycling centres, there are on-site high-pressure hoses. A fire hydrant is also located outside the Welton Depot entrance

Note: Fire extinguishers are available on all sites for dealing with minor fires. Staff are not however advised to fight major fires but instead call 999.

M 05

Question from:

Councillor Vic Prichard

Government has committed £28.7 million towards improving Special Schools in Bristol. With a duty to cooperate across the authorities that make up the West of England will this provide a positive benefit to the children in BANES?

Answer from:

Councillor Kevin Guy

This development could be a positive benefit for children in B&NES. When new special school provision is being planned, the DFE will ask how many school places a neighbouring LA would potentially commission. We would need to know the type of school being delivered/built before we decided how many spaces we would need, but potentially this is welcome news.

M

06

Question from:

Councillor Vic Prichard

Bristol is now the capital of fly tipping with 3,658 recorded cases so far in 2020. Much of this is in the lanes of Nempnett Thrubwell, Chew Stoke, Chew Magna and Norton Malreward where they border the boundary of Bristol.

Are we able to seek reimbursement for the cost of removal of this fly tipping from Bristol City Council as these offences are committed by their residents?

Answer from:

Councillor David Wood

Environmental Enforcement investigate and take legal action when there is evidence present, for every incident of fly tipping within our authority boundary.

At present, there are two courses of action we can take to recover costs, they are as follows;

Fixed Penalty Notices

This currently stands at £400 per offence. 100% of the fine is fed back into the authority budget for use in further enforcement and the costs associated with removal.

Prosecution in a Magistrates Court

This can result in an unlimited fine and/or imprisonment.

The authority does not receive the money from the fine but may apply to the court for incurred costs from the offender.

We have very good working relationships with our neighbouring authorities including Bristol, North Somerset and South Gloucestershire. Intelligence, investigations and evidence are regularly passed between us to detect and prevent crimes of this nature.

If an offence such as fly tipping occurs in our authority, we will investigate and take action wherever the offender originates from. The perpetrator of the crime pays rather than the landowner or public authority. We only have the ability to prosecute the offender.

M

07

Question from:

Councillor Vic Pritchard

Anti-social behaviour associated with the introduction of e-scooters is recorded as being worse in England than anywhere else in Europe. What precautionary measures are being considered to ensure a successful launch of e scooters in Bath so we don't have to abandon the scheme as has happened in other British cities?

Answer from:

Councillors Joanna Wright/Neil Butters

An answer will be provided withing 5 clear working days.

M

08

Question from:

Councillor Paul May

Council Offices have been closed during the pandemic. Is the Council intending to make these closures permanent?

Answer from:

Councillor Richard Samuel

Council offices have not been closed during the pandemic. To protect public and staff we have changed operational practices during the pandemic which has resulted in fewer staff working from offices and the adoption of different service delivery models to enable more flexible outcomes. We will continue to keep all operations under review, but the priority will remain to deliver services in a way which protects the public and our staff.

Our office buildings are currently open to some staff and will be fully re-opened to all staff when it is safe to do so.

M 09

Question from:

Councillor Paul May

Two corporate directors and the Monitoring Officer have or are about to leave the council. This leaves the corporate capacity at senior levels of the authority at risk. What steps are being taken to mitigate this? Does the Council consider this as a significant risk within their overall risk register?

Answer from:

Councillor Dine Romero

A new senior management structure will be put in place over the next few months. Our current capacity enables the effective management of the organisation and the current situation is not viewed as a significant risk.

M 10

Question from:

Councillor Paul May

Has there been any contact with other local authorities which have over 50% of green belt, regarding housing numbers being proposed by government for their areas. Has the Council linked the objection to the housing numbers to the constraints re Green belt in B&NES?

Answer from:

Councillor Tim Ball

The Council's response to the consultation on changes to the current planning system included a reference to the District's highly

sensitive environment, and specifically to the Green Belt. B&NES has liaised with the other West of England Authorities in preparing its response as both North Somerset and South Gloucestershire have large Green Belt coverage. There is a further opportunity to liaise more broadly with other local Authorities in preparing the Council's response to the White Paper consultation on planning reform which closes on 29th October.

M

11

Question from:

Councillor Paul May

ADL and ACL are council owned companies. In view of the impacts on the property/construction sector as a result of the current pandemic, are they still viable trading bodies?

Answer from:

Councillor Richard Samuel

ADL and ACL are experiencing strong demand for both their rental and market sales properties at present with values exceeding business case expectations; this is helping the company profits grow, maintaining financial viability and enabling the Councils target return of £1M for 20/21 to be delivered by the companies. There are a number of factors which will impact the future of the property market and these risks are constantly reviewed by the Board and the Shareholder, however the underlying housing need is not diminishing. The structure of ADL and ACL means it has the ability to deliver to the rental and sales markets, flexing as appropriate to meet market demand.

M

12

Question from:

Councillor Karen Warrington

This Council declared an Ecological Emergency recently.

Can Cabinet confirm that our Local Plan and licencing policies will take this into account and have 'teeth'. This is especially pertinent in a) developments with the Tufa Field in Odd Down with its alleged destruction of slow worms, b) high light and noise pollution in rural areas with some businesses and residents using inappropriate lighting in bat habitats and, c) pop-up events that have an impact on our SSSIs, SNCIs and other really important habitats?

Answer from:	Councillor Tim Ball	
<p><i>The B&NES Local Plan already sets out robust policies to protect and increase the District's biodiversity where this falls within the control of the planning system. This includes protection of habitats and species. These policies will be further strengthened in the Partial Update which is currently underway which also provides the opportunity to take into account the requirements of the Environmental Bill once enacted, such as the specific requirements on biodiversity net gain. Whilst conscious of the ecological emergency which has been declared, the Licensing Act 2003 is very clear that statements of licensing policy must specifically support the licensing objectives of prevention of crime and disorder, protection of children from harm, prevention of public nuisance and promotion of public safety. The forthcoming Environment Bill is proposing a streamlined reporting duty, which requires local authorities and designated large landowning public authorities to produce a Biodiversity Report every five years and if introduced, this could provide a mechanism for issues relating to licensing of events to be considered.</i></p>		
M 13	Question from:	Councillor Karen Warrington
<p>Can Cabinet explain why the decision was taken, against officer advice, to not pursue compensation of £200,000 which is the damage to the trees on the new access to the 'Cricket Club development'. As the Council declared a Climate & Ecological emergency this lack of action with regard to the damage of trees is certainly not in the public's interests.</p>		
Answer from:	Councillor Tim Ball	
<p><i>The Council is always guided by legal advice in these circumstances. There were two investigations. First whether or not the Council could reasonably satisfy the CPS public interest test to prosecute the offence. The legal advice was that there was insufficient evidence that the cricket club had directly ordered the work that resulted in the tree damage to warrant a criminal prosecution, nor had sufficient damage been caused so as to amount to them being destroyed. As a result of this a second piece of legal advice was received about whether we could pursue a civil action against the club. The legal advice received made it clear that because no actual loss to the Council has been incurred, there is no case to pursue. This was a disappointing outcome given the damage caused, and we do of course keep this under review, given the serious issues that took place.</i></p>		

M	14	Question from:	Councillor Karen Warrington
<p>Can Cabinet agree that there will be a representative at the Bristol Airport expansion Appeal Enquiry and that they will vigorously object on the grounds of Climate & Ecological emergency, lack of infrastructure and the fact that due to Covid-19 impact on the travel industry this expansion is misguided.</p>			
Answer from:			Councillor Dine Romero
<p><i>Councillor Warren will attend the appeal to object on the grounds of Climate & Ecological emergency and associated issues. In addition, Bath and North East Somerset Council is entitled to submit its written evidence to the Inquiry, in line with the planning application consultation response to North Somerset Council, and officers will undertake this once we have received notification from North Somerset Council that the appeal is started.</i></p>			
M	15	Question from:	Councillor June Player
<p>With regard to the current plan to build 37 homes on a field in Englishcombe Lane that has significant ecological importance, while attempting to move the rare Tufa flushes and protected invertebrates including slow worms, do you think that proceeding with this action is Ecologically and Politically sensible given that we have declared an Ecological emergency and the science behind moving the flora & fauna is at best, unproven, which even our own ecologist has not supported?</p> <p>It is clear that the decision by this council to develop the field has attracted significant objections, and perhaps as a minimum, should not the council consider delay until the success of the test at Pennyquick can be proven before we take an irreversible action to destroy the existing habitat?</p> <p>B&NES Council have created headline climate and ecological emergencies and it is right that we are held to account by the public to reflect these in our policies and actions.</p>			

Answer from:

Councillor Tim Ball

The balance between development and ecology is a fine one. The planning permission was granted with a significant number of requirements on the ecology which the developer must meet including off-setting the impact by creating new habitats at a larger site in Pennyquick Lane which we will, rightly, be held to account for delivering. This site will see 37 family homes built including 14 much-needed affordable homes of which eight will be social rent meeting much needed local demand. All the homes, including the affordable housing, will be built to very high environmental standards. Indeed, they are designed to meet the AECB energy efficiency standard and will include very high levels of insulation, PV solar panels and air-sourced heat pumps. This will reduce CO2 emissions by up to 70%, compared to a standard home. However, just as importantly they will reduce energy bills by around 50%, thus making the affordable homes even more affordable to live in.

We take allegations about harm to wildlife very seriously. Although there is no indication of any deliberate act in this case, the council is investigating.