

CABINET MEETING 10th December 2020

STATEMENTS FROM PUBLIC AND COUNCILLORS

1. David Redgewell – general statement about transport issues within West of England Combined Authority
2. Councillor Shaun Stephenson-McGall – Agenda Item 11 ‘Liveable Neighbourhoods’
3. Councillor Shaun Stephenson-McGall - Agenda item 12 ‘Local Plan Partial Update: Options Consultation’
4. Councillor Manda Rigby – Agenda item 12 ‘Local Plan Partial Update: Options Consultation’
5. Councillor Paul Myers – Agenda item 14 ‘Future of Destination Management arrangements’

QUESTIONS AND ANSWERS - COUNCILLORS

M	01	Question from:	Councillor Grant Johnson
<p>Are the Cabinet Members aware of figures from the Department for Transport showing that hundreds of people are injured every year in collisions involving animals in the road, with motorcyclists and other vulnerable road users at particular risk of injury from a collision involving animals?</p>			
Answer from:			Councillor Joanna Wright
<p><i>Officer working with the Police collate collision information in B&NES that involve injuries. This information is passed onto the Department for Transport and is used at a national level which we are aware of. B&NES Officers study collision trends throughout the authority and react by prioritising locations that require safety treatments.</i></p>			
M	02	Question from:	Councillor Grant Johnson
<p>Would the Cabinet Members join me in welcoming the introduction of a new sign by the Department for Transport in June 2019 featuring a hedgehog which warns road users of hazards due to animals in the road ahead? The Cabinet members might be interested to know that this sign complements other warning signs already used on UK roads, filling a gap between warnings about smaller animals such as migratory toads and wildfowl and large animals such as deer and livestock. The sign is designed to reverse the decline in wildlife numbers, particularly hedgehogs, whose population in rural areas has halved since 2000.</p>			

Answer from:		Councillor Joanna Wright
<p><i>The traffic sign manual is updated by the DfT and identifies the permitted warning signs that can be used on the public Highway to improve safety of all users, we welcome the introduction of new signs that assist with improving safety and that are of benefit to the community.</i></p>		
M	03	Question from: Councillor Grant Johnson
<p>Could the Cabinet Members tell me how many of these signs (as per Question 2) have so far been used in B&NES and what criteria have been used to ensure that B&NES Council adopts a fair approach to determining where the signs are approved?</p>		
Answer from:		Councillor Joanna Wright
<p><i>Officer working with the Police collate collision information in B&NES that involve injuries. This information is assessed and used to inform the Officers where further investigation are required that could lead to potential interventions which could be additional signs. It is important that an evidenced based approach is used to maintain the highway. This ensures that the resources are allocated where they are needed and prevents proliferation of signs which, would be counterproductive in terms of safety, a poor use of public funds and unfordable.</i></p> <p><i>The Council introduce safety improvements using the evidence based approach and have not yet used the latest small wildlife warning signage.</i></p>		
M	04	Question from: Councillor Grant Johnson
<p>Are the Cabinet Members aware that in some places, including my own ward of Paulton, residents have taken matters into their own hands by putting up their own signs warning of small mammals in the road ahead?</p>		

Answer from:	Councillors Joanna Wright and Neil Butters
<i>I have been informed by the Traffic Network Team that they are aware of the unauthorised signage being placed around Paulton.</i>	
M 05	Question from: Councillor Grant Johnson
Would the Cabinet Members agree to ask residents and animal welfare groups to identify accident and wildlife hotspots, where there are large concentrations of small wild animals including squirrels, badgers, otters and hedgehogs, which might benefit from the installation of these new signs?	
Answer from:	Councillor Joanna Wright
<i>The Council supports and promotes the protection of wildlife, however any new sign installation would need to be evidenced based and the decision to install signs would be based on the current process where B&NES Officers study collision information throughout the authority and react by prioritising locations that require safety treatments. It is important that an evidenced based approach is used to maintain the highway. This ensures that the resources are allocated where they are needed and prevents proliferation of signs which, would be, counterproductive in terms of safety, a poor use of public funds and unfordable. The process enables the resources to be focussed where they are most needed in terms of safety and is the process that would be applied if information was made available regarding wildlife.</i>	
M 06	Question from: Councillor Grant Johnson
I have recently been made aware that some councils have created a calendar of Awareness Days (as an example, Gloucester City Council's Equalities Awareness Days 2020 calendar). Could the Leader of Council confirm which Awareness Days B&NES Council currently recognises, who decides which should be acknowledged, and how these days are marked?	

Answer from:		Councillor Dine Romero
<p><i>Thank you for raising this important question about creating a calendar of awareness days and events. This was discussed recently at the first meeting of the Corporate Equality, Diversity and Inclusion Steering Group CEDIS). The Council currently works to a communications and activity calendar which includes a wide range of events including Awareness Days, Weeks and Months and other key activities designed to raise awareness for a range of themes and concerns.</i></p> <p><i>At the CEDIS Group meeting last month, it was requested that a draft plan of key equality related events, relevant to a wide cross-section of our community, be presented at the next meeting for discussion. When this list/events calendar is agreed, it will be publicised to staff, elected members and to the wider community in our area.</i></p>		
M	07	Question from: Councillor Grant Johnson
<p>Would the Leader of Council agree that creating a calendar of Awareness Days would enable B&NES to identify in a more transparent way which days are important, increase awareness about key issues and enable a more consistent approach to marking key events?</p>		
Answer from:		Councillor Dine Romero
<p><i>Yes, as I have set out in my answer to question 6</i></p>		
M	08	Question from: Councillor Grant Johnson
<p>Does the Cabinet Member regret the stress caused to residents and the wider community over the original decision to allow Conrad Energy to build three large fossil fuel burning gas generators? Now that the plans have been put on hold, how confident is the Cabinet Member that Conrad Energy will find an acceptable greener solution?</p> <p>In view of the justifications for the original decision given by the Administration, can we have any assurances that this situation will not arise again?</p>		

Answer from:	Councillor Sarah Warren	
<p><i>The Cabinet, as Councillor Johnson knows, does not make decisions on planning applications. I welcome the decision from Conrad Energy to put their previous plans on hold and will continue to encourage Conrad Energy to come forward with future proposals that support the Councils commitment to addressing the Climate Emergency</i></p> <p><i>The Planning Scheme of Delegation has been amended to require all applications for fossil fuel exploration or extraction; or for commercial infrastructure for energy generation using fossil fuels will be determined by the Planning Committee.</i></p>		
Supplementary Question:		
<p>Instead of making the heartfelt much needed apologies for the stress is planning application caused to residents, the Cabinet Member decided to respond by reiterating to me that the Cabinet does not make decisions on planning applications. While that might be true. Will they admit that the Liberal Democrat Chair of Planning Committee had every opportunity to call this controversial planning application into the Planning Committee, but decided not to and instead agreed with the Conservative Vice Chair to delegate the decision to officers acting on behalf of this Council?</p>		
Answer from:	Councillor Tim Ball	
<p><i>Thank you, Councillor Johnson. Laws of Planning were quite clear and state that local Members can differ the matter to the Chair of the Planning Committee if they wish for the matter to be called in. Local Members did not do this so the Chair or the Planning Committee exercise the delegation quite correctly.</i></p>		
M 09	Question from:	Councillor Grant Johnson
<p>How soon can we expect our planning policies to be updated to reflect the climate emergency?</p> <p>Does the Cabinet Member agree that in view of the above, the time may have come for this Council to acknowledge that it needs to renew its commitment to the climate and ecological emergencies that it has declared?</p>		

Answer from:	Councillor Sarah Warren	
<p><i>Work is currently underway on reviewing and updating the Council's planning policies in order to reflect and facilitate addressing the climate emergency. This is primarily being achieved through the Local Plan Partial Update which includes a range of new and revised policies to help deliver on the climate emergency declaration, including requiring that new development is zero carbon; facilitating and focussing renewable energy development; and ensuring transport measures and infrastructure and parking standards facilitate moves towards sustainable modes of transport. The Local Plan Partial Update options consultation will take place from early January next year, followed by public consultation on the Draft Plan in the spring and adoption of the updated policies by early 2022. In addition to the update of the Local Plan work is also underway on associated Supplementary Planning Documents (SPDs), including reviewing the sustainable construction and retrofitting SPD to further encourage energy efficient buildings which is anticipated to be complete by the middle of 2021.</i></p> <p><i>It should be noted that the Council was fully aware of the need to review its local plan policies when it declared both a Climate and Ecological Emergency and as set out above this review and resultant update is being undertaken swiftly. Therefore, the Council's ongoing commitment to the climate and ecological emergencies is clear and is demonstrated through the progress being made.</i></p>		
Supplementary Question:		
<p>In the Cabinet Member's response, a reference was made to the clear and demonstrated progress being made by this Council in reference to its commitment to the climate and ecological emergencies. Can I ask the Cabinet Member, if this administration measures progress by the amount of fossil fuel generators it approves, or by the amount of rare geological ecosystems it uses to build houses on like those on the Tufa Fields in Englishcombe Lane?</p>		
Answer from:	Councillor Tim Ball	
<p><i>All local planning policies are going through the consultation, as the current Plan will do, and then they come back into the Council for the Members to make the decision on those policies. Officers will work on the policies adopted by Council. Cross party work always takes place in the delivery of Planning Policy. I hope Councillor Johnson and his colleagues will take part in this work.</i></p>		
M 10	Question from:	Councillor Karen Warrington

You have recently launched Consultation on Waste and Recycling in the Authority in order to get residents' views. My residents want to see not only an increase in the amount of recycling but an increase in the types of waste that can be recycled. Can you assure me that you are considering the recycling of items such as cellophane wrappers, animal food pouches, crisps packets, medication blister packs, together with brown plastic food trays?

Answer from:

Councillor David Wood

We are always looking for opportunities that can be scaled up for local authorities within the recycling industry. As soon as cost-effective viable opportunities present, then we will make recommendations for service expansion and associated investment. Brown plastic food trays can already be recycled through our kerbside collection service – it is only black plastic food trays that we cannot establish a market for as yet.

M 11

Question from:

Councillor Karen Warrington

I understand that new driveways must either be block paved or tarmac. What implications does this have on Climate Change and why can the Authority not consider allowing grass with grass grids in order to ensure that there isn't so much water run off?

Answer from:

Councillor Tim Ball

Materials for surfacing are proposed by property owners and there are no planning requirements that stipulate the type of materials that should be used. Houseowners can create or replace a driveway of any size using permeable surfacing such as gravel, permeable block paving or porous asphalt without the need for a planning application under permitted development. The permitted development was introduced in 2008 specifically to address issues of flooding and pollution by excessive run off from non-permeable hard surfaces and is encouraged at all times.

Supplementary Question:

Councillor Ball has kindly answered the question as property owners can choose their own materials for their drives, however on

reviewing the Schedule of Conditions for an application for a dropped kerb (a copy of which is attached) the statement within is:

"Drives should meet the highway at right angles and be constructed of a consolidated material such as bitmac, concrete or blocks (subject to planning approval)." This is highlighted on the attached document.

This appears to contradict the statement from Councillor Ball. Could he please clarify?

Answer from:

Councillor Tim Ball

The attachment provided relates to an application to drop a kerb which is outside of the scope of the planning system and is considered under separate highway legislation. It relates to works that enable the crossing of a highway, footway or verge only. Notwithstanding the planning system does not prevent applications for a range of materials or construction methods including those specified. Grass grids may not be any more permeable than block or other surfaces as permeability doesn't solely relate to the top surface but also to the substructure construction.

M 12

Question from:

Councillor Karen Warrington

A number of Neighbourhood Plans have Dark Sky Policies (Chew Valley NP) and Lighting Policies (Stowey Sutton NP). Can I ask the why, when the Council has declared a Climate & Ecological Emergency, the Planning Department do not accept Parish Council's requests that developments adhere to the lighting policies? This applies in particular to extensions with roof windows on the outskirts of the village, in green belt and adjacent to woods and bat habitats. Surely this is an issue that can be easily implemented, especially in the case of Stowey Sutton, they were required by B&NES to have a lighting policy in their Neighbourhood Plan?

Answer from:

Councillors Sarah Warren and Tim Ball

Following recent correspondence to the planning department, the matter was reviewed, and it can be confirmed that planning officers are fully considering these policies where they apply and referring to them in their reports.

The policies are supported and given careful consideration, but it is not appropriate to impose restrictions unduly on occupiers or reject

minor developments that are acceptable as this would result in appeals to the planning inspectorate. Any planning conditions that are applied must meet the six Tests set out in legislation including that they must be reasonable and necessary to make the development acceptable. Applying these tests requires an assessment of circumstances on a site by site basis and so cannot be a blanket approach.

Applicants are encouraged to consider the impact of their proposals on the environment including in terms of lighting and specific guidance is provided on the council's website to support applicants.

The proposed scope of the Local Plan Partial Update includes a Minor amendment to the council's lighting policy to ensure light levels meet Habitats Regulation Assessment requirements, through reference to maximum light spill in the Waterspace Design Guidance.

Supplementary Question:

Thank you for the answer to the question. I understand the situation, however, it does seem rather contradictory that Neighbourhood Plan Policies, written by local volunteers, approved by BaNES Planning and then independently inspected by a Public Inspector are then ignored because it is claimed that they don't meet the 6 tests of planning conditions.

Perhaps the Cabinet Member can explain to residents why it would not be reasonable (Test 6) to set a condition on a development - whether it be a small or large development - on the edges of villages and adjacent to SNCIs, SSSIs and bat/nature habitats which would be reasonable given that the Council declared a Nature Emergency recently?

Answer from:

Councillor Tim Ball

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1. necessary; 2. relevant to planning; 3. relevant to the development to be permitted; 4. enforceable; 5. precise; and*
- 6. reasonable in all other respects. It is necessary to meet all of these tests on any condition applied.*

Planning practice guidance advises that conditions should not be imposed on a blanket basis. The decision maker must consider and give weight to a range of material factors including but not limited to, the nature of the development, the scale of the development, the location of the development, the purpose of the development and all other material considerations including other planning

designations such as those referred to in the question.

The decision maker must assess the harm on a case by case basis, and a review of officer reports identifies that the locally made policies are being taken into account and that this site by site assessment is happening with regard to these policies. Harm that justifies a restrictive condition is more likely to occur where the scale of the development is significant, the location is more sensitive, the area is otherwise relatively light free, and the nature of the development emits light particularly in an area where there are no such emissions already. However, there can be no broad application of conditions to impose restraint each case must be independently assessed. Where a condition is applied that does not meet all the tests the applicant has the right of appeal to the planning inspectorate. The planning Inspectorate can award costs against the local authority where conditions are found not to meet the tests and these costs can be considerable.

M 13

Question from:

Councillor Vic Pritchard

As investors should get more than 6.5% returns does B&NES intend to invest as a shareholder in the Avon Mutual Bank, the regional community bank for the West of England?

Answer from:

Councillor Richard Samuel

Investment in Avon Mutual Bank could be considered, subject to review of any investment proposals being put forward by the bank. However, any investment at this stage of the banks development could be at risk of loss if the plans to launch the Bank are unsuccessful.

M 14

Question from:

Councillor Vic Pritchard

Where e scooters have been introduced elsewhere in the UK it has been identified that interest has outpaced regulation threatening to overshadow their environmental benefits - creating a confusing situation for riders and pedestrians having to jump out of their way. Is this proving to be the case in Bath?

Answer from:		Councillor Joanna Wright
<p><i>We are pleased to be chosen to work with the Department for Transport and colleagues in the West of England Combined Authority as well as Avon and Somerset Police on this e-Scooter trial. As this trial is in its very early stages it is currently too early to confirm any of the impacts that it may have, positive or potentially negative. Any e-scooter that is not part of the trial is not permitted for use on the public highway. We will continue to work with the operator to record and understand the impacts of this new form of transport so that the full picture can be assessed and understood in due course.</i></p>		
M	15	Question from: Councillor Vic Pritchard
<p>The Covid-19 vaccination site under construction in Bristol is intended to administer vaccinations to those living in Bristol and the neighbouring areas of North Somerset and South Gloucester as soon as a vaccine is approved. What provision is being made for vaccines being administered in B&NES?</p>		
Answer from:		Councillor Rob Appleyard
<p><i>I cannot give you a definitive answer now as we are still waiting for the National Health Services to bring together a vaccination process for all of our residents, so I will endeavour to provide you with more decisive information within 5 working days.</i></p>		
M	16	Question from: Councillor Paul Myers
<p>Will the Council consider lifting charges for Park and Ride and offer free parking in Council car parks in the City over Christmas in order to give a much-needed boost to shopping and help local businesses in general recover from the effects of COVID restrictions?</p>		
Answer from:		Councillor Joanna Wright

Throughout the Covid 19 pandemic, the Council has been working to consider the impact on businesses in Bath and North East Somerset, including during the Christmas period. This included the support through a number of different approaches as set out below:

- From early Summer when the decision was made not to go ahead with the traditional Christmas Market in the City, the council has worked with Bath Business Improvement District, Visit Bath and Bath Festivals to plan, organise and deliver a series of events and activities to support the local economy, particularly independents who rely on the economic boost the Christmas Market brings to the local economy.*
- These events and activities needed to be scalable and in a position to respond to the cases of Coronavirus in the authority area, at the time and not put added pressure on the Royal United Hospital and our Health & Social Care Services*
- When the country went into lockdown in early November, these events and activities were scaled back significantly and adapted to be in a position to react to whatever tier we would be in on 2 December*
- The Bath at Christmas offer includes a Christmas Light Trail, Artisan Makers Quarter around the Abbey to Abbeygate Street over the weekends, animated vacant shop units, lantern workshops & parade, curated entertainers, concerts and speakers – all within the rules of social distancing.*
- With Bristol, South Gloucestershire & North Somerset announced in tier 3 from 2 December, we recognised that Bath and North East Somerset would be a central point for shoppers and visitors, particularly for those who may wish to take advantage of visiting licensed premises, despite not being permitted to do so.*

We have also been working with WECA, Bristol, South Gloucestershire and North Somerset Councils, to ensure clear messages about what we need to do to drive the numbers down whilst allowing people to travel within the rules- eg for work.

Bath and North East Somerset is in Tier 2. We are aware of the need to ensure that the number of visitors remains manageable and that social distancing requirements are maintained. Whilst we work to boost the local economy, we have to remember that Covid kills, all ages can catch it, anyone can spread it and we do not wish to be in a position, where we would be placed into a higher tier and damage the local economy further. It is a fine balance.

Therefore, it is not appropriate to encourage further traffic by removing parking charges. However, we do encourage all residents that decide to visit to do so sustainably and walk and cycle wherever possible.

M

17

Question from:

Councillor Paul Myers

Following the dreadful news about Debenhams and the Arcadia Group going into administration can the Cabinet member confirm if there is any direct impact on Council property income and also what steps will be taken to mitigate the wider impacts on the city's economy?

Answer from:

Councillor Richard Samuel

The Council's commercial estate income is not directly impacted by Debenhams or the Arcadia Group going into administration as they are not our tenants. However, the impact of COVID and the wider changes to the way people shop is having a very significant impact on retail across the UK. As a result the Council is undertaking a wide ranging review of its commercial estate holdings, as set out in the report to Cabinet on 10th December, which aims to maintain ownership, but re-balance the portfolio in the context of our Renewal vision and the changing nature of High Streets. The Council is also investing to support our High Streets across the District, having been successful in bidding for Heritage Action Zone funding for Keynsham and Midsomer Norton and WECA's Love Our High Streets Fund. These investments support our key retail centres, building a better sense of destination for residents and improving overall footfall. We have also established a new Economic Recovery and Renewal Board working with the business community.

M **18**

Question from:

Councillor Paul May

Does B&NES support North Somerset joining WECA bearing in mind that Bristol do not appear to favour this?

Answer from:

Councillor Dine Romero

Following the discussions on the Somerset County proposals at the recent Council meeting, I wrote to the Secretary of State confirming that whilst we were not putting in proposals for a Unitary Option in Somerset we remained committed to the expansion of WECA by the admittance of North Somerset.

M **19**

Question from:

Councillor Robin Moss

Shared Lives

You will be aware that Shared Lives carers provide support to adults with learning disabilities. The carers are self-employed and receive a payment for each client they support. In B&NES we have 31 carers who support 39 clients in the community.

As a result of Covid restrictions, overnight and daytime respite placements through Shared Lives had to cease. This has left many carers with no income and unable to take advantage of the Government's self-employed income support scheme. As a result, there is a risk that very skilled and experienced carers will leave Shared Lives at a time when expansion of the service is being reviewed with the potential for it to offer support to a more diverse client group.

Would the Cabinet member please consider doing what other local authorities have done and paying carers around 80% of their usual Shared Lives income using the Government's local authority support funding?

Answer from:

Councillor Rob Appleyard

I can confirm we are considering this matter and are currently checking with Virgin Care whether they have provided any financial support to the shared lives carers. An additional information will be provided within 5 working days after this meeting.

M

20

Question from:

Councillor Paul May

Will you confirm that future funding for safe neighbourhoods and cycle/pedestrian routes will be applied to rural areas in North East Somerset as well as the City?

Answer from:

Councillor Joanna Wright

I confirm that future funding for safe neighbourhoods and cycle/pedestrian routes will be applied to rural areas in North East Somerset as well as the City.

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	David Redgewell
<p>To the Council Leader - in view of the urgent need for North Somerset Council to join the West of England Combined Authority (WECA), what progress has been made in meeting with the Mayor of Bristol, South Gloucestershire Council Leader, Deputy WECA Mayor and yourself with WECA Mayor Bowles to meet with the secretary of state Robert Jenrick MP and Luke Hall MP (Local government minister) to move this issue forward so North Somerset Council can join WECA in 2021?</p>		

Answer from:	Councillor Dine Romero	
<i>I updated Cabinet and Full Council on this issue last month in the discussions on the Somerset County proposals. I wrote to the Secretary of State confirming that whilst we were not putting in proposals for a Unitary Option in Somerset, we remained committed to the expansion of WECA by the admittance of North Somerset.</i>		
P 02	Question from:	David Redgewell
<p>What considerations are given to delay the WECA Mayoral Election until 2022?</p> <p>In the view of importance of the need to get a second devolution deal over the line, to cover transport investment and service delivery, to set up an Integrated Transport Authority incorporating North Somerset Council, and to carry out public consultation and lay orders in the House of Commons and the House of Lords.</p>		
Answer from:	Councillor Dine Romero	
<i>The holding of elections for WECA mayor are not decisions for this Council to make. No formal request has been made by the authorities in the West of England to the Secretary of State to delay the elections, although I am aware it was proposed at the WECA scrutiny committee last week.</i>		