

CABINET MEETING 15th/16th December 2021

STATEMENTS FROM PUBLIC AND COUNCILLORS

1. Malcolm Baldwin (Chair Circus Area Residents) - The implementation of the "Liveable Neighbourhoods Strategy".
2. David Redgewell (South West Transport Board and Rail Future Severnside) – Transport Issues
3. Rachael Hushon - The work of the Community Speedwatch Team
4. Bob Goodman – Issues facing the City of Bath
5. Hannah Downey - City Centre Traffic Regulation Order
6. Martin Grixoni – The State of the City
7. Carole Cameron (Bath Independent Hospitality Association) - TRO and the proposed changes to the Hotel and Guest House permits.
8. Councillor Karen Walker - 2022/23 Budget – Peasedown St John
9. Councillor Vic Pritchard – City Centre Security Issues
10. Councillor Karen Warrington – Rural Traffic Issues

QUESTIONS AND ANSWERS - COUNCILLORS

M	01	Question from:	Councillor Joanna Wright
When will Cleveland Bridge be fully operational?			
Answer from:			Councillor Manda Rigby
<i>Councillor Manda Rigby Cabinet Member For Transport will make a statement at the Cabinet meeting on 15th December 2021 regarding Cleveland Bridge.</i>			
M	02	Question from:	Councillor Joanna Wright
The JLTP4 sets up a hierarchy of road users with walking and cycling as the first priority. Please can you explain why there are numerous signs, including an electric VMS sign and cones on the shared pavement for walkers and cyclists on the London Road. The Traffic Signs Manual 2.3 Reducing sign clutter, gives clear guidance that this overuse of signs is not acceptable. This present situation stops active travel for everyone whatever their age, gender or ability and gives priority to private vehicles which are universally recognised as objects that create pollution and carbon?			

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771873/traffic-signs-manual-chapter-1.pdf

Answer from:

Councillor Manda Rigby

The current traffic restriction on Cleveland Bridge requires a significant level of temporary signage to ensure drivers are aware of the width limit. Even with all these in place, there is still the occasional over-size vehicle trying to get over the bridge. The overriding priority for us is safety, and it's important that large vehicles do not use the bridge because of its structural condition. I therefore do not consider there is over-use of signs.

There are limited options for placing these temporary signs on the approaches to the bridge. Placing them in the carriageway would require the removal of one of the two inbound lanes on London Road, which would significantly increase the current queue lengths and stationary traffic, with a knock-on impact on air quality. This would also have an impact on emergency vehicles. The signs have been positioned so as to not be in the way of pedestrians. We would not allow permanent signs to be placed in this way, but we are dealing with temporary works and will remove the signs as soon as the vehicle restriction on the bridge is lifted.

M 03

Question from:

Councillor Joanna Wright

Please can the Cabinet Member for Transport explain how she is working with the Canal and River Trust (CRT) to encourage e-scooter use on the canal route between Grosvenor Bridge and Beckford Road?

Answer from:

Councillor Manda Rigby

CRT do not currently allow e-scooters on tow paths in the UK. However, they are running a trial elsewhere in the country, and will keep us informed of the outcome.

M 04

Question from:

Councillor Joanna Wright

Will the Cabinet Member for Transport be using Prof Lorraine Whitmarsh at the University of Bath to run a citizen's jury before implementing the Experimental Traffic Regulation Order on Milsom Street, as she has done with North Road?

Answer from:		Councillor Sarah Warren
<i>The Experimental Traffic Regulation Order which includes Milsom Street became operational on 25th November 2021 and is being implemented using the relevant statutory processes.</i>		
Supplementary Question:		
What is the cost to the Council to run a Citizens Jury?		
Answer from: Councillor Sarah Warren		
<i>A response will be provided in 5 working days.</i>		
M	05	Question from: Councillor Joanna Wright
Please can the Cabinet Member explain why it is acceptable for it to take 5 working days for a response from a Cabinet Member to a question, when as a Councillor when I received an email from an Officer in the Cabinet Members team they required that I respond by the next day?		
Answer from:		Councillor Kevin Guy
<i>The Constitution Part 4D Executive Procedure Rules, Rule 30 provides that a Cabinet Member who is asked a question or a follow-up question may</i> <ul style="list-style-type: none"> <i>• nominate another Cabinet Member to reply on his or her behalf;</i> <i>• indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.</i> 		
M	06	Question from: Councillor Joanna Wright

Please can the Deputy Leader give details of how many deaths in B&NES the NHS consider are caused by air pollution levels?

Answer from:

Councillor Sarah Warren

There is a large body of evidence on the effects of outdoor air pollution on health. However, It is very difficult to estimate with any degree of accuracy the number of deaths by local authority thought to have been caused by air pollution. The only available official estimate of air pollution related deaths in Bath and North East Somerset is 80 adults per annum, a figure taken from the national Public Health Outcomes Framework produced by the UK Health Security Agency.

M 07

Question from:

Councillor Joanna Wright

Oxford City Council has welcomed the new World Health Organisation (WHO) guidelines which recommends stricter limits on the safe level of air pollutants and have written to the UK government to recommend adoption of the new guidelines as a matter of urgency. When will the Deputy Leader and Leader of Council at B&NES be writing to the UK Government asking for the UK to adopt the new WHO guidelines as a matter of urgency?

Answer from:

Councillor Sarah Warren

The Cabinet Member has this week written to the Parliamentary Under Secretary of State for Agri-Innovation and Climate Adaption, Jo Churchill MP, to request expeditious adoption of the new targets into law.

M 08

Question from:

Councillor Joanna Wright

Can the Deputy Leader share the information she has sent to the two MPs for B&NES, the Rt Hon Jacob Rees Mogg and Wera Hobhouse on the ecological cost of aviation? As B&NES has declared a Climate Emergency and has agreed to reach net zero by 2030, is she aware that Wera hobhouse MP is calling for a 2050 date for the aviation industry?

Answer from:		Councillor Sarah Warren
Yes, the Deputy Leader is aware that Wera Hobhouse MP is calling for a 2050 net zero date for the aviation industry.		
M	09	Question from: Councillor Joanna Wright
WECA, with great support from Cllr Warren recently launched a solar panel initiative. Many residents have contacted me on this issue as they are keen to take part in this project, to help the environment and lower their heating costs. However it appears that they now have to apply for planning permission, which costs over £200, and are required to provide detailed architect drawings to scale of the application and the application could possibly be refused. What funding and expertise is going to be put in place to support residents in this matter?		
Answer from:		Councillor Tim Ball
<i>The need for planning permission and the fees attached to any planning applications are set out in primary legislation that cannot be over ridden locally. However, the Solar Together scheme is primarily aimed at customers where installations would be Permitted Development and so the Council's website is being updated to clarify the relatively limited circumstances when planning permission is required. At the moment an energy efficiency improvement grant is available for owner occupier households with a joint income under £30,000 living in a low energy efficiency home of EPC rating E, F & G. Enquire through Energy at Home. Within Planning officers are taking a supportive stance to solar development and have sought to remove barriers by setting out on the website what is considered permitted development. In addition when a planning application is required planning have set out guiding principle on key relevant considerations and the information requirements that will assist the process. In many cases it is possible to put solar panels on buildings without a planning application subject to adhering to some set criteria. Where residents need to discuss or are unsure about this they can contact a duty planning officer.</i>		
M	10	Question from: Councillor Joanna Wright
How many adult care clients in the B&NES area are homeowners, with mortgages paid off?		
Answer from:		Councillor Alison Born

This information is not held by the Council.

M	11	Question from:	Councillor Joanna Wright
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How many of the homeowners in adult care are being pursued to make a charge on their home in favour of B&NES Council via a Deferred Payment Scheme or other options?

Answer from:	Councillor Alison Born
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*The Council is currently engaging with 19 Clients as follows:
9 potential Deferred Payment Agreements where paperwork is pending
10 possible Deferred Payment Agreements subject to how quickly sales progress and/or deputyship is obtained*

M	12	Question from:	Councillor Joanna Wright
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How many of these adult care clients are being threatened with or taken to court when they decline?

Answer from:	Councillor Alison Born
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None of the above.

M	13	Question from:	Councillor Joanna Wright
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Councillor Rigby recently gave the following information: "Of the 766,876 tonnes of CO2 emitted within the district each year 29% are as a result of transport. This equates to 216,110 t/CO2e/yr. The Synthesis of Evidence that accompanied the Climate Emergency Outline Plan shows the deployment scale for the main measures to reduce energy demand on the Stretch pathway. This indicates that the scale of action required to become carbon neutral in transport terms equates to a 25% reduction in car use kilometres per person per year or a modal shift

creating a 7% reduction in car travel. The numbers serve to indicate the scale of action needed and are likely to change as local information is gathered."

Source: <https://democracy.bathnes.gov.uk/documents/s58689/Appendix%20-%20Synthesis%20of%20Evidence.pdf> (2019)

What exactly will the Cabinet Member for Climate and Sustainable Travel do to ensure that this 25% reduction will take place - can the Cabinet member give actual detail so that B&NES Council can reach this target by 2030?

Answer from:

Councillor Sarah Warren

The Council will soon be releasing a new Journey to Net Zero Transport Plan, identifying the transport measures that we are proposing to deliver modal shift in response to the climate emergency. We will also continue to work with our colleagues at the West of England to develop the West of England Transport Decarbonisation Plan.

M 14

Question from:

Councillor Joanna Wright

In my recent questions to Cabinet in November 2021 I asked the following question:

"In February 2020, the Prime Minister announced the bus services across the country would be transformed with simpler fares, thousands of new buses, improved routes and higher frequencies. As Cabinet Lead on Transport and as B&NES is the Highway Authority how will you be leading on the real need for "improved bus routes" that would allow the many buses stuck in congested traffic on B&NES's highways to make quicker more efficient journeys?

And received the following answer from Councillor Rigby

"The Government published its National Bus Strategy (NBS) under the title of Bus Back Better in March 2021 and gave a commitment to spend £3 billion over the lifetime of this parliament to support buses. In response, the West of England Combined Authority and North Somerset Council published a joint Bus Service Improvement Plan (BSIP) on 28 October 2021. That sets out what needs to be done to bring bus services up to the standard aspired to in the NBS. It includes targets to improve bus journey times and punctuality. Alongside it, a bid was submitted to Government for funding to deliver the improvements.

In the recent Budget, it was announced that the West of England CA would receive £540 million capital funding for transport schemes over the next 5 years. Full details have not been provided yet but it is anticipated that a good proportion will be for bus-related schemes.

B&NES has worked with the West of England CA to identify the key locations for investment in bus priority measures in its area, and to plan a

programme of implementation – subject to funding. The outline programme is shown in the BSIP, which can be viewed at <https://www.westofengland-ca.gov.uk/what-we-do/transport/bus/>

It would appear that Cllr Rigby was confused by the question - so I will ask it another way.

B&NES has a legal duty to manage the highways, it is the Highway Authority and as such B&NES must legally put in place Traffic Regulation Orders (TROs) to implement design change to the B&NES highway. Does the Cabinet Member for Transport have a TRO program ready to ensure that the bus network is improved so that buses can keep to their strict timetable and thereby keep costs to a minimum, thereby making the service reliable which in turn encourages greater bus uptake and reduces pollution, congestion and B&NES' carbon footprint, as well as cost to the user?

Answer from:

Councillor Sarah Warren

We are continuing to work with the West of England Combined Authority and our neighbouring West of England authorities to deliver improved bus services through the Bus Service Improvement Plan. Referring back to the previous response on this matter this includes measures to improve bus journey times and punctuality.

M 15

Question from:

Councillor Joanna Wright

In my recent questions to Cabinet in November 2021, Cllr Wood was very keen to stress that he does not have the exact data to give accurate information on how planting a tree will result in the sequestering of carbon. The Cabinet Member for Neighbourhood Services is keen to stress the Council's action on the climate emergency and how planting trees is part of that plan- to date It is understood that a 100,000 trees are being planned for planting. Recently a picture was shown on the Leader of Council supporting a tree planting at a school, where the said pear tree was surrounded by a caste iron guard. How will the Leader and Cabinet member be working with the community on the issues around sequestering and advocating for right action so that future planting of trees uses appropriate amounts of metal?

Answer from:

Councillor Dave Wood

A response will be provided within 5 working days.

M	16	Question from:	Councillor Joanna Wright
Fly tipping is a major issue and the dumping of hazardous waste has long term implications for the health of people, animals and flora. Fly tipping in the area around Chew Valley Lake was recently identified and a man prosecuted by the Environment Agency and North Somerset Council for the dumping of such hazardous waste that could impact the waste supply from Chew Valley Lake. How will the Council be working with the Environment Agency to ensure that appropriate prosecutions are taking place on hazardous fly tipping? What data has been collected to ensure that Chew Valley Lake's water is not contaminated			
Answer from:			Councillor Dave Wood
<i>The Council works closely with the Environment Agency on serious fly-tipping and pollution incidents. The incident referred to in the question was related to serious criminal activity which resulted in a prosecution. Both the EA and Bristol Water are carrying out regular monitoring of the water and catchment areas to ensure that the water quality is not impacted. No contamination issues of concern have been identified currently. They will be continuing with their routine monitoring for the foreseeable future.</i>			
M	17	Question from:	Councillor Joanna Wright
There are 7 months before the Council must submit tranche4 of the Active Travel Fund bid to WECA and central Government. What steps is the administration taking to make the scheme selection process transparent, involving all councillors and aligning with their net zero 2030 target of a 25% reduction in road miles?			
Answer from:			Councillor Sarah Warren
<i>The Department for Transport has yet to release dates for Active Travel Scheme Tranche 4 bidding process, but it is anticipated that bids will be required by late summer 2022. The council's selected schemes will be guided by the West of England Local Cycling & Walking Investment Plan, the proposed West of</i>			

England Walking and Cycling Vision & Investment Strategy and deliverability criteria.

M	18	Question from:	Councillor Joanna Wright
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Bath was named joint third in a recent survey of places where house prices have outstripped incomes. It is clear that many developers in the city are using the term “Affordable housing” when applying for planning permission to build houses in Bath. Please can the Cabinet Member explain the percentage difference in Affordable Housing and houses that do not use this term? In light of incomes being low in the city, what is the Council advocating to central Government on the issue of “affordable Housing”?

Answer from:	Councillor Tom Davies
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Affordable Housing is defined in the Government’s National Planning Policy Framework document. It is a broad definition and includes: Affordable Housing for rent; Starter Homes; Discounted market homes for sale; and other affordable routes to home ownership. There are a number of criteria that the homes must fulfil depending upon the type of home being provided. Social rented homes, the most affordable housing product, typically cost around 50% of private sector rents whilst some affordable housing products can be up to 80% of the market value. As such the Council continues to prioritise the more affordable housing products, including social rented housing, through the planning system and is reviewing its policies to this end. The Council regularly engages with partners, including Homes England, WECA and others to continue to make the case to maximise the funding for affordable housing in the district.

M	19	Question from:	Councillor Joanna Wright
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The legislation for implementing in full, Part 6 of the Traffic Management Act 2004, is December 2021. This means that local Authorities can now enforce moving traffic offences such as illegal turns, drivers blocking box junctions, driving the wrong way up one-way streets, entering and waiting in a pedestrian zone and driving in bus or cycle lanes. This legislation was in place for London and Cardiff only, where they use Automatic Number Plate Recognition (ANPR) cameras to monitor their streets. Under secretary of state at the Department for Transport Baroness Vere said: “To ensure this change is fair, we will publish guidance for local authorities, so they can make drivers aware that enforcement is being undertaken.” Part 6 of the Traffic Management Act 2004 has been the main barrier for councils to use ANPR to enforce School Streets and issue fines. Will B&NES as the Highway Authority be applying for these powers?

Answer from:		Councillor Manda Rigby
Yes		
Supplementary Question:		
I have been criticised for taking up too much time. Did it take 2-3 days to answer this question?		
Answer from: Councillor Mandy Rigby		
<p><i>The way the question was phrased asked if we had done something so I gave you the short answer. It did in fact take quite a while to look into all the things in order to get to that yes. I will just give you a small example of the things we had to look at:</i></p> <p><i>27th August – confirmed our intention to apply for the moving traffic powers, we are awaiting release from the Secretary of State (to get this we need to consult Avon and Somerset Police; set up a 6 week public consultation on plans; create effective communications plan; assess the TROs and signage and markings as applicable; ensure that we get certification for moving traffic; engage with neighbours to ensure a consistent approach). I have ensured that we have £20k included in this years fund in order to carry this on. So, I gave you the answer to the question you wanted but there was a lot of background work by the officers in order to be able to get there.</i></p>		
M	20	Question from: Councillor Joanna Wright
Bath & NE Somerset council recognize that one of the three key areas of greenhouse gas emissions that must be tackled, at district level, is property energy use. Can the Deputy Leader for Climate and Sustainable Travel give details on the Council's work with Curo and its 13,000 properties with numerous social housing obligations to ensure that energy use is in line with the Council's Climate Emergency declaration?		
Answer from:		Councillor Sarah Warren

Registered Providers such as Curo are independent organisations who are regulated by the Regulator of Social Housing, rather than the Council. However, the Council successfully bid for Government funding for Curo to carry out underfloor insulation measures for 75 homes in Twerton and Southdown. The Council is also currently supporting a Curo bid to the West of England Combined Authority for social housing decarbonisation funding to retrofit 25 rural homes and in doing so to initiate the setup of a local retrofit social enterprise in B&NES.

M

21

Question from:

Councillor Joanna Wright

The EU phased out the last of the main incandescent and high energy light bulbs around September 2018 as a significant step toward energy conservation and greenhouse gas emissions reductions. The alternative low energy lighting was readily available and very low cost at those dates, offering immediate and substantial cost savings even with the writing off of existing stocks of incandescent bulbs. Can the Deputy Leader for Climate and Sustainable Travel detail, since both the ban in manufacture and the Climate Emergency was declared by Council give details on how many incandescent and high energy bulbs Curo has installed and when, if they have, when they stopped doing so? The estimated energy use and emissions of the bulbs already in situ?

Answer from:

Councillor Sarah Warren

The Council does not hold this information.

M

22

Question from:

Councillor Joanna Wright

The Energy Performance Certificate (EPC) of residential properties owned by Curo are notoriously inconsistent with seemingly identical properties receiving different ratings and improvement advice as well as obviously lower quality residences with no insulation, draught proofing, secondary glazing, or energy efficient lighting still receiving middling, reasonable, ratings. These discrepancies are publicly visible and can be quickly found on the EPC website. Can the Deputy Leader for Climate and Sustainable Travel detail what reviews and actions the Council have taken to investigate and correct this for the tenants in B&NES and how is the Council working to ensure Curo are meeting their enhanced duty of care as a housing association and social housing provider aligning with the national and local commitments and ambitions on the climate emergency?

Answer from:

Councillor Sarah Warren

Registered Providers such as Curo are independent organisations who are regulated by the Regulator of Social Housing, rather than the Council. The Council can take enforcement action against landlords including registered providers to improve energy efficiency performance where tenants are exposed to poor housing conditions which do not meet the statutory minimum standard or Minimum Energy Efficiency Standard. As a public body, the Council would seek to support Curo, rather than seek to take enforcement action.

M

23

Question from:

Councillor Joanna Wright

Can the Deputy Leader for Climate and Sustainable Travel please confirm what the winter health issues and levels of fuel poverty are in B&NES?

What reviews and steps have they taken to ensure that Curo and other housing association tenants are adequately protected from the risks of hard to heat properties or unaffordable energy bills? What oversight have they put in place to hold the housing associations to account and protect vulnerable residents?

Answer from:

Councillor Sarah Warren

The most recent government statistics (2018) for fuel poverty levels within B&NES give the number of households in fuel poverty as 7335 or 9.1% of households. This compares to a Southwest region level of 9.4 %.

Typical winter health issues due to cold homes are a direct and negative effect on the incidence of: heart attack, stroke, respiratory disease, flu, falls and injuries and hypothermia. Indirect effects can include mental health problems such as depression.

Registered Providers such as Curo are independent organisations who are regulated by the Regulator of Social Housing, rather than the Council.

M

24

Question from:

Councillor Joanna Wright

Can the Deputy Leader for Climate and Sustainable Travel please detail what measures have been put in place to ensure planning applications both prioritize energy conservation and efficiency and what oversight has been put in place to ensure that this is implemented. Can they confirm how many applications for insulation or energy efficiency measure improvements or installations have been rejected by the

council? How many of these were from private landlords? How many of these were from professionals, such as architects?

Answer from:

Councillor Tim Ball

Through the Local Plan Partial Update (LPPU) it is proposed to significantly strengthen planning policy to require applications for new development to be zero carbon. The LPPU is anticipated to be submitted for examination by a Planning Inspector later this month. Subject to the outcome of the examination and subsequent adoption of the LPPU applications will need to demonstrate that specified energy use requirements are met and that the energy used by a development is generated from renewable resources. The implementation of this policy will be facilitated through the Sustainable Construction Checklist SPD which will seek to set out how applicants can demonstrate meeting the policy requirements in a simple way.

Based on the data available out of 7 planning applications, 5 are still pending decision. 2 have been permitted. Of those received over half related to non-residential schemes and included various other works so were not straightforward. Of the residential schemes 2 of these related to the same listed building. Most have an agent.

M **25**

Question from:

Councillor Joanna Wright

The UNESCO website makes it very clear its commitment to “building peace in the minds of men and women” and “since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed”. It goes on to say that “a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind”.

In essence, UNESCO was created because it viewed that politics and economics are not enough to build a lasting peace, and that it must be based on “humanity’s moral and intellectual solidarity.” The whole city of Bath is a UNESCO world heritage site, and this status according to UNESCO should be used for education, healing and peace building. The custodian of this site, BANES, has made, it would appear little attempt to unpack the social history element with regard to slave trade, slave ownership or the wealth thereby generated or the extractive practices of colonisation. The Bath World Heritage website is silent.

It states in the UNESCO Healing the Wounds of Slave Trade and Slavery: report from Slave Routes Project Jan 2021

“The violence of slavery did not end with abolition. Its contemporary consequences are still active in the form of the terrible poison of racism that continues to contaminate societies.”

How will the Council begin to work with the UNESCO Slave Route Project to question the social, cultural and economic inequalities inherited

from this tragedy? Will B&NES Officers read the Jan 2021 Healing the Wounds of Slave Trade and Slavery report and report back with immediate and practical steps towards connecting with the Slave Route project to Bath with the Council taking a lead in this work?
https://healingthewoundsofslavery.org/wp-content/uploads/2021/04/UNESCO-GHFP_2020_Healing-the-Wounds-of-Slavey_Desk-Review_Report.pdf

Answer from:

Councillor Kevin Guy

UNESCO was formed in 1945, based on the belief that the global importance of cultural and natural heritage transcends that of national politics and a focus on these elements would help build peace in a fractured world. The City of Bath has been proud to play a part in this mission since inscription in 1987.

The entire City of Bath is inscribed as a World Heritage Site and is managed through a partnership approach. This brings together key partners in an Advisory Board to implement an adopted management plan. B&NES Council therefore conduct their role as ‘chief steward’ of the site rather than sole custodian.

Engagement with UNESCO initiatives, such as that of the Slave Routes Project, is spread between the 19 Advisory Board partners. These partners include both Bath Universities, Bath Abbey, Bath Preservation Trust, Historic England, the National Trust and (within B&NES Council) Bath Records Office. Many of these organisations have undertaken a significant amount of work related to the issue including an exhibition at Bath Abbey, Black History Month activities and improved interpretation of museum collections. These actions were outlined in a special sub-group meeting of the Advisory Board in July 2020. The Bath World Heritage Site website www.bathworldheritage.org.uk/advisory-board carries Advisory Board minutes, but as a sub-group meeting these minutes were not previously uploaded. This will be rectified along with the opportunity to add further material around the subject.

The Bath World Heritage Site Management Plan is due for renewal in 2022, presenting an opportunity to provide a greater focus on Transatlantic Slavery. The new World Heritage Centre in York Street will also be officially opened around Easter 2022 and preparations are currently underway to include relevant material within it.

More widely, B&NES Council is already taking active steps to address racial inequality. A Race Panel has been established involving members of the public, chaired by Councillor Dine Romero, cabinet member for Children, Young People, Communities and Culture. In

addition, the Council has joined with SARI, Black Families Education Support Group and local schools to form a B&NES Schools Race Task Force which is developing a Race Equality Charter for schools.

In summary, the Council is already engaged with the issues outlined and is committed to do more. We applaud the UNESCO initiative on this matter, but regard this as being in parallel to the work being undertaken locally instead of leading it. Our officer resource will continue to look for opportunities to extend activity in this subject area, but their primary focus must currently remain on embedding the requirements resulting from our exceptional second UNESCO inscription and with work around the new Bath World Heritage Centre.

M

26

Question from:

Councillor June Player

Once a resident has commented on a planning application how are they informed that further documentation has been added to the planning portal by the applicant so that they are able to comment further should they so wish?

Answer from:

Councillor Tim Ball

The planning legislation does not automatically require that residents are re-consulted formally on amendments and to do so would increase costs to the Council however residents can sign up for automated planning notifications on the website.

M

27

Question from:

Councillor June Player

At present, documents relating to planning applications can be added to by the developer after the deadline for public consultation.

Example: 21/04147/ful. The public consultation for this application closed on 14.10.21 after that date 23 documents were added to the planning portal without residents being aware or able to comment on them.

It appears that the public are unable to comment on any additional documents added after the deadline given. Surely this cannot be right? Can the Cabinet Member please look into this and ensure that residents are able to comment on ALL the relevant documents pertaining to an application? A planning document should not be closed for comments until all documentation from the applicant is received. I feel the planning

office should not put an application out for consultation until ALL the documents are submitted. I do not believe that it is acceptable that residents are expected to have made comments on the application and then further information be produced that residents are not able to comment on.

Answer from:

Councillor Tim Ball

Whilst a deadline is given for comments this is to ensure that officers are able to make decisions after a set date if that is possible however it is often the case that an application will remain live for some time after that initial consultation period. Where it is possible through negotiation to secure revisions to a scheme to enable it to be supported by officers it is a clear expectation from central government that negotiation should happen and amendments be made rather than issue refusals. Therefore it is inevitable that more plans will be submitted as negotiations take place. Any information received prior to an application being decided whether that be from the applicant or a third party must be taken into account in the decision. Late submissions regularly will occur from both applicants and residents. We encourage third parties to sign up for planning notifications and keep themselves informed through the automated system and to write in with comments on all live applications.

M **28**

Question from:

Councillor Sarah Moore

Please will you agree to start the process for the change of name of Twerton Ward to Twerton and Whiteway Ward?

Answer from:

Councillor Kevin Guy

We will look into the cost and the process set out in section 59 of the Local Government and Public Involvement in Health Act 2007. That involves public consultation and a resolution of Full Council with at least 2/3rds voting for the change.

M **29**

Question from:

Councillor Rob Appleyard

As the planning consent for the Midland Rd waste depot is nearing its time limit do you have an update on the promised alternative provision for non kerbside waste for Bath residents, especially those on the east side of the City.?
Would you also restate the administrations previous commitment to have a Working alternative solution in place prior to the closing of Midland

road?

It is obviously recognised the significant contribution the waste teams have made especially over the previous 16 months.

Answer from:

Councillor Dave Wood

A response will be provided within 5 working days.

M **30**

Question from:

Councillor June Player

Will there be money allocated in this years budget to fully equip the Council Chamber with the appropriate equipment to enable integrated/hybrid public meetings? I understand that we have two 'back rooms' already equipped for this purpose but these are not rooms that are used for public-facing meetings. I strongly believe that we need to prepare the Council Chamber in readiness for this inevitable future.

Answer from:

Councillor Kevin Guy

'We are keeping ongoing COVID regulations for meetings under close review to enable hybrid working, at present there are no immediate plans to upgrade the Council Chamber, however if the legislation changes to enable decision making through hybrid meetings this will be considered as an emerging item within our IT investment plans'

M **31**

Question from:

Councillor Alastair Singleton

I note a very large number of questions to various Cabinet Members from Cllr Wright. Some appear to be on matters which are outside the Council's remit. Can you please estimate the amount of officer time and either direct or opportunity cost involved in providing answers? Was resource expended which otherwise would have been committed to work on the Climate and Ecological Emergencies?

Answer from:

Councillor Kevin Guy

At the time of writing this response we can advise that Cabinet questions take an estimated 2 days each month of Executive Support resource and 2 to 3 days from other officers. Further assessment would be required to provide any specific additional information on cost.

Officers would always encourage Councillors to raise any relevant and appropriate enquiries with them directly. Many of the Cabinet questions could be answered outside these formal arrangements.

Supplementary Question:

Would the Cabinet Member agree with me that, based on this estimate provided, significant resource is dedicated to this procedure and would he further agree with me that this procedure should be considered by the Constitution Review Group who should be asked to consider how appropriate proportionate access to information should be made available to members.

Answer from: Councillor Kevin Guy

Thank you for the question.

M	32	Question from:	Councillor Grant Johnson
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Recently Bathnes Council put out a press release explaining that the rates of general waste going to landfill has seen a 'huge drop' from 15% to 3% in the year 2020/2021, which it stated was due to 'the work being done across the district to reuse and recycle'. Can the cabinet member please explain:

- A. What is the total percentage of general waste (GMW) that is collected as a proportion of all wastes collected across Bathnes and can they give a 5 year trend?
 - B. What is the percentage split between GMW collected for disposal under a D WFD code and GMW collected for recovery/recycling under a R WFD code?
 - C. What is the last 5 year trend for GMW collected for recovery and GMW collected for disposal?
 - D. Of the proportion of general waste collected for recovery/recycling under a R WFD code, what percentage is processed at I. MRF's (Materials Recycling Facilities)
- Or

II. EfW (Energy from Waste) facilities as RDF (Refuse Derived Fuel)

E. Of the waste processed at MRF's, what currently happens to the residual waste from this process and is this included in our council's waste and recycling figures?

Answer from: Councillor Dave Wood

A response will be provided within 5 working days.

M	33	Question from:	Councillor Grant Johnson
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I was recently asked by a hackney carriage taxi driver who works in Bath about the appropriate level to set fare rates at in the current economic climate. Since the start of the pandemic hackney carriage drivers have seen a huge rise in running costs, with a rise in fuel, maintenance, parts, servicing and licensing fees. Recently private hire companies have increased their rates, yet hackney carriage taxi drivers are unable to do the same. With inflation running so high and the gloomy outlook of covid cases and new variants an ever present threat to livelihoods, does the cabinet believe now would be a suitable time to increase fares so that taxi drivers can once again earn a fair wage out of a fair fare?

Answer from: Councillor Tim Ball

The Council regulates hackney carriage fares and will be carrying out a review in January 2022 based upon information obtained from the Office of National Statistics on the rise in the cost of living and the rise in the cost of motoring.

M	34	Question from:	Councillor Brian Simmons
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When is the bridge over the River Chew in Keynsham Memorial Park going to be replaced? Parents and children take their lives in their hands when accessing the play area at the junction of Bath Road and Avon Mill Lane.

Answer from: Councillor

A response will be provided within 5 working days.

M	35	Question from:	Councillor Vic Pritchard
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Since the launch of the Clean Air Zone in March this year, residents and visitors have complained about inadequate signage. The signs currently erected around the city indicating that the CAZ is in place do not give enough information to drivers. People are unsure where the CAZ boundaries actually are and fear that the failure to make it clear that private cars are exempt from charges is putting people off coming into the city from outside. With this in mind, please clarify the process the council followed when developing the CAZ signage and publish any guidance or advice the council received from the government.

Answer from: Councillor Sarah Warren

The CAZ signage strategy was included as part of the Full Business Case for the CAZ and is published on the Council's website: <https://beta.bathnes.gov.uk/policy-and-documents-library/baths-clean-air-zone>. The relevant links are:

- Signage at and within the boundary*
- Signage in advance of boundary*
- Map showing where signage will be placed*
- Details of the planned signage strategy, including Joint Air Quality Unit guidance and recommended sign faces*

Officers engaged with the Department of Transport about the signs and scope for flexibility, however all Councils introducing CAZ's were required to use the same signage to avoid creating local differences.

M	36	Question from:	withdrawn
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M 37	Question from: Councillor Vic Pritchard
<p>Access to Cheap Street is currently blocked by barriers, with drivers having to notify the council if they wish to pass. The reason the barriers were erected, according to the council, was to provide sufficient space to enable social distancing to help prevent the spread of COVID-19. The TRO that facilitated the erection of the Cheap Street barrier expires this month. Please detail the plans for either removing the barriers when the TRO expires or for renewing the TRO.</p>	
<p>Answer from: Councillor Manda Rigby</p>	
<p><i>The (Anti-Terrorism) TRO relating to Cheap Street has been made and will come into operation on 1st January 2022. The barriers across Cheap Street will therefore remain in place during the hours of 10.00am to 6.00pm, with access for the disabled with a valid Blue Badge.</i></p>	
<p>Supplimentary Question:</p>	
<p>When the Chief Executive first proposed the inner zone to Andy Marsh the Chief Constable he said the barriers would be ‘blended into the street scene’ and ‘will enhance our public realm and the environment’. As Cheap Street now makes up this inner zone how can the barrier possibly be said to blend into the street scene and enhance the public realm? A resident who served in the forces said it is a facsimile of anti tank barriers used in Afghanistan to fend off the Taliban.</p>	
<p>Answer from: Councillor Kevin Guy</p>	
<p><i>It is a misrepresentation of the situation to continue to state the inner zone was “proposed” by the Chief Executive. Officers of the council act to effect decisions made through established procedures and this case has been no different. The basis for all discussions has been the advice received from Counter Terrorism officers, based on a request from the Home Office to complete a Crowded Places Assessment. This continues to be the case. The mitigation measures proposed are similar to those in place in cities across the UK and recommended by the Centre for the Protection of National Infrastructure and are therefore appropriate</i></p>	

M	38	Question from:	Councillor Vic Pritchard
<p>Residents recently asked for a one-way system to be installed on Ham Lane, Bishop Sutton, to improve safety for walkers and cyclists. Council officers recently informed the parish council that future funding will not be sought for this scheme as it received a low score when compared to other similar schemes. This, however, is an important safety issue for people who live nearby. Can Cabinet please review this decision and ensure that proposals for a one-way system on Ham Lane are given serious consideration? The forthcoming installation of the Chew Valley Recreational Trail is likely to increase levels of walking and cycling considerably, and a failure to progress this scheme would seriously compromise public safety.</p>			
Answer from: Councillor Manda Rigby			
<p><i>Introducing a one-way system on Ham Lane could lead to increased vehicle speeds and cause inconvenience to some of the residents living there. We will shortly be installing an additional sign north of the access to the caravan park to remind road users that this is a two-way road since officers have been advised of a number of instances where visitors were under the impression the road had a one-way restriction.</i></p>			
Supplementary Question:			
<p>The answer provided made no reference to the Chew Valley Recreational Trail and what possible measures could be taken to counter the concerns regarding Ham Lane which will be a tributary route into this scheme.</p>			
Answer from: Councillor Manda Rigby			
<p><i>A response will be provided within 5 working days.</i></p>			
M	39	Question from:	Councillor Karen Warrington

Please provide a full breakdown of the financial support offered to people by the council to help pay any charges incurred by the Clean Air Zone. Specifically, what financial support is available to people to help them pay CAZ charges if they are on low incomes or who qualify for council tax support?

Answer from: Councillor Sarah Warren

The Council has assisted owners of chargeable vehicles including buses, coaches, HGV's, LGV's and taxis to avoid paying zone entry charges by creating the Financial Assistance Scheme. Using £9.4M of government funding, the Council has provided grants and interest free loans to bring forward the replacement of older, polluting vehicles to compliant ones. As part of this scheme there are exemptions from CAZ charges when completing telematics assessments and, once all eligibility criteria have been fulfilled, during the period when the ordered vehicle is awaiting delivery. For those vehicle owners who may fulfil the eligibility criteria for entering the zone often enough but do not meet the financial eligibility criteria for a grant or a loan because they maybe on a low income or receiving benefit support, there is a time limited exemption from CAZ charges for 2 years.

Supplementary Question:

Are there any procedures in place for individuals on low income, disabled and awaiting their Blue Badge to reclaim the Clean Air Zone and associated PCN charges incurred during the waiting process which I note is approximately 9 weeks?

Answer from: Councillor Sarah Warren

A response will be provided within 5 working days.

M	40	Question from:	Councillor Karen Warrington
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I see that Cllr Sarah Moore has been made Member Advocate for Accessibility. Does the council employ an Access Officer whose job it is to ensure decisions taken by the authority are fully compatible with residents who have disabilities?

Answer from: Councillor Dine Romero

The Council does not employ a separate Access Officer role as ensuring that access issues are considered in decision-making and operations is the responsibility of relevant staff and managers, using Equality Impact Assessments as appropriate. To support this process, the council employs a Corporate Equality Officer within the Inclusive Communities Team to advise and to ensure that the council's legal obligations under the 2010 Equalities Act are met.

M

41

Question from:

Councillor Vic Pritchard

What is the average time it takes the council to send a blue badge to a resident from the point at which they formally apply for one? What procedures are in place to issue temporary blue badges to residents with short term disabilities?

Answer from: Councillor Manda Rigby

Based on all the applications received by the council within the period of 1st Sept 2020 to 31st August 2021, the average time taken to confirm the outcome of an application for a Blue Badge from the date of its receipt is 64 days, or 9 weeks.

In line with the national guidance applicants are advised that an application can take between 6-12 weeks to be assessed and confirmed and where appropriate badges are processed for delivery by the council the working day after the payment of the £10 fee is made. All badges are printed and dispatched from a national distribution centre.

The length of time taken to assess an application can vary considerably and this is typically due to the varying degrees of complexity within each individual's circumstances; the level of evidence provided, particularly where missing or additional evidence must be requested from either the applicant or a nominated medical professional; and whether an applicant meets the criteria for automatic qualification for a Blue Badge. The council manages approximately 3k applications each year.

Blue Badges must be issued in line with the regulations that govern the Blue Badge scheme and a badge may only be provided where either:

- *Automatic qualification criteria are met, such as the award of Higher Rate of Mobility Component of Disability Living Allowance, and the badge will be linked to the expiry of the award (maximum 3 years), or*
- *Where further assessment is required and the applicant is subsequently assessed to have an 'enduring and substantial disability'. Badges issued within this criteria must not be issued for durations of less than three years.*

M	42	Question from:	Councillor Paul May
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It was a requirement of the Liveable Neighbourhood applications that parish councils approved the bid. Why are the first-wave schemes ignoring relevant parish councils, especially when their priorities have been clearly articulated? The stated aim to consult via an unpublicised public meeting in a dark car park during mid-winter has generated bad feelings in the democratic body closest to those local communities.

Answer from: Councillor Sarah Warren

The project team have set aside time to work with parish councils and residents' associations on the liveable neighbourhood programme early in the New Year and look forward to receiving their views. In the meantime, parish councils are encouraged to inform their residents where they have a strong view about local schemes.

We have been very keen to offer in-person events as well as online, but Covid-19 has unfortunately meant they are being held outdoors, and as it is December, it is dark early. There are online sessions for residents for whom the outdoor events are unsuitable, where participants can hear about the process and ask questions. We are currently in the initial stages of the consultation and there will be plenty of opportunity for parish councils and residents to contribute to the process throughout the co-design phase.

Supplementary Question:

Councillor Warren. As you know I and my community have supported the liveable neighbourhood scheme and raised the concerns of my village nervousness about the potential large scale housing developments so I asked for just the simple parish scheme to be consulted upon. The consultants have ignored that request to work with the Parish and what should be a good idea has created bad feelings. They could and

would have made available the village hall if they had been asked as opposed to being told!
Will you please make sure their concerns/ /bordering on anger is passed back to the consultants and they recognise that the parish is the closest form of community democracy?

Answer from: Councillor Sarah Warren

Yes of course and I am sorry that the Parish Council have been left feeling like that.

M	43	Question from:	Councillor Paul May
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Cabinet and, subsequently, Council, agreed the extension to the Virgin Care contract under false circumstances. Does change of the company involved in a formal contract now invalidate that contract? Will the council seek independent advice on this issue? Will the council also ask the CQC to inspect the contractor's quality performance as a matter of urgency?

Answer from: Councillor Alison Born

The recent announcement on the sale of Virgin Care came as a total shock to both the council and the CCG. A statement is being made at Cabinet this week and we are seeking independent specialist advice, including a full due diligence review.

M	44	Question from:	Councillor Paul May
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If the updated Local Plan is approved by independent planning inspectors early in 2022, it will become the approved Local Plan until 2029, unless the WECA SDS is approved later next year. As local elections in B&NES will be held in May 2023, this will make it difficult for existing councillors to engage effectively. Is the council, therefore, prepared to make representations to WECA to delay the SDS until mid-2023 (a delay of six months) to allow sitting councillors to engage with the process without constraints?

Answer from: Councillor Tim Ball

The draft SDS is due to be agreed in Spring 2022, well before the local elections 2023. It is then due to be submitted to the Secretary of State in late 2022 to be considered at subsequent hearings. Therefore key decisions are due to be taken well in advance of the local elections.

M

45

Question from:

Councillor Paul May

Your leadership of the Culverhay Working Group to provide high quality learning and skills experiences for young people has shown the need for opportunities to be developed. WECA only funds post-18 adult education but can be used to seek capital support for an exciting schools, council, college and university partnership linked to employment valued qualifications. Will the council seek a memorandum of understanding to progress the scheme and promote the concepts to parents and students?

Answer from: Councillor Dine Romero

Alongside our work to provide SEN provision for under 16's at Culverhay, the council is actively engaged with Bath College to undertake the feasibility study to develop 14-18 vocational use at this site.

The Feasibility study will engage with key stakeholders (Including Schools and the University) to assess demand and need and consider the skills base that the offer will need to include.

This study will support any approach to WECA for funding towards build/infrastructure costs and as part of the business case, will present the partnership structure to deliver, either through an MoU or other documented mechanism.

M

46

Question from:

Councillor Paul May

You kindly confirmed your agreement to the concerns expressed by Scrutiny Committee members by their unanimous vote that there is a need for a council decision to separate adults/health from children's services scrutiny, yet no debate has been allowed. Is it democracy when officers

do not allow legitimate concerns to be aired? If they have reasons, they should present them in an appropriate way at a member meeting rather than just blocking the discussion.

Answer from: Councillor Kevin Guy

Scrutiny is a council function. The Council can debate this issue by the scrutiny committee referring this matter to it. Rule 13 of the Policy & Development Procedure Rules details the process. I would encourage the PDS panel to follow the process and in particular to identify the source of funding for the additional expenditure from within existing resources

<https://democracy.bathnes.gov.uk/documents/s67849/Part%204%20E%20Overview%20and%20Scrutiny%20procedure%20rules.pdf>

Supplementary Question:

Leader, thank you for providing me with the rules relating to this request. I am of course aware of the officer line that the committee should identify the source of funding for any additional expenditure.

So my questions are... will the officers assist in doing that?

...also do you accept that by splitting the two roles there will be considerable total savings eg there will voting and representatives from the trade unions, the head teachers, the COE and catholic diocese reps will halve their time, the cabinet members time will be cut in half, the three council directors time will be cut in half and the committee clerk time will remain the same so the only additional cost would be for committee chairs but using rule 8 the existing committee could set this up as a sub body possibly chaired by the vice chair. ie less overall costs?

...Rule 13 also states the council will consider any formal recommendation at the next available meeting and this has not been done.

rule 15 gives clear indications that within 2 months of a PDS committee recommendation it will be responded to including officer advice?

Answer from: Councillor Kevin Guy

A response will be provided within 5 working days. I support this as you know, the PDS Panel is log jammed. Officers are coming back to me on this.

M	47	Question from:	Councillor Paul May
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You recently said you establish policies which officers implement and you have no influence over their role. Can you confirm whether councillors have powers to appoint or dismiss the three statutory officers of the council?

Answer from: Councillor Kevin Guy

This is a council power/function but there is a statutory prescribed process that Council must follow before Council can dismiss a Statutory Officer.

M	48	Question from:	Councillor Paul May
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Has Bristol Council responded about consultations on road closures close to our boundaries that affect our communities?

Answer from: Councillor Manda Rigby

Local authorities should contact neighbouring authorities when they have works which will have a significant impact on traffic on their roads or if they need to use their road network as part of a diversion. In a recent situation where there were closures on residential roads in Bristol close to the boundary with B&NES, their diversion route was wholly within Bristol. We have since been in contact with Bristol City Council and put in place measures to improve cross-boundary communications. We are not aware of any incidents recently where Bristol City Council failed to notify B&NES when we would have expected them to do so.

M	49	Question from:	Councillor Paul May
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Can you please provide an update on the South Quays development? Have all of the building leases been let?

Answer from: Councillor Richard Samuel

A response will be provided within 5 working days.