

## CABINET MEETING 31 MARCH 2022

### STATEMENTS FROM PUBLIC AND COUNCILLORS

- |                    |   |                          |
|--------------------|---|--------------------------|
| 1. David Redgewell | - | Public transport issues  |
| 2. Tay McClean     | - | Bathampton Meadows       |
| 3. Cllr Kumar      | - | Are we listening enough? |
| 4. Cllr Pritchard  | - | Bathampton Meadows       |
| 5. Cllr Warrington | - | Cleveland Bridge         |

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M</b>	<b>01</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>In a recent press release it was stated that the Council will spend £38 million over the next 5 years on items that will take the council to net zero by 2030. This figure is less than 5% of the councils' budget. Can you please give full information as to:</p> <p>Which items are entirely new initiatives since the Climate Emergency declaration in September 2019?</p> <p>Which items are the council's direct response to the Climate Emergency declaration and not part of another scheme, something already being considered, or part of a national or regional government initiative?</p> <p>Which of these has been funded by this council and not national or regional government?</p>			
<b>Answer from:</b>			Cllr Sarah Warren
<ol style="list-style-type: none"> <li>1. <i>All of the sums have been adopted into the capital programme since the climate emergency declaration in March 2019, apart from the £732K initial funding for the Riverline scheme, which is brought forward from the 2018/19 programme.</i></li> <li>2. <i>All schemes have multiple objectives, but all the Council's work, including the capital programme, is driven by the core policy to tackle the climate emergency.</i></li> <li>3. <i>All schemes are Council funded with the exception of successful applications for Government Grants for: Keynsham Recycling £3m; Clean Air Zone £1.5m, and WECA Grants for: Riverline £3.5m and Active Travel £561K.</i></li> </ol>			
<b>M</b>	<b>02</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>In a recent pilot project undertaken by Council Climate Plan Scorecards (<a href="https://councilclimatescorecards.uk/methodology/">https://councilclimatescorecards.uk/methodology/</a>) who have undertaken to mark councils' Climate Action Plans, B&amp;NES Council scores 50%. What actions will the Council be undertaking to improve this score?</p>			

<b>Answer from:</b>		Cllr Sarah Warren
<p><i>Our Climate Emergency Strategy and Action Plan is reviewed and refreshed annually. This year's annual report will be brought to Council on 24 March, as is noted on the <a href="#">Forward Plan</a>. The average score for Scottish and English councils was 46% dropping to 31% for Wales and 25% for Northern Ireland and one fifth of Councils have not published any plans. We understand that Climate Emergency UK will not be updating the scorecard in future years, so it is a point in time, one off exercise.</i></p>		
<b>M</b>	<b>03</b>	<b>Question from:</b> Cllr Joanna Wright
What actions is the Council taking to reduce District wide emissions?		
<b>Answer from:</b>		Cllr Sarah Warren
<p><i>The Council's Climate Emergency commitments are about supporting the district to cut carbon emissions and we have evidenced the key priority areas for action: buildings, transport and renewable energy. The Council is using the levers available to us to provide that leadership and, working across the community, to deliver carbon reduction. The next Climate Emergency Annual report, which updates on progress and action planning is on the <a href="#">Forward Plan</a> and will be brought to Council on 24 March.</i></p>		
<b>M</b>	<b>04</b>	<b>Question from:</b> Cllr Joanna Wright
A Public Right of Way (PROW) application for the claimed footpath near Bathampton Tollbridge was submitted on the 6th of May 2021. Public access to the riverside was blocked in March 2021 when the landowner installed a padlocked gate across the footpath and erected a tall barbed wire fence. When can we expect the application process to be completed and what additional resources are there to complete this?		
<b>Answer from:</b>		Cllr David Wood
<p><i>Under Schedule 14(3)(2) of the Wildlife and Countryside Act 1981, the Council must determine the application within 12 months of receipt i.e. by 6th May 2022. The Definitive Map Modification Order process is a long and complex legal process with a number of possible permutations, as summarised in the attached flowchart. Consequently, it is not possible to provide a firm timescale for its completion. If the Council determined that there is not sufficient</i></p>		

*evidence to record the route as a public right of way and the applicant does not appeal, then the process would be complete by early May 2022. If the Council makes a DMMO and no objections are received, then it is likely to process will be completed before the end of the year. However, if the Council makes a DMMO and objections are received then the matter will be referred to the Planning Inspectorate who are likely to hold a public inquiry and this is currently adding approximately 2 years to the process.*

**M        05**

**Question from:**

Cllr Joanna Wright

The Council has not used its powers to stop the landowner from preventing public access to the River Avon at Bathampton Tollbridge. Apparently, it was able to do this by an “Enforcement Order” at Warleigh Weir which has stopped the landowner from denying public access at this site - please can you explain why it is possible to use these powers at one Avon riverside location and not another?

**Answer from:**

Cllr David Wood

*The route at Warleigh Weir is recorded on the Definitive Map and Statement and, consequently, it is beyond legal dispute that the route is a public right of way. The Council was therefore able to exercise its legal powers under section 130 of the Highways Act 1980 to have the obstructions on the public right of way removed. In contrast, the route near Bathampton Tollbridge is not recorded on the Definitive Map and Statement; consequently, the Council cannot currently prove that the public have a right to use the route and, as a result, we're not in a position to compel the landowner remove the locked gate. A Definitive Map Modification Order application has been submitted to the Council and this process will determine whether or not the route is a public right of way. If the route is found to be a public right of way then the Council will use the same powers relied upon at Warleigh Weir to ensure the route is open and available for use by the public; if the route is not found to be a public right of way then the landowner will be entitled to exclude the public from this part of their land.*

**M        06**

**Question from:**

Cllr Joanna Wright

Many residents in the area of Entry Hill Golf Course are concerned about the projected numbers that will be visiting the site by car once the scheme to turn this site into a Bike Park is realised. The Council has repeated to residents that this site will be delivered according to its climate and biodiversity commitments. Residents have repeatedly asked for a carbon footprint of this site. Council officers originally stated that the existing car park would not be expanded. It has been announced that the car park will be expanded from 30 spaces to a capacity of 52 spaces. The Council appears focused on seeing access to this site as a mobility issue rather than an accessibility issue. When the Council needs to keep to its corporate policy with regard to the climate emergency and work to deliver cuts to emissions, would it be more sustainable for the car park to remain at 30 places and be by prior booking only, further should non-Bath users be encouraged to park at Odd Down Park and Ride and South Gate Shopping Centre with a dedicated LTN 1/20 cycle

route to encourage all users of this bike park to come by bike?			
Answer from:		Cllr Sarah Warren	
<p><i>The Draft Transport Assessment that has been completed indicates that the existing car parking provision of 54 spaces is adequate to cater for peak demand.</i></p> <p><i>Pedal Progression, the appointed operator of the site, are committed to ensuring customers travel sustainably to the site and at first point of contact visitors will be advised to walk, cycle, or use public transport and use the park and ride. The booking system will include allocation of a car parking space (if required).</i></p> <p><i>Pedal Progression are fully committed to supporting the Council to deliver the Climate and Ecological Emergency action plans and are aiming to be the first carbon neutral business of its kind in England.</i></p> <p><i>The site will be surveyed to assess its lifetime carbon footprint, and this will be submitted as part of the planning application and used as a benchmark for measuring improvement.</i></p> <p><i>As part of the project development process, we are actively considering creating safe cycle routes to the site.</i></p>			
M	07	Question from:	Cllr Joanna Wright
<p>What is the current policy position to develop organic farms in Bath and North East Somerset? It is not apparent from the Climate Emergency strategy what the business case is to scale up food production. What protection will be given to areas in B&amp;NES where they are Areas of Outstanding Natural Beauty (AONB) with regard to planning applications for developing organic farms?</p>			
Answer from:		Cllr Sarah Warren	
<p><i>Within B&amp;NES, our engagement in relation to farming is largely through our environmental partnerships, one of which is the West of England Nature Partnership (WENP) which has an agriculture working group which is attended by the Council's Ecologist. This group is a discussion forum to engage the farming community with nature recovery, it does not set policy and its discussions are not specific to any particular farming practice such as organic</i></p>			

farming.

The two National Landscapes (AONBs) of the Cotswolds and Mendip Hills both currently operate the Defra Farming in Protected Landscape Grants, and the Cotswolds has a farming forum:

<https://www.mendiphillsaonb.org.uk/caring-about-the-aonb/farming-in-protected-landscapes/>

<https://www.cotswoldsaonb.org.uk/looking-after/farming-in-protected-landscapes/>

Through the programme, farmers and land managers can be supported to carry out projects that enhance nature recovery, mitigate the impacts of climate change, provide opportunities for people to enjoy and understand the landscape and cultural heritage, or support nature-friendly, sustainable farm businesses. These projects are not specific to organic farming and do not fund the setting up of new farm holdings. They are included here to demonstrate the type of engagement which the National Landscapes have with farming.

Agriculture is largely excluded from planning controls although some associated activities fall within the requirements of measures such as prior approvals. Where this occurs in Areas of Outstanding Natural Beauty, permission must be determined in accordance with national planning policy. There are already clear policies in the Local Plan to support local food production (e.g. RE2, LCR9) and the new B&NES Local Plan will be reviewed or prepared to help achieve the objectives to response to the Climate and Ecological Emergencies

<b>M</b>	<b>08</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>Please can you provide information, over the past ten years, on Housing Condition Complaints received by B&amp;NES Council:</p> <p>How many complaints and concerns have been reported to the Council or Environmental Protection Team have received regarding poor housing conditions?</p> <p>How many complaints have been upheld?</p> <p>How many of these were confirmed as adequately addressed with an inspection?</p> <p>How many of these have been considered a danger?</p> <p>How many of these have resulted in an enforcement order?</p> <p>How many of these were confirmed as adequately addressed with an inspection?</p> <p>How many of these have resulted in a prosecution?</p>			
<b>Answer from:</b>			Cllr Tom Davies

<u>Year</u>	<u>Complaints received<sup>(1)</sup></u>	<u>Complaint inspections<sup>2</sup></u>	<u>Category 1 hazards identified<sup>3</sup></u>	<u>Formal Notices Served<sup>4</sup></u>	<u>Prosecutions/Financial Penalties<sup>(5)</sup></u>
2011/12	229	260	286	n/a	6
2012/13	311	402	424	n/a	0
2013/14	343	313	350	n/a	0
2014/15	238	229	237	n/a	0
2015/16	298	261	306	n/a	0
2016/17	315	192	258	8	0
2017/18	297	210	254	5	1
2018/19	191	220	278	6	1
2019/20	222	156	296	6	3
2020/21	285	80	136	9	8

### **Interpretation Notes**

- 1) Refers to all property condition-based complaints received by Housing Services regardless of tenure.
- 2) This is not a subset of first column as recorded in different IT module. Some complaints receive multiple visits. 2020/21 figures impacted by Covid restrictions.
- 3) This relates to number of Housing Health & Safety Rating System Category 1 hazards identified. There can be multiple hazards in a property.
- 4) Information not available prior to 2016/17. It should be noted that the Council's Enforcement Policy ([https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Housing/Landlords-and-tenants/enforcement\\_policy\\_final\\_v2.pdf](https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Housing/Landlords-and-tenants/enforcement_policy_final_v2.pdf)) aims to address issues informally in the first instance. Only if this is not possible does the Council progress to formal action, including the serve of formal notices.
- 5) Recent increase in activity reflects the introduction of Financial Penalties. Includes action against unlicensed HMOs.

<b>M</b>	<b>09</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>How does the Council, in keeping with its duty of care to residents, protect tenants in properties managed and owned by housing associations?  How frequently are regular compliance checks scheduled?  Under what circumstances, and how, are unscheduled, or extra checks triggered?  What protections are in place to identify problems with specific landlords?</p>			
<b>Answer from:</b>			Cllr Tom Davies
<p><i>Registered Providers, also known as Housing Associations, are independent organisations who are regulated by the Regulator of Social Housing. One of the key areas of the Regulator relates to ensuring that stock is maintained in a good standard and compliance regimes are fit for purpose. However, where a Housing Association tenant, or indeed any tenant, has a specific concern relating to their housing conditions the Council will investigate, and if appropriate take formal action against the landlord to remedy any defects. Formal action can range from service of Notices, Financial Penalties or Prosecution.</i></p>			
<b>M</b>	<b>10</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>The statutory guidance for local authorities published by the Dept for Health and Social Care (DHSC) says the following:</p> <p>“8.35 People in a care home will contribute most of their income, excluding their earnings, towards the cost of their care and support. However, a local authority must leave the person with a specified amount of their own income so that the person has money to spend on personal items such as clothes and other items that are not part of their care. This is known as the personal expenses allowance (PEA). This is in addition to any income the person receives from earnings. Ministers have the power to adjust the PEA. Any changes are communicated by Local Authority Circular and are binding. Local authorities have discretion to apply a higher income allowance in individual cases, for example where the person needs to contribute towards the cost of maintaining their former home. Further detail is set out in Annex C.”</p> <p>As this is not a national arrangement but delegated to local authorities what discretionary uplift will B&amp;NES be making to the PEA (Personal Expenses Allowance), for care home residents?</p>			
<b>Answer from:</b>			Cllr Alison Born



*The Council allows the PEA to all those resident in a care home setting. In addition to the PEA the Council allows up to an additional £144 per week or their maximum assessed weekly care if lower than £144 per week to maintain a property as long as the person has a deferred payment agreement in place, and they request this allowance.*

*B&NES does not make any annual uplift beyond the increase prescribed by Central Government; however, all matters are considered on a case by case basis with a person centred approach to any decision taken.*

*This is accordance with the Council Care and Support Charging and Financial Assessment Framework which can be viewed online at <https://beta.bathnes.gov.uk/care-and-support-charging-and-financial-assessment-framework/care-and-support-charging-and>*

<b>M</b>	<b>11</b>	<b>Question from:</b>	Cllr Joanna Wright
<p>Keynsham Road Safety Campaign have been working to try to improve safety on Wellsway in Keynsham. They have been campaigning for a speed limit reduction from 40mph to 30mph out to the Welcome to Keynsham sign since the end of 2019, as the road is currently unsafe for pedestrians, cyclists and other non-motorised road users. There is a blind bend at Uplands with busy entrances on both sides and residents are forced to essentially pull out on faith. Improving visibility isn't possible due to the proximity of properties to the road, therefore a reduction in the speed limit is the best way to ensure the safety of all road users.</p> <p>Cllr Rigby, as Cabinet Member for Transport, you agreed to the reduction to 30mph in May last year, however in November Cllr Rigby, you told the Keynsham Road Safety Campaign that the Highways department had refused to implement the changes. The plan to reduce the speed limit up to 200 Wellsway, which is only 700m short of the Welcome sign where the Keynsham Road Safety Campaign are asking for the 30 limit to end. In a recent press release you stated that "safety is your first priority" Why then is this dangerous and fast road not having a speed reduction put in place?</p>			
<b>Answer from:</b>			Cllr Manda Rigby
<p><i>It's important that speed limits are set at a level where there is a realistic likelihood of compliance and that drivers will understand the reason for the limit. If drivers perceive that a speed limit has been set too low, it is unlikely to be obeyed and this can undermine speed limits more generally. We are proposing to extend the existing 30mph limit on Wellsway southwards up to the point where the road is no longer built-up and the street lighting ends. The section further south of this towards Uplands is not suitable for a 30mph road because it is open, with very little development alongside the road. We reduced the speed limit here from 60mph to 40mph a few years ago. Officers have advised that if a 30mph limit was introduced here and it was ignored by many drivers then it could lead to lower levels of compliance further into Keynsham where it is more built-up and potentially lead to vehicles trying to</i></p>			

*overtake others who do obey the limit, thereby making the road less safe.*

*Safety is our highest priority, but we will not put in measures that could have the opposite impact than is intended. Officers will be assessing the road near Uplands to identify whether there are any alternative measures that could be provided at this specific location to improve safety.*

**M 12**

**Question from:**

Cllr Vic Pritchard

Please provide an update on the administration's plans to set up a Citizen's Panel to decide on active travel improvements in Bath. Have panel members been selected yet? Has a date been chosen to allow them to meet?

**Answer from:**

Cllr Sarah Warren

*The Citizens' Panel is a new way of doing democracy by establishing a panel of independent local people to consider evidence on particular issues. The panel will focus on potential routes between the valley floor and Claverton Down, thinking in particular about the options for active travel. We have worked with Bath University on this and have jointly appointed Britain Thinks to recruit and run the panel.*

*Britain Thinks are now in the process of appointing the panel and it will begin its work shortly.*

*I very much look forward to receiving the panel's findings and giving them careful consideration.*

*More information on our Citizens' Panel can be found [here](#).*

**M 13**

**Question from:**

Cllr Vic Pritchard

In a letter from the Chief Executive to the Chief Constable of Avon and Somerset Police, dated 6 May 2021, details of two additional protocols to Option 4 of the City Centre Security 'inner zone' proposals are stated. One paragraph reads: "Blue badge parking bays would be provided within the restricted streets, but blue badge access would only be permitted if a blue badge parking space was available". Please confirm if this rule – that blue badge holders can only access the inner zone during restricted hours if a blue badge parking space is available – currently applies. If it does, please explain the procedure by which staff who operate the barriers are kept up to date with the number of available blue badge parking spaces available within the inner zone at any given time.

<b>Answer from:</b>		Cllr Manda Rigby
<p><i>Blue badge holders are permitted to access and park in Cheap Street, Westgate Street and Upper Borough Walls 24/7, for up to 3 hours on each street, on double yellow lines.</i></p> <p><i>When wishing to access during the periods of 1000 hours and 1800 hours, blue badge holders follow the process as outlined on our website - <a href="https://beta.bathnes.gov.uk/check-eligibility-and-apply-access-restricted-bath-city-centre-streets">https://beta.bathnes.gov.uk/check-eligibility-and-apply-access-restricted-bath-city-centre-streets</a> and as communicated directly with those blue badge holders direct, where we hold their data.</i></p> <p><i>Since 1 January 2022, 1,274 vehicles with disabled drivers or passengers have accessed the restricted streets under the Blue Badge Holder exemption. We have not had to refuse anyone entry due to unavailability of spaces and the Marshals on both the entry and exit barriers regularly communicate via radio to update each other on capacity. However, this has not been an issue.</i></p> <p><i>In addition, a new map has been produced highlighting all blue badge bays within the City - <a href="https://beta.bathnes.gov.uk/sites/default/files/Access%20Restrictions%20and%20bays%20Feb%2022%20v4-01.jpg">https://beta.bathnes.gov.uk/sites/default/files/Access%20Restrictions%20and%20bays%20Feb%2022%20v4-01.jpg</a></i></p>		
<b>M</b>	<b>14</b>	<b>Question from:</b> Cllr Vic Pritchard
<p>In reply to a question submitted ahead of last month's Cabinet meeting, you confirmed that the pedestrian island located on the A37 towards Pensford, next to Short Lane, was installed in 2019 as part of a wider scheme to improve safety along the A37. Accepting that the installation cost was part of that overall safety package, and thus cannot be specified, ongoing maintenance for the pedestrian island would surely have come from a different funding stream? Please specify on how many separate occasions between its installation in 2019 and its removal in 2022 repairs were carried out to this island before it was recognised as ineffective and a positive danger.</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p><i>Our records show that between the time the island was constructed and when it was removed, 'keep left' bollards on the island were replaced 12 times. Following an assessment in autumn 2021 it was concluded in December 2021 that the island needed to be removed after other possible methods of making the island more conspicuous had been considered and ruled out.</i></p>		
<b>Supplementary question:</b> I commend the honesty in the answer. This traffic island was put in for pedestrian safety, in a location where there have		

never been any accidents, and there have now been in excess of 12 accidents as a result of its introduction. It was quite a soft option initially, but officers then reinforced the barrier by introducing a curving system, now removed and there's now a build out to compensate. If there have been 12 accidents in this location, how does this contribute to highway safety, why was it not taken out earlier after one or two accidents and who is accountable?

**Answer from:**

Cllr Manda Rigby

I'll provide you a fuller response within 5 days, but I can assure you we have been working closely with the local community and it was at their request that it was put in initially. We have now gone back to Pensford Parish Council to ask what it is we now can do to address this issue that was given to us by the community.

**M 15**

**Question from:**

Cllr Vic Pritchard

Thank you for providing clarity around how the council reports data breaches to the ICO. Since May 2019, how many data breaches have actually been reported to the ICO by the council? Will you agree to specify the number of breaches in future reports to the appropriate Scrutiny panel?

**Answer from:**

Cllr Kevin Guy

*The Council has self-reported 3 breaches to the ICO since May 2019 and can update any Scrutiny Panel on request with regard to statistical reporting of breaches.*

**M 16**

**Question from:**

Cllr Vic Pritchard

I understand there has been a considerable drop in pollution on the A37 in Temple Cloud. Can you explain exactly what measures have been taken to achieve this and please provide the most recent NO2 readings for all monitored locations on the A37 in Temple Cloud.

**Answer from:**

Cllr David Wood

*The response to this question, including the nitrogen dioxide data in Temple Cloud, is attached as Appendix 2.*

<b>M</b>	<b>17</b>	<b>Question from:</b>	Cllr Vic Pritchard
The proposed plans for the Chew Valley Recreational Trail currently present serious obstacles for agricultural traffic. I have been advised that a revision of the drainage arrangements will be required. When will these changes be forthcoming and will they present a further delay to the closure of the road?			
<b>Answer from:</b>			Cllr Sarah Warren
<i>The buildout design has been amended to accommodate the 3.65m wide farm vehicle. This has not delayed the works or incurred any additional costs.</i>			
<b>Supplementary question:</b> Since that answer was provided, there has been another meeting with myself and my colleague, Ward Councillor Karen Warrington, with Highways officers and a representative of the farming community and the measures that have been taken are inappropriate as the farm machinery will have to mount the kerb. This denies the passage for agricultural vehicles. The Chew Valley residents are concerned this is an accident waiting to happen. What will you do about this?			
<u>Answer from:</u>			Cllr Sarah Warren
<p>Happy to come back within 5 days with a fuller response; however, if there are specific issues, please put them in an email to me.</p> <p><i>The following response was provided within 5 working days.</i></p> <p>An officer met with Chew Magna Ward Members, yourself and a local farmer on site at the Chew Magna dam on Monday 21 March 2022 in order to understand your concerns and visited site on 28<sup>th</sup> and 30<sup>th</sup> March 2022 following the opening of the road.</p> <p>We understand that large vehicles, tractors and coaches will have to use this revised road layout along with all other vehicles, pedestrians and cyclists. The resulting design has had to accommodate the existing constrained nature of the site, and in doing so balances as far as possible the requirements of all road users; both with regard to the carriageway width, which is in accordance with the original Planning application, and the adjacent recreational trail. The design was very recently amended to accommodate the needs of a Combine Harvester at the request of the local farming community.</p>			

It is acknowledged that the re-designed road layout does reduce the width available on the highway. All larger vehicles are able to pass each other on this width of carriageway, including large tractors that are one of the widest vehicles at 2.75 metres wide (wing mirrors may need to be pulled in). A Stage 3 Road Safety Audit will be carried, and the Council will take heed of any recommendations made. The widest farm vehicles using the majority of the rural highway network will encounter issues with oncoming wide vehicles and are driven accordingly.

**M**      **18**

**Question from:**

Cllr Karen Warrington

The Cleveland Bridge repair works began in May last year. In a press release issued by the council this week, it was announced that “unexpected and severe corrosion” had been found “on a critical section of the structure”, resulting in further delays. Please explain why, after almost 12 months of continuous work, and the project taking almost double the amount of time initially forecast, such critical issues have not been picked up sooner.

**Answer from:**

Cllr Manda Rigby

*Technical experts had assessed the hanger bars prior to work starting on the bridge, without the benefit of being able to remove the concrete, however a routine technical test in January identified a need for further investigation.*

*Concrete was then removed from the hanger bars which uncovered severe corrosion caused by water and chloride.*

*This led to further technical assessments over the past few weeks. The issue is serious enough to risk structural failure of the bridge were it to reopen to all vehicles before repairs are carried out. The assessments have confirmed that the bridge can remain open using the current traffic arrangement.*

*It was not possible to see the extent of the damage prior to concrete being removed, and it was not possible to remove concrete prior to the other works being done. Encasing metal in concrete in 1927, although strengthening the bridge, hides much of the structural elements from view.*

**M**      **19**

**Question from:**

Cllr Karen Warrington

In the press release issued by the council this week, you confirmed that Cleveland Bridge will fully reopen in time for the Bath Half Marathon on 29 May. If, contrary to this assurance, the event again has to be postponed or cancelled due to the bridge not having reopened, will you resign?

<b>Answer from:</b>		Cllr Manda Rigby
<p><i>My press release stated, and I reiterate:</i></p> <p><i>“Now further analysis will be carried out to find out any options for repair but until we have that information, we are unable to give a timescale for potentially removing the current traffic management on the bridge. We will give an update in early April including the next steps for the project.</i></p> <p><i>I'd like to underline that this will not stop events happening in the city including the Bath Half Marathon, but it's essential that these repairs are completed before the bridge could safely reopen to all traffic and so we ask for people's continued patience”</i></p> <p><i>The original report stating that these repairs were a necessity was received in 2018 and sat on with no work being done until this administration came in.</i></p>		
<p><u>Supplementary question:</u> Since this question was submitted, events have moved on and the Bath Half Marathon has been postponed again. The organisers clearly state that the failure to complete the Cleveland Bridge is to blame. This has come just a few weeks after the Cabinet Member gave an assurance that events such as this would not be affected. As it appears that this assurance was meaningless, will the Cabinet Member do the honourable thing and resign?</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p>The answer is very clear. As stated by the Council on its official newsfeed, the postponement had absolutely nothing to do with the Cleveland bridge works. There was no reason from the Council's perspective that the Bath Half Marathon couldn't go ahead. In the light of this, I would hope that Councillor Warrington would do the decent thing and withdraw her request.</p>		
<b>M</b>	<b>20</b>	<b>Question from:</b> Cllr Karen Warrington
<p>The Cleveland Bridge renovation works were supposed to be completed by November 2021. Funding for this project has been obtained through a £3.8m grant from the Department for Transport. Please confirm the extra costs that have been incurred due to the delay in completion and explain how these costs are to be met.</p>		

<b>Answer from:</b>		Cllr Manda Rigby
<p><i>The concrete repairs are deeper and larger than those identified from the rope access inspections, and temporary supports have had to be designed and installed. Only limited amounts of concrete can be removed and replaced during the repair sequence to ensure there is no risk of failure of the structure. Further analysis needs to take place to assess options for the hanger bars repairs for the unique Grade II* listed structure. We will give an update in early April including the next steps for the project, the project Team will use the information to update the cost forecast.</i></p>		
<b>M</b>	<b>21</b>	<b>Question from:</b> Cllr Karen Warrington
<p>On 17 February, the council published Traffic Regulation Orders to change a long list of roads in Bath to 20mph speed limits. Please publish in full the evidence base used to justify the implementation of 20mph speed limits at these various locations.</p>		
<b>Answer from:</b>		Cllr Manda Rigby
<p><i>The Notice of Intent published last month was a minor variation to the Traffic Regulation Order (TRO) which had been published for comment in 2021. When the original TRO was advertised for comment last year there were some minor errors in road names which were only noticed once the TRO had been sealed. It has therefore been necessary to advertise the corrections before the speed limits can be signed and enforced. The justification for the 20mph speed limits can be found in the decision report which is on the council's web site at the following location:</i>  <a href="https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/roadworks/permanent-traffic-order-notices/20-005-various">https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/roadworks/permanent-traffic-order-notices/20-005-various</a></p>		
<b>M</b>	<b>22</b>	<b>Question from:</b> Cllr Paul May
<p>The positive commitment you have given to the Scrutiny Committee is in direct conflict with the line taken by the council officers that Scrutiny panels cannot be trusted on confidential contract information. The Virgin Care/HCRG contract is the largest contract the council has ever undertaken that affects both adults and children. While it is accepted that the due diligence process needs to be effectively carried out, the outcome has direct implications for the most vulnerable people in our community. Will you please confirm publicly that the reasonable external questions raised at the Scrutiny meeting can and will be addressed by the appropriate Scrutiny Committee. If it is to be confidential, can it be conducted in a confidential session?</p>		
<b>Answer from:</b>		Cllrs Alison Born and Dine Romero



*The decision on whether to extend the Virgin Care contract for the 3-year extension term made on the 11<sup>th</sup> November 2021 was delegated to the Director of Adult Social Care subject to the completion of financial due diligence. Due to the announcement on the 1<sup>st</sup> December 2021 that Virgin Care had been acquired by Twenty20 Capital the Director of Adult Social Care did not enact the extension decision. The Clinical Commissioning Group and Council have taken legal advice and agreed to revisit the options appraisal. It has been agreed with HCRG Care Group to extend the contractual period for agreeing any extension from the 31<sup>st</sup> March 2022 to 30<sup>th</sup> June 2022. This allows the CCG and Council to take the decision back through their respective governance processes.*

*A governance timeline is being prepared and in line with the approach taken in November the revised options appraisal report will be presented to Children's Adults Health and Wellbeing Policy and Development Scrutiny Panel.*

**Supplementary question:**

Thank you for your answer. I appreciated your commitment given to the scrutiny panel. My additional question related to why officers believe that councillors on scrutiny panels cannot be trusted to receive confidential, commercially exempt information when the law clearly allows for this in a closed session. I am on the Avon Pension fund committee which regularly deals with confidential information in exempt sessions so why cannot a scrutiny committee be bound by the same process?

**Answer from:**

Dine Romero

As far as I'm aware, exempt information absolutely could be taken in exempt session at a Scrutiny Panel.

**M 23**

**Question from:**

Cllr Paul May

The ICB will have powers of decision over service decisions taken by the council and CCG. We were briefed by the Transition Manager that the local authorities will be involved. Will you provide a coordinated report re. the legal, financial and joint-working arrangements that B&NES has always been proud of?

**Answer from:**

Cllrs Alison Born and Dine Romero

*The Health and Social Care Bill is currently passing through Parliament. Until the legislation has been finalised we cannot be clear about the final governance arrangements being established by the Conservative Government.*

<b>M</b>	<b>24</b>	<b>Question from:</b>	Cllr Paul May
In advance of the OFSTED inspection, can you provide your judgement on the coordination of children's social services and education? Education, social care, families, SEND and public health and mental health all have overlapping needs and having two separate directorates raises some concerns.			
<b>Answer from:</b>			Cllr Dine Romero
<i>As Lead Member for Children's Services, I am very satisfied that Children's Services is well co-ordinated. As Lead Member, I meet with the Director of Children's Services (DCS), the Director of Education, Inclusion and Safeguarding and the Director of Adult Services on a bi-weekly basis and I am kept abreast of all issues/developments pertaining to children and young people across B&amp;NES. I also meet regularly with the Director of Public Health. The Director of Education is line managed by the Director of Children's Services. This change in line management was an outcome of the recent senior management review and ensures that the Director of Children's Services is able to coordinate activity appropriately.</i>			
<b>M</b>	<b>25</b>	<b>Question from:</b>	Cllr Paul May
Officers say their budgets do not allow them to undertake work requested by parish councils, often stating that their own list of schemes has to be prioritised. In NES this seems to be biased towards Bath. Could you release the current list of priority schemes and the funding split between Bath and NES, please?			
<b>Answer from:</b>			Cllr Manda Rigby
<i>The Highway Maintenance and Transport Improvement Programme list the prioritised schemes for delivery in 2022/23. These were included in the February budget report. The value of prioritised list of schemes is £6,262,000.00 and £ 3,393,774.00 of works will be undertaken in NES and £2,866,256.00 will be undertaken in Bath. See attached HMB and TIP scheme lists.</i>			
<b>M</b>	<b>26</b>	<b>Question from:</b>	Cllr Paul May
Residents in my area say they have stopped shopping in Keynsham due to the road chaos that has been created by the pedestrianisation of the High Street. Could you please supply any economic assessment that has been undertaken in order to understand the effects of the road works on the local			

economy.

**Answer from:**

Cllr Richard Samuel

*A full economic impact assessment of the Keynsham High Street public realm scheme accompanied the Full Business case and was submitted to the Combined Authority, it is in the public domain (link below). The scheme is anticipated to generate an economic uplift for the Town Centre. A monitoring and evaluation process will be undertaken following scheme completion as outlined in the Full Business Case to quantify the impact of the scheme.*

<https://www.westofengland-ca.gov.uk/wp-content/uploads/2019/05/Keynsham-High-Street-FBC-FINAL-REDACTED-TH-HT.pdf>

*In terms of the impact during construction, we've been able to maintain access to the High Street and businesses throughout and have worked closely with local businesses to minimise disruption.*

*Keynsham Town Centre continues to have a low vacancy rate, which is a good proxy for High Street vibrancy, it remains below national average.*

**M**      **27**

**Question from:**

Cllr Paul May

We keep hearing the council is now providing social housing. Can you provide some simple statistics, please? How many houses are due to be delivered in 2022 and 2023, how much they will cost to deliver and what will the rents be charged at? Also, has a new council housing rents and repairs system been introduced, will there be a capitalised long-term improvement programme and will tenants have a right to buy?

**Answer from:**

Cllr Tom Davies

*As the Councillor will be aware, recent decisions taken by the Administration have approved projects which will see the Council deliver a first phase of over 100 social housing units comprising social rent housing, supported housing and shared-ownership housing. As all such projects are subject to the complexities of planning, contract negotiation and construction, it is not possible to determine the exact date of delivery for each of these units but **work on delivering the first 53 of these units is well advanced with work on site started or in the case of one site a planning application has been submitted.***

*The high-level cost figures are well documented, most recently to the Climate Emergency and Sustainability Policy Development and Scrutiny Panel in January. Social rented housing will be offered at social rent, the most affordable tenure which is typically around 50%-60% of market rent. The current IT*

*system within Housing is being upgraded, in part to assist with the effective management of the supported housing once operational. However, no decision has yet been made in relation to whether the management of the social rented housing will be managed inhouse or commissioned externally and as such no council housing rents and repairs system has been procured to date. Right to Buy will be available where the property and tenant meet the legislative eligibility criteria.*

**Supplementary question:**

Many years ago, before your time and mine, Banes stopped being a direct housing provider and Curo now own the former social housing stock.

If you are delivering 53 units but have not sorted out all of the commitments owning properties means, this seems odd? Will the housing stock pay for itself in capital/revenue terms if it has been funded directly by the council including housing repair costs, long term improvements, housing benefits, rent enforcement, tenancy legal agreements, rent collections, right to buy and tenant disputes? Could you please provide a fully costed breakdown of the cost benefit calculation for scrutiny because, once constructed, the council must have all such procedures in place. If not provided in-house there will be contract costs and an economy of scale involved for such a few homes?

**Answer from:**

Cllr Tom Davies

Thanks for your interest in the new Council house building programme. I will follow up with a full response.

*[The following response was provided within 5 working days.]*

All social housing requires subsidy and this housing programme is no different. The hi-level business case presented in the cabinet report details the anticipated capital subsidy requirements. However, the programme is designed to be revenue neutral in operation even when operating on social rent, the most affordable rent tenure for occupiers. Independent advice has been obtained on the high-level financial operating model which has assumed that management, maintenance, voids & bad debts (MMVBD) will account for 30% of rental income with the remaining income being used for scheme supported borrowing. To ensure that the model is financially risk-adverse rent inflation has not been included. As scheme supported borrowing is fixed rent inflation will thus provide further revenue headroom as the programme matures. Finally, it is worth noting that this programme has the benefit of starting with new and/or fully refurbished properties thus meaning there will be no significant cyclical maintenance requirements for at least 10 year thus allowing cyclical maintenance budgets to be filled. As previously advised a decision has yet to be made on whether the scheme management will be retained in-house or commissioned externally.

I understand the Head of Housing has kindly also offered to meet with Cllr May to talk him through the finances.		
<b>M</b>	<b>28</b>	<b>Question from:</b> Cllr Paul May
My parish council is pleased that it is being including in the Liveable Neighbourhoods consultation – thank you for listening. At its recent meeting, there was reference to an A37 corridor review. This affects both of my parishes. Will there be consultation on this and, if so, when?		
<b>Answer from:</b>		Cllr Sarah Warren
<i>The A37/A367 Corridor Study is a WECA-led project, being undertaken in partnership with B&amp;NES officers. An initial public consultation was held between 22 November 2021 and 9 January 2022. The Strategic Outline Case is due to be considered at the WECA Joint Committee on 8 April 2022. Subject to approval, further consultation is scheduled for this Summer, during preparation of the outline business case (OBC).</i>		
<b>M</b>	<b>29</b>	<b>Question from:</b> Cllr Paul May
Bristol City Council intends to close key roads just inside the boundary and, once again, has not carried out any consultation with local communities in our area. Has the council been consulted?		
<b>Answer from:</b>		Cllr Manda Rigby
<i>Local authorities are not required to consult local communities with regards to temporary road closures for road works. It is good practice for the organisation undertaking the works, whether that be a utility company or the local highways team, to post letters to properties on the road that is being closed, and this something B&amp;NES insists on when road closures are undertaken in our area. Utility works are due to be undertaken in Whitchurch Lane within Bristol City Council's area next week which will result in that road being closed for a number of days. I am advised that traffic will still be able to exit Maggs Lane, but it will have to turn right into Ridgeway Lane and follow a diversion.</i>		
<i>Bristol City Council did not consult B&amp;NES before agreeing the road closure requested by the utility company and we have reminded them of the need to do so. However, this is unlikely to have resulted in any differences in local notifications about the road closure because no road in B&amp;NES will be closed or restricted as a result of the closure of Whitchurch Lane in Bristol City Council's area.</i>		

<b>M</b>	<b>30</b>	<b>Question from:</b>	Cllr Paul May
It seems apparent that CPRE is no longer a statutory consultee for planning applications. Would you consider adding them to our list as a volunteer consultee organisation?			
<b>Answer from:</b>			Cllr Tim Ball
<p><i>There is no list retained of non-statutory consultees. It is not advised that we opt to inform one interest group over another as this may lead to inequality and bias. It may also add additional costs and slow down the planning process. However, we do assist interested parties to engage in the planning process for example we advertise planning applications widely using media publication, through site notices, through parishes and via the weekly list circulated to Councillors. This enables self-selection by interested parties of the applications they are interested in and there will be many that would not be relevant or of interest to the CPRE. Planning officers will contact interested parties where a particular case warrants that to happen.</i></p>			

### **Attachments**

M4 - Rights of Way Process Flowchart – Appendix 1

M16 – Response including nitrogen dioxide data – Appendix 2

M25 - Highway Structural Maintenance Capital Programme 2022/23 – Appendix 3

M25 - Transport Improvement Programme 2022/23 – Appendix 4