

## **CABINET MEETING – 9 November 2023**

### **STATEMENTS FROM PUBLIC AND COUNCILLORS**

1. Chad Allen – English Ivy
2. Angharad Barber – Somer Valley Enterprise Zone
3. Jim Plunkett-Cole – Somer Valley Enterprise Zone
4. Robbie Bentley – Extending the Validity of Bus Passes and Public Transport Issues
5. Cllr Hal MacFie – Keynsham High Street

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M</b>	<b>01</b>	<b>Question from:</b>	Cllr Karen Walker
<p>This administration is asking people to be more active in the way they travel, walking, cycling, is this administration considering putting aside additional funds in the next budget, for gritting of all roads and pavements throughout Bath &amp; North East Somerset, to allow people to still go about daily lives without fear of an accident?</p>			
<b>Answer from:</b>			Cllr Manda Rigby
<p><i>The winter service arrangements for the coming winter are in line with previous years without any reduction in planned service, which is proportionate to delivering our statutory duty to ensure that safe passage along our highway is not endangered by snow or ice as far as reasonably practicable. I have asked Officers to review options for winter gritting arrangements that will further support walking, wheeling and cycling.</i></p>			
<b>M</b>	<b>02</b>	<b>Question from:</b>	Cllr Alan Hale
<p>I presented a motion at a Council meeting on Thursday 18 November 2021 – Motion on impact of fireworks, below is the resolution taken from the minutes. Could the Cabinet please give us an update as to if / when and how the steps agreed were taken.</p> <p><b>Council therefore resolves:</b></p> <p><b>5. To recommend that all public firework displays within the local authority boundaries be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.</b></p> <p><b>6. Actively to promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people in the</b></p>			

lead up to relevant celebrations and cultural events through existing council communication channels.

7. To write to the Local Government Association to lobby for a limit to the maximum noise level of fireworks to 90dB for those sold to the public for private displays.

8. To encourage local suppliers of fireworks to stock quieter fireworks for public display.

**Answer from:**

Cllr Tim Ball

*Following this motion in 2021, additional firework specific web pages have been added to give advice and guidance to people about considerate purchasing and use of fireworks, and protection of animals.*

*We are continuing to back the RSPCA's [#BangOutOfOrder](#) campaign which aims to raise awareness about the impact of fireworks on animals and calls for regulations to be changed to protect them.*

*There is legislation covering the sale of fireworks about which the Trading Standards team have been continuing to remind vendors of their responsibilities, building upon doing this for the first time last year following the Motion.*

*All of this is being backed up by a press release to publicise the message about the safe and responsible use of fireworks so that all can enjoy the season, including publicising where our residents can attend organised events to reduce the number of smaller and individual parties and events happening.*

**M**

**03**

**Question from:**

Cllr Joanna Wright

An LGA Peer Review took place between the 12th to 14th Sept 2023 without any involvement of Children Adults, Health and Wellbeing Policy Development and Scrutiny Panel or informing other political parties represented on B&NES Council, this is not usual practice. How will this failure be reviewed, and actions be implemented to stop this happening again?

**Answer from:**

Cllr Alison Born

*The purpose of the LGA Peer Review was to help us prepare for the new CQC inspection of Adult Social Care commissioning that is due to start in the new year. The format of the Peer Review was developed by the LGA who advised us who they wished to meet with during their time in B&NES. This did not include members of the scrutiny panel but the omission was discussed at the scrutiny meeting in October and we agreed to feed the concerns raised by some panel members back to the LGA to help inform the design of future Peer Reviews. As Lead member I will ensure when CQC are inspecting BANES Adults services the panel members will be invited to share their feedback with inspectors.*

<b>M</b>	<b>04</b>	<b>Question from:</b>	Cllr Joanna Wright
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In September's Cabinet questions you were asked about the role of Cabinet Project Leads and stated the following:  
 "Cabinet appointments are the responsibility of the Leader. I am confident we have assembled the right team to deliver residents' priorities and I do not envisage any changes or additional posts at this time. The job description for the Cabinet Project Leads is available at the link below. This was agreed at the meeting of Council on 20 July 2023, along with the report of the Independent Remuneration Panel. Cabinet Project Leads report to the relevant Cabinet portfolio holder."

A Cabinet Member has asked on several occasions for other Councillors to respond on matters concerning RPZ and Liveable Neighbourhoods. What decisions is the Cabinet making on these key policy issues and manifesto commitments?

		<b>Answer from:</b>	Cllr Kevin Guy
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*The role description for Cabinet Project Leads (available here: [LINK](#)) states: "A Cabinet Project Lead cannot: Take formal decisions at Cabinet meetings or make Single Member Decisions". All formal decisions on RPZ and Liveable Neighbourhoods are taken by the Cabinet Member for Highways or Cabinet as a whole. Please refer to the Cabinet forward plan for further detail. The role of the Cabinet Project Lead, as approved by Council on 20 July 2023, includes activities such as attending meetings and liaising with non-executive members at the request of the Cabinet member with the purpose of increasing capacity and enhancing delivery.*

<b>M</b>	<b>05</b>	<b>Question from:</b>	Cllr Joanna Wright
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In the Capital Appendix 2 see:

<https://democracy.bathnes.gov.uk/documents/s79192/E3468%20-%20Key%20Scheme%20Capital%20Commentary%20-%20Appendix%202.pdf>

It states that for the Bath North Quays that “we will be minimizing expenditure in 2023/24 whilst we review the various development plots in collaboration with our delivery partner to reflect current economic conditions”. Thereby saving £15,785 million.

Previously a Bath coach park was situated on this site, and Bath is now deluged with coaches with nowhere to park. I would suggest that this site is used immediately to generate revenue for the Council from the many coaches using the city of Bath.

Please can you explain what actions you will be taking to support the coaches pick up and drop off points at this location?

**Answer from:**

Cllr Paul Roper

*The delivery of Bath Quays North (BQN) remains both a Manifesto Commitment and a corporate priority within the Council’s Economic Strategy. On the 7 February 2018 Cabinet resolved under decision E3042 to adopt the Council’s Parking Strategy and the use of Odd Down Park & Ride for long stay coach parking, supporting the Council’s Coach Parking Strategy including pick-up and drop off, and broader air quality ambition, delivered through the Clean Air Zone (CAZ). The coach strategy provides several drop off locations in the city centre with long term parking for 29 coaches at Odd Down Park and Ride. Infrastructure works were implemented to successfully adapt the original coach parking at Green Park Road Car Park for car park use which alongside improved patronage is generating revenue to support Council budgets. We intend to review the Parking Strategy in the coming years to reflect changes since the impact of Covid-19.*

**M**

**06**

**Question from:**

Cllr Saskia Heijltjes

Kate Raworth was invited by BANES Council for a Doughnut Economics workshop at Bath Abbey on 3 October 2023. Some Councillors attended this event, but not all Councillors were invited. BANES Corporate Strategy has been informed by the ‘doughnut’ approach and is being implemented by Officers. Why was it that not all Councillors were invited to this event nor involved in subsequent discussions, or why were they not invited to a similar but separate event?

**Answer from:**

Cllr Sarah Warren

*Kate Raworth and the Doughnut Economics Action Lab delivered a community focused workshop in collaboration with BANES Council, hosted by Bath Abbey on 3 October to coincide with its Extraordinary Earth celebration and Gaia exhibition. Workshop numbers were limited to 60. We sought through invitations to ensure balanced representation across the four sectors identified in Doughnut Economics: State, market, household and commons. State representatives included not only the Council but also health and education sectors. As a result, it was not possible to invite all Councillors to attend. The purpose of the workshop was to explore social and environmental challenges, map current activity across the district across the district to address these and identify areas for future collaboration between different sectors and groups. A report of the workshop is being produced and will be made available. We are looking at options to take forward further conversations across the district, allowing a greater number of people and organisations to take part in future.*

**M**

**07**

**Question from:**

Cllr Saskia Heijltjes

BANES Council has got an electric longtail cargo bike available for loan for residents. This bike isn't advertised on the website or shown as an option when filling in the online survey for the loan bike scheme. When was the longtail bike purchased and how often has it been loaned out? Is there a plan to advertise this particular bike online, and what would be the process for borrowing this bike?

**Answer from:**

Cllr Sarah Warren

*The electric longtail cargo bike was purchased in 2018 and is available within the Council's loan bike scheme. The scheme is run on behalf of the Council by a local bike shop who contact applicants and assess which bike would be suitable for them. There is no active promotion of the scheme as it is oversubscribed during the spring and summer months through word of mouth and the Council's webpage. We are currently assessing ways to promote the scheme with the limited funding that is available when demand is lower in the autumn and winter months.*

*We report on the overall number of loans carried out to the funders of the scheme (Department for Transport and Active Travel England) so we do not hold a record of the number of loans to date specifically for the e-cargo bike.*

*Two e-cargo bikes will become available on street under the TIER contract in the coming months providing an on-demand service to local residents and businesses. We are currently working with TIER and the Combined Authority to shortlist locations to site the cargo bikes. Usage data will be available in line with that already provided for the existing e-bikes and e-scooters within the scheme.*

<b>M</b>	<b>08</b>	<b>Question from:</b>	Cllr Saskia Heijltjes
<p>The introduction of an RPZ (Residents' Parking Zone) in Walcot has had a negative effect on residents living just outside of the RPZ, in Lambridge. Commuter parking is creating dangerous situations, moreover, it has hindered bus accessibility through streets due to the extra cars parked. When will the budget be available for more RPZs to be introduced, in order to make sure our roads are safe for everyone?</p>			
<b>Answer from:</b>			Cllr Manda Rigby
<p><i>Seven RPZ schemes were introduced within B&amp;NES throughout 2023, a significant number compared with previous years. Funding for any future schemes could form part of the Transport Improvement Programme allocation in 2024/25 which will be approved as part of the budget setting process in February 2024.</i></p> <p><i>Monitoring of the RPZ introduced in the Walcot, Snow Hill and Claremont Road area is ongoing to understand if any mitigations are required.</i></p>			
<b>M</b>	<b>09</b>	<b>Question from:</b>	Cllr Sam Ross
<p>In Appendix 1 - Revenue Monitoring Commentary Quarter 2 2023/24 see <a href="https://democracy.bathnes.gov.uk/documents/s79191/E3468%20-%20Revenue%20Monitoring%20Commentary%20-%20Appendix%201.pdf">https://democracy.bathnes.gov.uk/documents/s79191/E3468%20-%20Revenue%20Monitoring%20Commentary%20-%20Appendix%201.pdf</a></p> <p>It states that Heritage Services has an income forecast of £2,140 million. Meanwhile, it states in Neighbourhood Services that there has been an overspend of £443K. What percentage of the Neighbourhood Services are spent on cleaning the city centre following the many tourists who are rightly attracted to a World Heritage site?</p>			
<b>Answer from:</b>			Cllr Tim Ball
<p><i>Significant work is undertaken by the Cleansing Team to manage the impact of the high levels of residents and visitors to the city centre on a daily basis including working with our partners from the BID, to maintain high levels of cleanliness.</i></p>			

*The city centre cleansing budget to undertake all of the works for Financial Year 23/24 is £950k. The total Neighbourhoods portfolio budget is c£27m per annum. Therefore, the city centre cleansing budget accounts for approximately 4% of the total portfolio budget.*

**M**

**10**

**Question from:**

Cllr Sam Ross

In the Capital Appendix 2 see

<https://democracy.bathnes.gov.uk/documents/s79192/E3468%20-%20Key%20Scheme%20Capital%20Commentary%20-%20Appendix%202.pdf>

It states in Corporate Estate Planned Maintenance that “A Large improvement to the Haycombe Crematorium cremators was completed in August 2023 which adds a life span of 5-7 years to this asset.” As the Council has declared a Climate Emergency and is working towards net zero by 2030 can you explain how these cremators are going to be net zero and is this the best way for the Council to be spending its Capital Budget?

**Answer from:**

Cllr Sarah Warren

*The Council's Bereavement service provides both cremation and a range of burial options to enable residents to choose the most appropriate funeral arrangements for their circumstances.*

*The improvement works carried out on the cremators in 2023 were required for critical maintenance to ensure a reliable & efficient operation and increase the life span before a full replacement is required. The existing cremators include mercury abatement and DENox systems to reduce emissions, as well as a heat recovery system. There is an operational focus on the controlled use of the cremators to ensure maximum efficiency and reduction of gas usage, which is supported by gas meters to each cremator to monitor usage.*

*Alternative technologies for cremators in the UK are at an early stage, Officers are continuing to monitor the development of these and how they can support the council in working towards net zero by 2030. Suitable alternative technologies will be considered as part of an options appraisal ahead of the full cremator replacement that is anticipated to be required from 2028.*

**M**

**11**

**Question from:**

Cllr Sam Ross



In the Capital Appendix 2 see

<https://democracy.bathnes.gov.uk/documents/s79192/E3468%20-%20Key%20Scheme%20Capital%20Commentary%20-%20Appendix%202.pdf>

It states that the Pixash Site Redevelopment cost approx. £21 million. However in the Revenue Monitoring Quarter 2 see <https://democracy.bathnes.gov.uk/documents/s79191/E3468%20-%20Revenue%20Monitoring%20Commentary%20-%20Appendix%201.pdf>

It states that “the planned relocation to the Pixash Depot during Quarter 3 will impact on running costs, although quantification of this won’t be known until the facility is opened.”

Please can you explain what the business plan is for this development as the statement appears to show that the Council is still to have one in place?

**Answer from:**

Cllr Tim Ball

*The business case for the relocation to the new Keynsham Recycling Hub identified £399,387 of savings that were anticipated to be achieved through releasing existing sites (and associated rent payments) and operational changes. The savings from the operational changes are due to be achieved from 1<sup>st</sup> April 2024 onwards, but the service is planning to deliver these as soon as possible after the site has opened. The exact amount that will be delivered in the 2023/24 financial year is currently being reviewed by officers as it is linked to the exact date that services will relocate to the new site and mobilisation of the required operational changes, such as new contracts.*

**M**

**12**

**Question from:**

Cllr Robin Moss

Considering the financial forecast made in agenda item (14) how does the statement in (16) 3.6 "Overall there are some positive trends" reflect the current financial position & the extremely difficult financial decisions that will have to be made in the short & medium terms.

**Answer from:**

Cllr Mark Elliott

*The financial forecast in Agenda item 14 of the Councils quarter 2 revenue and capital monitoring illustrates the financial pressures on the Council from its high cost and high demand services. Agenda Item 16 sets out the Council’s Quarter 2 performance against its strategic*

*indicator set, this shows that despite the challenging financial position the Council continues to perform well with improvements in recycling rates alongside other positive trends. The Cabinet is mindful that the financial recovery measures required to bring the budget back into balance may have a temporary impact on Council performance.*

<b>M</b>	<b>13</b>	<b>Question from:</b>	Cllr Liz Hardman
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Care leavers continue to have a poorer & more difficult future than their age peers. What progress is being made to include Care leavers as a 'protected characteristic' in how BaNES delivers its services, so this group can be given the additional support they need?

<b>Answer from:</b>	Cllr Paul May
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*At present, this continues to be an area that we are looking at closely. The most recent Corporate Parenting Group Meeting in September 2023 heard from care experienced young people and this item was discussed. Further meetings are planned in November and December to continue to move this forward, including with me as Lead Member for Children and Young People. Updates will be provided at the December CPGM also. The issue of Care Experience being treated as if it were a protected characteristic has also been discussed with Directors and Senior Leaders within the council and we hope to continue moving forwards with this positively in the coming weeks and months.*

<b>M</b>	<b>14</b>	<b>Question from:</b>	Cllr Robin Moss
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How much has the Keynsham High Street improvement project cost to date? How much will the (essential) safety improvements cost? How much will it cost to simply raise the level of the road?

<b>Answer from:</b>	Cllr Paul Roper
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*Since summer 2019, the total spend on Keynsham High Street public realm improvements has been £2.8m. Of this, £490k has been post-completion, including spend on Road Safety Audits, post completion remedial works (new bollards, planters,*

*replacing damaged paving, cycle hoops), other enhancements (including new red surface finish to cycle lane), ongoing planting and tree maintenance, required monitoring and evaluation reporting, grant administration etc.*

*The cost to raise the level of the road is not known. A detailed design, costing and feasibility exercise would be required to determine the cost and deliverability of raising the carriageway.*

**M**

**15**

**Question from:**

Cllr Robin Moss

Please can you confirm when councillors were informed about the consultation process for Charlton House. Specifically, when the members of the relevant scrutiny panel were informed?

Did the action plan, following the CQC report in January, include an option for a closure of this service? If not, why not?

What format will the consultation process take & what questions are anticipated to be asked?

**Answer from:**

Cllr Alison Born

*As Cabinet member for Adult Services, I have been involved in the discussions regarding the future of Charlton House and the single member decision since September, the Leader of the Council was also made aware. The Children, Adults, Health and Wellbeing Policy Development and Scrutiny Panel was informed on the plans to consult on the future of all the Community Resource Centres, this was included in the written report which was presented on the 9<sup>th</sup> of October.*

*The action plan in January 2023 focused on the improvements needed to the service to improve the current rating. Full financial modelling and a review of the need for nursing and dementia started in this financial year in light of the financial pressures the services had experienced since the transfer from Sirona.*

*The consultation is due to go live on the BANES website on 9<sup>th</sup> November <https://beta.bathnes.gov.uk/consultation-plans-community-resource-centres-crcs>*

**Supplementary question**

Considering the issues around Charlton House and the CQC report, lack of demand for places, staffing issues and looking at alternative uses, wouldn't it have been wise to consult with the Chair and Vice Chair of the relevant Policy Development and Scrutiny Panel at an earlier date, rather than what appears to be a rather rushed statement?

**Answer from:**

Cllr Alison Born

*I did make reference to the upcoming consultation in my last report to the PDS Panel and would have been happy to discuss it further, but it wasn't picked up or raised at the meeting.*

**Supplementary question**

Considering the issue, I would have thought it would have been highlighted rather than tucked away at the bottom of the report. Please when there are issues like this can early warnings to include scrutiny be made? This would be helpful in future.

**Answer from:**

Cllr Alison Born

*I am happy to have further discussions on this matter. The consultation has just been launched and no decision has been made yet.*

**M****16****Question from:**

Cllr Liz Hardman

Local Development Orders (LDOs) simplify the planning process so that developers don't need to make individual planning applications. What assurances can the Cabinet give residents and businesses that the LDO they have planned for the Somer Valley Enterprise Zone won't be an open invitation to inappropriate businesses such as retail and food outlets because of their relaxation in planning conditions?

<b>Answer from:</b>		Cllr Paul Roper
<p><i>The Council's LDO does simplify the planning process, providing an overarching planning permission for the site. The Council's LDO sets the parameters for development that can take place on site including the uses that have been specified within the Illustrative Masterplan and the Design Codes, therefore not allowing for any retail uses. Developers or owner occupiers of plots will be required to submit Compliance Applications to the Local Planning Authority to demonstrate that applications are compliant with the Design Codes. Should a developer attempt to bring forward an application for a different use type that is not within the parameters of the LDO, the Local Planning Authority will apply the adopted LDO and Design Code parameters when making a decision.</i></p>		
<b>Supplementary question</b>		
<p>The LDO was due to be discussed and decided on at this meeting. I see that it has been postponed until January, please can you explain why?</p>		
<b>Answer from:</b>		Cllr Paul Roper
<p><i>There hasn't been time for the officers to compile the results of the Stage 2 consultation process. There is no Cabinet meeting scheduled for December so the item has been postponed until the January meeting.</i></p>		
<b>M</b>	<b>17</b>	<b>Question from:</b> Cllr Liz Hardman
<p>A Local Development Order (LDO) will probably exclude Paulton Parish Council's future involvement in planning decisions in the Somer Valley Enterprise Zone. Does the Council intend to remove Paulton Parish Council's influence over planning in the Somer Valley Enterprise Zone? If not, how will the Parish's powers be protected in order that inappropriate development does not take place?</p>		

<b>Answer from:</b>	Cllrs Paul Roper and Matt McCabe
<p><i>The statutory consultation, that has recently ended, enabled local stakeholders including Parish and Town Councils to provide feedback on the LDO. A Key Stakeholder Group, whose membership includes representation from Parish and Town Councils, has been actively engaged in the development of the LDO, and broad public and stakeholder engagement has taken place throughout the development of the LDO. This engagement and the input made by Parish Councils, the public and stakeholders has helped shape the LDO including the mix of uses. Through the lifespan of the LDO there will be regular 5-year reviews providing opportunities to revisit the LDO and there will be ongoing communications, through the local Somer Valley Forum and the Key Stakeholder Group. In addition, Parish Councils as statutory consultees must be consulted on any relevant planning applications in the usual way.</i></p>	

**QUESTIONS AND ANSWERS - PUBLIC**

<b>P</b>	<b>01</b>	<b>Question from:</b>	Chad Allen
Can I have some large bags to fill with ivy and be collected by the Council?			
<b>Answer from:</b>			Cllr Tim Ball
<p><i>No, the Council does not supply bags to fill with ivy or provide a collection service, as B&amp;NES Council considers that English Ivy provides a suitable habitat for many wildlife species and pollinators especially during the winter period.</i></p>			
<b>P</b>	<b>02</b>	<b>Question from:</b>	Chad Allen
Is it possible for steel planters or structures to be installed in parks and green spaces, which will encourage more wildlife into these areas?			

<b>Answer from:</b>	Cllr Tim Ball
<i>No, planters are susceptible to drying out and need watering more than plants in the ground, so, for environmental reasons we prefer to plant in the ground where we can. The Council's policy is to leave areas of long grass; sowing wildflowers; creating new habitat and changing more of our planting from annual bedding to perennials.</i>	
<b>P 03</b>	<b>Question from:</b> Chad Allen
Is it possible to have an area of land covered in ivy, so I could then show the Council the results of what happens to the land once the ivy is removed?	
<b>Answer from:</b>	Cllr Tim Ball
<i>No, this is not possible.</i>	
<b>P 04</b>	<b>Question from:</b> Cllr Liam Kirby (Radstock Town Council)
In the WECA "Transport Infrastructure Projects" report published on 6th October 2023, the only mention of the Somer Valley comes in Appendix 2, wherein most of the active travel infrastructure proposed in the Somer Valley Links consultation has been summarily removed. Were councillors in North East Somerset consulted or advised on the cancellation of these projects?	
<b>Answer from:</b>	Cllr Sarah Warren
<i>Appendix 2 of the "Transport Infrastructure Projects" report published on 06 October 2023 as part of the West of England Combined Authority Committee meeting papers refers specifically to projects being developed as part of the City Region Sustainable Transport Settlement (CRSTS) programme. Other active travel infrastructure that is not part of the CRSTS is not impacted. The removal of some of the schemes from the scope of this workstream does not mean that they have been cancelled.</i>	

*For example, the “Somerset Valley routes in Midsomer Norton” referenced in the paper comprises three separate walking, wheeling, and cycling improvement schemes identified in the Local Cycling and Walking Investment Plan (LCWIP) that are summarily listed in the table in Appendix 2: these are the “Midsomer Norton to Westfield”, “Midsomer Norton to Norton High School via 5 Arches Greenway”, and “Silver Street to Fosseyway” routes. In the case of these three routes, the scope change referenced is that they have been removed from the Somerset Valley Links project and have instead been moved into their own project for further development – this is the “Midsomer Norton W&C Links” project referred to in Appendix 1. Moving these schemes into their own project will allow for more rapid design development and potential construction.*

*Similarly, whilst the “Midsomer Norton to Hallatrow railway path” has been removed from scope by WECA owing to the impact of inflation on the programme, the Somerset Valley Links project will provide an alternative shared-use route between Farrington Gurney and Old Mills Lane which, when combined with infrastructure proposed by the Somerset Valley Enterprise Zone, will provide a fully segregated from traffic route between Farrington Gurney, Paulton (as part of the Old Mills Lane proposals in Somerset Valley Links), and Midsomer Norton, which will deliver on the aspirations for a safe cycling route between these locations.*

<b>P</b>	<b>05</b>	<b>Question from:</b> Cllr Liam Kirby (Radstock Town Council)
If the active travel aspects of the Somerset Valley Links proposals are not being taken forward, what other measures to bring down car dependency, and the consequent negative health and social effects of that dependency, are being considered for the area?		
<b>Answer from:</b>		Cllr Sarah Warren

*As per P04, most of the active travel schemes in the Somerset Valley Links project will be delivered (investment to the value of £17m, for the project), subject to detailed design development, further consultation, and continued availability of Government and WECA funding. Additionally, the Council is developing proposals for a comprehensive district-wide network of active travel routes that will support the evidence base for the forthcoming Local Plan. This ‘Active Travel masterplan’ will be consulted upon as part of the forthcoming Local Plan consultation scheduled for early 2024.*

*The Council has obtained funding of £1.5m from Active Travel England to deliver the Active Way, which is a 3-year active travel social prescribing project in the Somerset Valley. The scope of the project sets out an ambitious plan to make active travel inclusive to everyone, providing activities and equipment designed to address those with broad and specific needs. Along with tuition to help those with low*



*confidence or no previous experience in cycling, the plan is to provide free bike and electric bike hire schemes, a bike reuse project and DIY bike maintenance workshops. The Active Way will also provide a number of led walking and wheeling sessions, wellbeing and creative walks through 1-2-1 and group provision. The project will also deliver small infrastructure improvements which aim to provide better access to public paths, including updating signage. There have been several engagement events to launch the programme and residents can now be professionally or self-referred into the activities.*

*The project has a proactive engagement approach with a strong emphasis on behaviour change. It will directly promote and raise awareness of the active travel opportunities available to residents in the Somer Valley and the local infrastructure and networks in the region.*

<b>P</b>	<b>06</b>	<b>Question from:</b>	Cllr Liam Kirby (Radstock Town Council)
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BANES has stated that there is “committed specific funding to pavements in this financial year of £650k and this programme will be ongoing in line with our wider active travel aims and decisions”. The total budget for road maintenance is £6.4m in 2022/23.

How much of this year’s road maintenance budget has been spent or will be spent on pavements and what length of pavement does this equate to?

<b>Answer from:</b>	Cllr Manda Rigby
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*The funding for footways has increased from £450k in 2022/23 to £650k in 2023/24. The full £650k has been spent, a total of 6,251 square metres of footway has been resurfaced at 21 separate locations. We also take the opportunity to improve footways through improvement projects such as public realm schemes and developer led works.*

<b>P</b>	<b>07</b>	<b>Question from:</b>	Erica Davies
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What are the annual CO2 emissions from the leisure centres managed by GLL in BANES? What do the planned measures include to decrease energy bills and by when will they be implemented? What will the estimated CO2 emissions reduction be from these measures?

<b>Answer from:</b>	Cllr Sarah Warren
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*Current carbon dioxide (CO<sub>2</sub>) emissions:*

*GLL partnership consumption for Aug 21 – July 22 is shown below.*

*Electric Aug 21 - Jul 22 1,820,091 kwh = 376 tonnes of CO<sub>2</sub>*

*Gas Aug 21 - Jul 22 4,732,889 kwh = 866 tonnes of CO<sub>2</sub>*

*The equates to 1,242 tonnes of CO<sub>2</sub> emissions.*

*Measures already taken to control consumption and reduce carbon emissions:*

*In partnership, GLL and B&NES have significantly improved the energy consumption position through the redevelopment of both Bath and Keynsham Leisure Centres and a range of projects to improve the efficiency of the buildings. This includes pool covers on all swimming pools, upgraded building management systems, LED lighting and staff training. [see full list of measures in Additional Information]*

*When consumption from Aug 2021 – July 2022 is compared with Aug 2022 – July 2023 the centres across the GLL Partnership have reduced energy consumption of 953,822 kwh.*

*This is made up of 735,888 kwh in gas consumption and 217,934 kwh in electric.*

*This equates to a saving of 179 tonnes of CO<sub>2</sub>.*

*The planned installation of rooftop solar PV arrays at Bath Sport and Leisure Centre and Keynsham Leisure Centre in 2024 equates to a further annual saving of approximately 40 tonnes of CO<sub>2</sub>, subject to completion of the business case calculations.*

*In addition, the planned installation of a rooftop solar PV array in 2024 at Odd Down Sports Ground is predicted to reduce carbon dioxide emissions by 11.55 tonnes per year and the LED lighting for the 3G sports pitch results in over a 50% reduction electricity use compared to the original lights.*

*Carbon emission factors (2023):*

*Electricity = 0.207 kg per kwh*

*Gas = 0.183 kg per kwh*

*Additional Information:*

*Carbon emission factors (2023):*

*Electricity = 0.207 kg per kwh*

*Gas = 0.183 kg per kwh*

*The following technology has been installed and measures taken:*

- *Building Management Systems installed with schedules to reduce consumption outside of peak or opening hours*
- *CHP units to reduce electrical consumption costs and provide heat recovery*
- *LED lighting through the vast majority of spaces in regular and ongoing use*
- *PIR, Photocell, and time clock controls to reduce lighting use*
- *Variable speed drives and invertors to reduce pump running rates and consumption. This is further reduced overnight when the facility is closed for greater savings.*
- *Pool covers have been installed on all 5 swimming pools and are in use*
- *Boilers are on a “set back” schedule overnight to reduce gas consumption.*
- *Pool water and air temperatures have been reduced and we have also implemented protocols on the management of our air conditioning and other HVAC systems to reduce the consumption levels.*
- *Where possible GLL have managed programmes to reduce consumption whilst not impacting the service they are delivering.*
- *Centre staff trained on energy awareness and good housekeeping practices.*

*Bath and North East Somerset Council leisure site operated by GLL:*

- *Bath Sport and Leisure Centre*
- *Keynsham Leisure Centre*
- *Culverhay Sports Centre*
- *Odd Down Sports Ground*

<b>P</b>	<b>08</b>	<b>Question from:</b>	Erica Davies
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A business case for the 15 Liveable Neighbourhoods (LNs) is currently being prepared to be submitted to WECA for £4.1m of City Region Sustainable Transport Settlement (CRSTS) funding.

Will each of the 15 LNs within this LN programme include through traffic restrictions? If not, has assurance been sought from WECA whether our business case will be successful to secure the much needed £4.1m CRSTS funding for the 15 Liveable Neighbourhoods?

**Answer from:**

Cllr Manda Rigby

*During October, a prioritisation exercise was carried out to inform which aspects of the Liveable Neighbourhood programme will be brought forward in the Full Business Case (FBC). This was informed by the following:*

- *Engagement carried out with ward councillors by the Cabinet Project Lead for Liveable Neighbourhoods*
- *Analysis of the potential Cost – Benefit ratio of each of the proposed Liveable Neighbourhood areas*
- *Analysis of the overall cost to implement the proposals in each of the Liveable Neighbourhood areas*

*While the full programme is still being defined, measures such as through-traffic restrictions may be included if they were proposed by the community in earlier consultations and have been approved through the prioritisation process. Officers are working closely with WECA to ensure that the Full Business Case meets the requirements for the release of funding.*

**P**

**09**

**Question from:**

Kathy Beadle

Currently Tier e-bikes and e-scooters are being parked on the pavements since there is no allocation for on-street parking. These e-bikes and e-scooters cause an obstruction to many on the pavements. The Council it would appear does not want to put them on-street due to loss of revenue from vehicle parking charges. It is understood that WECA is not compensating B&NES council for lost on-street parking revenue. It appears that the Council has prioritised money over accessibility.

When will the Tier-bikes and e-scooters be given on-street designated parking?

**Answer from:**

Cllr Sarah Warren

*We continue to work with Tier and the Combined Authority to address parking issues relating to the micromobility trial. In the short term we*

*are introducing temporary painted parking bays to improve tidiness in the existing parking locations. Tier also have a team of rangers which operate across Bath to move bikes and scooters that are incorrectly parked. We intend to introduce on-street designated parking bays in the near future and officers are currently working to bring this forward. As part of the micromobility contract managed by the Combined Authority, reimbursement of associated lost parking revenue will be provided. Any parking issues or other feedback can be sent to our dedicated inbox - [micromobility@bathnes.gov.uk](mailto:micromobility@bathnes.gov.uk)*

<b>P</b>	<b>10</b>	<b>Question from:</b>	Kathy Beadle
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Recycling is an important climate action individuals can and want to take, but residents feel food waste recycling is currently impossible on their street since the food waste bins are not fit for purpose. Many of these bins are opened by animals and food is littered across the locality. Officers have suggested bungee cords as an option, and that residents remove these again before recycling is being collected, early in the morning. Will the Council be issuing all residents with bungee cords?

<b>Answer from:</b>	Cllr Tim Ball
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*The Council does not recommend the use of bungee cords to alleviate any issues with the issued food caddy due to the potential health and safety risks to our staff when removing them.*

<b>P</b>	<b>11</b>	<b>Question from:</b>	Kathy Beadle
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The West of England Authority and Bristol Council are both Living Wage Employers <https://www.livingwage.org.uk/>, what actions are you taking to ensure that B&NES is also a Living Wage Employer?

<b>Answer from:</b>	Cllr Dave Wood
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*Last month the real living wage was announced to be £12 per hour from 1 May 2024. As of 1 April 2023, the two lowest points on the Bath & North East Somerset council salary scale are equivalent to £11.79 per hour and £11.98 per hour respectively – all other points are above £12 per hour. The hourly rates will increase again from 1 April 2024, although this is determined nationally, and we don't yet know what increase will be proposed or agreed.*

<b>P</b>	<b>12</b>	<b>Question from:</b>	Matt Cooper
<p>How much was Kate Raworth paid to be at the Doughnut Economy workshop at Bath Abbey on 3 October 2023? And how much did the event cost the council in total?</p>			
<b>Answer from:</b>			Cllr Sarah Warren
<p><i>Kate Raworth was not paid by BANES Council for the workshop at Bath Abbey on 3 October. The Doughnut Economics Action Lab facilitated the workshop on a pro bono basis, as a collaboration with the Council. The total cost of the event was £2,362.25. This includes both the costs of preparing and delivering the event itself and follow up work to collate and analyse workshop outputs, including an independent report and collation of mapping to produce a legacy resource for wider community use. We are currently looking at how this resource can be made available online.</i></p>			
<b>P</b>	<b>13</b>	<b>Question from:</b>	Matt Cooper
<p>Cycle stands on Seven Dials in Kingsmead and at the entrance to Cheap Street were removed to accommodate for the City Centre Security works and the placement of a barrier. With cycle stands removed from Kingsmead Square as well, this has resulted in a significant decrease in cycle stands in the city centre in general and in Kingsmead Square in particular. What action is the Council taking to increase cycle stands in these two locations that sit on the National Cycle Network Route 4?</p>			
<b>Answer from:</b>			Cllr Sarah Warren
<p><i>The temporary security gate at Kingsmead Square/Westgate Buildings is due to be moved within the next week and the cycle stands will then be reinstated. Cycle provision was increased in Kingsmead Square through the High Street Renewal Programme in 2020. Stands in the centre of the space were removed and new stands were introduced into the parking bays, which led to a net increase in provision on the Square. However, the request for more bike parking has been passed to officers to investigate further.</i></p>			
<b>P</b>	<b>14</b>	<b>Question from:</b>	Matt Cooper

WECA Mayor, Dan Norris, visited Hayesfield Girls' School in October and met school students to talk about the benefits of cycling and to urge them to consider cycling to school. However, there are no safe routes for cycling to most secondary schools from Lambridge. How are secondary school students supposed to build good habits without safe routes available?

**Answer from:**

Cllr Sarah Warren

*Cleaner, greener school travel is a key theme in the Journey to Net Zero. We are working to improve the cycling network across Bath and North East Somerset through competitive bidding for the funding streams that are available to local government, which are insufficient to support the rapid transformation required to the national transport system to enable safe cycling for all. Bikeability training and school travel planning are available to all schools in order to support a switch to active transport for the school run.*

**P**      **15**

**Question from:**

Anne Coghlan

There are a set of steps leading up to the canal towpath from Grosvenor Bridge in Bath Avon North Ward that are covered in leaking water, making the steps slippery and dangerous. In Winter and as the temperature decreases, this leaking water will become frozen, meaning the steps will be covered in ice and will become treacherous. What actions are you taking to ensure that this important walking route is made safe?

**Answer from:**

Cllr Manda Rigby

*The Public Rights of Way Team have met with the affected landowners and a number of contractors. It appears that the water is originating from a spring behind the steps, and this complicates the matter as it may necessitate the removal of the steps so that we are able to access the spring and divert the flow of water. We are in the process of identifying the appropriate remedial works and we are conscious of the need for the issue to be resolved before the temperatures drop. In the meantime, drainage channels have been dug to try to mitigate the problem, but this has had only limited success.*

*(This response was sent within five working days of the meeting).*

<b>P</b> <b>16</b>	<b>Question from:</b>	Anne Coghlan
<p>Presently, there is no offer or ability to receive adult cycling training in BANES. What actions are you taking to ensure adults feel confident to take up cycling?</p>		
<b>Answer from:</b>		Cllr Sarah Warren
<p><i>B&amp;NES Council provides free one to one adult training to people expressing their interest online. The form is available on our <a href="#">webpage</a> and we are progressing the waiting list in order. There are two types of training available:</i></p> <ul style="list-style-type: none"> <li>• <i>Learn to ride course that aims to teach adults who cannot cycle a pedal bike.</i></li> <li>• <i>Cycle confidence course that aims to teach adults with the needs of the individual in mind. For example, to help with the commute to work or the school run.</i></li> </ul> <p><i>In addition to this, <a href="#">The Active Way Scheme</a> offers free cycling activities across the Somer Valley, such as inclusive cycling sessions, group led cycle rides, family cycle training, and one to one adult lessons. People can book one of these activities by using <a href="#">The Active Way referral portal</a>.</i></p>		
<b>P</b> <b>17</b>	<b>Question from:</b>	Anne Coghlan
<p>In the Capital Appendix 2 see</p> <p><a href="https://democracy.bathnes.gov.uk/documents/s79192/E3468%20-%20Key%20Scheme%20Capital%20Commentary%20-%20Appendix%202.pdf">https://democracy.bathnes.gov.uk/documents/s79192/E3468%20-%20Key%20Scheme%20Capital%20Commentary%20-%20Appendix%202.pdf</a></p> <p>It states that the “Property Company investment - Council (loan): Developments that the budget for what would appear to be social housing is to be rolled forward into future years.”</p>		



Why, in the middle of a housing crisis, is this budget being shifted to future years and not being spent on delivering homes for residents now?

**Answer from:**

Cllr Kevin Guy

*The Council has successfully secured £3.04m of Government funding to help fund the purchase of 22 homes for Ukrainian/Afghan residents which is being undertaken in partnership with Aequus, the Council's wholly owned development company. This funding is being supplemented by a Council loan to Aequus which will be repaid using rental income. At the time of writing Aequus have already completed on the purchase of 1 property and are conveyancing on a further 10 properties. It will take time to complete all 22 purchases hence it is expected that a significant proportion of the Council loan will only be spent in 2024/25, not least as good financial practice assumes that the Government fund is used first, where eligible. It should also be noted that the appendix is simply a forecast and is subject to further review as the financial year progresses.*

**P 18**

**Question from:**

Dominic Tristram

In the Revenue and Capital Budget Monitoring Forecast (see paper <https://democracy.bathnes.gov.uk/documents/s79190/E3468%20-%20Revenue%20and%20Capital%20Budget%20Monitoring%20Cash%20Limits%20and%20Virements%20-%20April%202023%20to%20September%2022.pdf>) it states the following:

“The forecast position for Adult Social Care is £3m over budget after £2.4m use of reserves to cover underlying services overspends. The forecast use of reserves is to cover adverse variances in the Learning Disability and Autism (LDA) Pooled Service (£2.1m) and Older Peoples Services (£0.3m). These adverse variances reflect the impact of both the increase in the number of packages now being seen (activity and cost) and the known demand in year. Work continues to review this Activity.

Whilst success has been achieved in working with clients to identify alternative solutions, the joint review of the funding sources within the LDA pooled arrangements is not progressing as planned and the achievement is now at risk. The forecast over budget variance of £3m recognises this risk.”

What actions are you taking to mitigate this serious risk of £3 million overspend to the Council?

<b>Answer from:</b>		Cllr Alison Born
<p><i>We recognise the value of this overspend and the need to provide urgent mitigating action to reduce it. We have met with senior managers and key staff and a recovery plan is now in place to ensure that the Adult Social Care budget returns to a breakeven position.</i></p> <p><i>The actions include managing the demand through daily calls and reviews on Care planning decisions with all key decision makers in attendance. Key saving projects are being put in place for the in-year position and also to carry into the future year to ensure the breakeven budget position is met.</i></p>		
<b>P</b>	<b>19</b>	<b>Question from:</b> Dominic Tristram
<p>In the Revenue and Capital Budget Monitoring Forecast (see paper <a href="https://democracy.bathnes.gov.uk/documents/s79190/E3468%20-%20Revenue%20and%20Capital%20Budget%20Monitoring%20Cash%20Limits%20and%20Virements%20-%20April%202023%20to%20September%202.pdf">https://democracy.bathnes.gov.uk/documents/s79190/E3468%20-%20Revenue%20and%20Capital%20Budget%20Monitoring%20Cash%20Limits%20and%20Virements%20-%20April%202023%20to%20September%202.pdf</a>) it states that Children’s Services are over budget by £4.45 million and that “Independent Foster Carers (£0.70m over budget).”</p> <p>Can you give information about how many foster carers are in-house or agency?</p>		
<b>Answer from:</b>		Cllr Paul May
<p><i>The Independent Foster Care over budget position reflects the spend versus budget of Independent Foster Carers. These Foster Carers are not In-House Foster Carers. At Quarter 2 we had 71 ‘open’ placements of this type with a further 2 ended during this financial year. ‘Open’ In-House Foster Care placements totalled 97 at Quarter 2.</i></p>		
<b>P</b>	<b>20</b>	<b>Question from:</b> Dominic Tristram
<p>In Appendix 1 - Revenue Monitoring Commentary Quarter 2 2023/24 (see <a href="https://democracy.bathnes.gov.uk/documents/s79191/E3468%20-%20Revenue%20Monitoring%20Commentary%20-%20Appendix%201.pdf">https://democracy.bathnes.gov.uk/documents/s79191/E3468%20-%20Revenue%20Monitoring%20Commentary%20-%20Appendix%201.pdf</a>) the information on the Clean Air Zone gives budget figures of zero.</p>		

Please can you explain what income has been generated from this scheme and where the money being placed for change in behaviour on the highways is?

**Answer from:**

Cllr Sarah Warren

*The Bath Clean Air Zone (CAZ) was introduced in March 2021 to help the city meet the government's national air quality objectives and to improve public health. The Government's Joint Air Quality Unit (JAQU) provided all funds to implement and commission the zone. Non-compliant vehicle owners, those which contribute the most to a worsening of air quality, are charged a daily fee for their use within the zone. Operationally the CAZ is self-sufficient with day-to-day operating costs funded through a mix of government implementation funding, daily charges and penalty notices.*

*Net-revenues are ring fenced from centralised council budgets and cannot be directed to other services internally.*

*Within the CAZ, net-revenue is allocated to a necessary smoothing reserve, in place to fund future year potential deficits together with a decommissioning reserve. Finally, any residual net-proceeds are added to a reinvestment reserve, to support air quality and sustainable transport related improvement schemes or projects only; again, this cannot be directed elsewhere as it is ring fenced.*

*In practice this means whilst the CAZ is reported on through financial monitoring there can be no balance credit or surplus at year end as it forms ring-fenced reserves; funds are automatically added to these reserves throughout the year to account for this.*

*Further information on CAZ net-revenues can be found in our [CAZ Annual Report 2022](#), which was published earlier this year.*

**P 21**

**Question from:**

Barbara Gordon

Recently a Dolemeads resident lost his life on a boat on the River Avon in Widcombe. The boat still sits in the river half submerged. It appears that the Council, the Canal and River Trust and the Environment Agency do not want to take on the cost of removing this wreck, so it remains as a sad memory of a tragic accident. How will the Council take action on this?

<b>Answer from:</b>	Cllr Tim Ball	
<p><i>We are aware of a number of sunken boats in Bath. Legally, it is the boat owner who is responsible for the removal and disposal of the boat, as it is their property. They should have adequate insurance or funds to cover this eventuality. However, we recognise in this instance that is not possible. If a sunken boat is impacting the navigation, the Canal &amp; River Trust will look to have it removed. If it is increasing flood risk, the Environment Agency may remove it, this boat is neither. Costs for removal are significant, as it will need to be refloated, tugged downstream, lifted out by crane, valued, stored for a period of time and then disposed of.</i></p> <p><i>Before any boat is removed from the water, permission needs to be sought from the boat owner, or in this case the next of kin. Permission is also required from the riparian landowner who usually owns to the midway point of the river. The council is not the riparian landowner here and the owner is not registered on the land registry, so they need to be identified and informed. This is a complex process that requires time and budget to resolve, but we do recognise that it needs to be removed and have been looking at ways to safely and legally do so.</i></p>		
<b>P</b> <b>22</b>	<b>Question from:</b>	Barbara Gordon
<p>In the UK, the number of properties deemed as long-term empty has increased by 24% over the past six years. Properties are generally deemed to be long-term empty after being unoccupied and unfurnished for at least six months, while the owners continue to owe council tax.</p> <p>There is currently a record number of households trapped in temporary accommodation, while social housing waiting lists top 1.2 million. Meanwhile, housing experts say tens of thousands could be repurposed as affordable homes if politicians took stronger action.</p> <p>Simply, how many empty properties are there in B&amp;NES?</p> <p><a href="https://www.theguardian.com/society/2023/sep/24/more-stressful-than-prison-sharp-rise-in-the-number-of-empty-properties-in-england">https://www.theguardian.com/society/2023/sep/24/more-stressful-than-prison-sharp-rise-in-the-number-of-empty-properties-in-england</a></p>		
<b>Answer from:</b>	Cllr Matt McCabe	
<p><i>The Action on Empty Homes survey of Council Tax data released in 2022, reported that the number of long-term empty properties rose in</i></p>		

*every region of England, except the North West where figures remain static. The South West was among three regions to see the biggest rises of 10%. However, the council's initiatives on bringing empty homes back into use has meant that Bath and North East Somerset saw a 6% fall in the number of empty properties in 2022. Since then, despite the continuing national rise in empty property figures, BANES has seen numbers in empty homes in the area decrease from 1,605 (empty from six months and over as of October 2022) to 896 (empty for six months and over as of November 2023).*

*The Council's Empty Residential Property Policy provides practical support, financial incentives, and the coordination of enforcement action, to help bring empty homes back into use.*

**P 23**

**Question from:**

Barbara Gordon

The Council have said that there will be a river towpath closure between Locksbrook and Destructor Bridge with no diversion put in place for cycle users for two months. This route is part of the National Cycle Network route 4 and is an important commuter route to and from Bristol and locally an important walking and cycling route for children to and from local schools.

What action will the council be taking to ensure the safety of these user groups whilst this closure is in place? Was an Equality Impact Assessment undertaken for this towpath closure?

**Answer from:**

Cllrs Manda Rigby and Sarah Warren

*The towpath closure is in place for the safety of towpath and river users whilst demolition works are taking place, unfortunately there is no alternative off road route. The possibility of providing temporary cycle lanes along Upper Bristol Road was investigated by our engineers but it was not feasible to do so. It would be necessary to remove one of the traffic lanes on Upper Bristol Road in order to provide a cycle lane in each direction. Doing this would affect the operation of the traffic signals at the junction with Windsor Bridge Road, since the eastbound ahead lane is signalled separately to the right turn lane and there are separate sensors within the road for each lane. This would have required the permanent signals to have been turned off and temporary signals put in place, and each arm of the junction would have to be phased separately. The permanent signals allow some movements to occur concurrently which could not happen with temporary signals. The combined impact of the use of temporary signals and removal of traffic lanes would have caused very significant queuing on the road network, stretching far beyond the junction towards the RUH and affecting Lower Bristol Road towards the city centre too. This would also have had a major impact in terms of delays to bus services.*

*A signed diversion route is in place offering alternatives of Upper and Lower Bristol Road routes along roads and footpaths for pedestrians and cyclists. Following representation from user groups improvements and additional signage have been put in place to improve the diversions. The decision to close the path was not taken lightly but keeping it open whilst the works were being undertaken was not an option.*

*The importance of walking, wheeling and cycling as important modes of transport in their own right is fully recognised by the council. Given the narrowness of many roads in B&NES, difficult choices sometimes have to be made about the use of road space, which necessitate weighing the impacts of the different options. However, the delivery of replacement routes for pedestrians, wheelchair users and cyclists will always be prioritised wherever possible.*

**P 24**

**Question from:**

Jon Lucas

The November Cabinet papers were released on Wednesday 1st November 2023 at 1pm. All questions to Cabinet have to be delivered to Democratic Services by 5pm on Thursday 2nd November 2023. This gives any resident or councillor approx 30 hours in which to read some 174 pages of detailed information. This appears to make a mockery of democracy, openness and transparency.

How will you be ensuring that greater time is given to read papers in advance of submitting questions to Cabinet?

**Answer from:**

Cllr Kevin Guy

*The time limits are set in the Constitution and the Cabinet is not responsible for the determining the Constitution. The Constitution is determined by the Council.*

**P 25**

**Question from:**

Jon Lucas

At the September 2023 Cabinet meeting a question was asked about the legality of the Bath Recreation Trust and the following answer given:

“B&NES Council transferred the role of sole corporate trustee of Bath Recreation Ground to an independent trust called “The Recreation Ground, Bath “which subsequently incorporated (2 January 2018) and is now known as Bath Recreation Limited. Bath Recreation Limited are now responsible for ensuring compliance with the objects of the Trust but it is understood that the covenants and conditions in the 6 April 1992 conveyance are not part of the objects of the charity. Para 27 Tribunal decision 27 March 2014. The enforceability of the covenants and conditions are a matter of property law and are enforceable by the beneficiaries of the covenants, if any.

The Council believes that legal ownership of the land is now held by the Official Custodian of Charities but it has not undertaken a recent HM land Registry search to confirm this.

The Council believes that the beneficiaries of the trust are the public at large. It is understood that this was confirmed in the High Court Judgement in 2002 High Court decision 2002 (para 48) and the First Tier Tribunal decision dated 27 March 2014 (para 26).”

Please can you explain what you mean by “the Council believes that the beneficiaries of the trust are the public at large” and how does this impact the responses that are being made by the public at large to the present planning application to build on this site?

**Answer from:**

Cllr Mark Elliott

*The Council believes that the beneficiaries of the trust are the public at large because that is the Council's interpretation of the High Court judgement.*

*The beneficiaries of the trust and the public's representations to the planning application are separate issues.*

*The Trust is responsible for complying with the Charities legislation and ensuring the Trust is managed for the benefit of the beneficiaries.*

*The Council is responsible for complying with the planning legislation in determining the planning application.*

*There are 2 separate legislative regimes with the Council only being responsible for the latter.*

**P 26**

**Question from:**

Grace Wiltshire

Why does Enterprise Car Club have several parking spaces without paying the Council, but Tier have to pay for car parking?		
<b>Answer from:</b>		Cllr Sarah Warren
<i>Tier is not charged for parking. The current arrangement with Enterprise Car Club includes a charge for each vehicle to have a permit, aligned to the baseline cost for a resident permit, to authorise relevant vehicles to use the allocated spaces.</i>		
<b>P</b>	<b>27</b>	<b>Question from:</b> Grace Wiltshire
Tier e-bikes and e-scooters are not allowed to go onto the canal and river towpaths, as well as the Two Tunnels path. This forces people cycling or scooting to the east of Bath to go along Warminster Road or London Road, with no safe infrastructure in place to protect them from motorised vehicles. Shared e-bikes are allowed on canal towpaths in other parts of the country, also under the custodian of the Canal and River Trust. What is BANES doing to influence the Canal and River Trust and/or WECA to change this policy in Bath?		
<b>Answer from:</b>		Cllr Sarah Warren
<i>The Canal and River Trust have a national policy for not allowing e-scooters on their land, however, previous discussions have taken place with the Canal and River Trust to trial a route along a stretch of towpath in Batheaston/Bathampton. Officers are meeting shortly with the Canal and River Trust and Combined Authority to progress this matter further and are also seeking to progress access over the Bathampton Tollbridge.</i>		
<b>P</b>	<b>28</b>	<b>Question from:</b> Grace Wiltshire
Lambridge has been very poorly served by the new Tier e-bikes and e-scooters. On most days no e-bikes and e-scooters are available to Lambridge residents within their own ward. They have to walk 15 to 20 minutes to get to the nearest available e-bike or e-scooter. This has forced some people to opt for using their car, who were previously using Voi e-scooters. What is BANES doing to ensure a good coverage across all areas where Tier is active in Bath?		



**Answer from:**

Cllr Sarah Warren

*We are carefully monitoring the impacts of the trial and have been working closely with Tier to increase provision in areas that are under served. Tier have a team of rangers who work across Bath to redistribute bikes and scooters accordingly. We have recently instructed Tier to increase the number of e-scooters and will monitor the impacts of this prior to any further expansion. We anticipate that we will be able to increase the number of bikes and scooters further once we have implemented on-street parking spaces.*