

Public Agenda Pack



FULL COUNCIL

Wednesday, 18 December 2024

1.00 pm

**Hollinsworth Hall, Canalside Conference Centre,
Marsh Lane, Huntworth, Bridgwater TA6 6LQ**

SUPPLEMENT 1 TO THE AGENDA

To: The members of the Full Council

We are now able to enclose the following information which was unavailable when the agenda was published:

Agenda Item 4 Public Question Time (Pages 3 - 12)

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

This page is intentionally left blank

Full Council – 18 December 2024 – Public and Member Questions

Annexe A – Public Questions	
Name of person submitting	Question
Julie Houldershaw WITHDRAWN	Petition on mapping on maintenance is carried out on storm gullies and drainage assets – less than 5000 signatories – awaiting submission
Pierre Fox	<p>Question 2a - Misuse of highways and lanes in Somerset by organised hunting groups.</p> <p>The full fox hunting season has not fully begun but there have already been a number of reported incidents in Somerset where hunts have created considerable nuisance by actively hunting on the road or by losing control of hounds. This has resulted in vehicles colliding with hounds causing injury as well as hounds running out of control through communities. Since 2004, hunts should only be participating in trail hunting, where a trail is laid along a pre-determined route. Within Somerset, no hunts have ever adopted trail hunting. Instead, they continue to hunt and kill wild animals illegally. Consequently, the hunts do not comply with scrutiny or safety planning. Why is Somerset County Council Highways department not taking action to ensure that hunts in the county comply with measures that exist to ensure public safety?</p> <p>Response from Lead Member for Transport and Waste Services, Councillor Richard Wilkins</p>
Mike Ginger	<p>Taunton Area Cycling Campaign - Petition on cyclist safety - less than 5000 signatories Pip Sheard and Marian Nieuwenhuizen presenting Statement 3a - Market House roundabout Taunton petition Dec 2024 Our paper and on line petition asks the Council to carry out essential maintenance to the cobbled roundabout in front of the Market House to make it safer and less slippery. It is in need of urgent repairs. Many cyclists have told us that they find this junction scary, and some people avoid the area with their bikes and tell us they have fallen off their bikes. This is due to a slippery and very uneven surface making it difficult to properly steer a cycle and hand signal. This is especially so when vehicles are in conflict with cyclist's movements. Motor cyclists and even drivers have told us that the poor surface is a problem.</p>

Full Council – 18 December 2024 – Public and Member Questions

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 4</p>	<p>Here are just two examples of people coming to grief , from two experienced female cyclists, Su Mo and Jenny Wood: “On December 19, 2023, on a wet day in Taunton, I was taking the right turn from Corporation Street onto East Reach and was especially cautious given the wet surface. I was riding my cyclocross bike, designed for tougher conditions. Despite taking every precaution, as I rounded the turn, my front wheel suddenly slipped on the wet cobblestones, and I lost control. Thankfully, there were no vehicles directly behind me, and two drivers on the other side kindly stopped to check if I was okay. The experience was a reminder of just how hazardous this roundabout’s surface can be for cyclists. “ The second example “ Whilst riding around the Market House roundabout I was knocked off my bike by someone in a car entering the roundabout. Normally when I cycle, I am alert to vehicles approaching from side roads etc and try to make eye contact to make sure that they have seen me and are stopping. Unfortunately, the unevenness and hazardousness of the cobbles on the roundabout meant that I was looking down and slightly forward rather than looking out for cars, especially those coming on to the roundabout from my left. I was wearing a quite bright pink coat and travelling slowly, but the driver still didn't appear to spot me and drove straight out. I’m certain that if the surface on the roundabout had been smooth, I would have been looking up and watching for cars entering the roundabout, as usual, perhaps avoiding being knocked off.”</p> <p>The Council previously asked Taunton Area Cycling Campaign to support their bid to Government for Future High Street Fund to replace the cobbles by a safer surface to make the junction safer, which we did. After the money was awarded, the Council decided to spend the money elsewhere. The junction is a key location for Taunton cycle journeys. Our survey of cyclists identified it as one of the top problem ‘hot spots’ in the Taunton area. No proper repairs have been carried out in the 30 or so years since the cobbles were installed and now the surface is pitted and broken. So please Somerset Council. Take this issue of cyclists safety seriously, live up to your duty of care and do the essential work needed to repair the surface.</p> <p>Response from Lead Member for Transport and Waste Services, Councillor Richard Wilkins</p>
<p>Seth Dellow</p>	<p>Reporter – Somerset County Gazette</p> <p>Question 4a - Council Tax Reduction Scheme and councillors’ salaries</p> <p>Somerset Council is proposing to take several unprecedented measures to maintain its financial sustainability for 2025/26. This has been widely documented in the local media, and I am grateful to Cllr Bill Revans for his continued dialogue on this</p>

Full Council – 18 December 2024 – Public and Member Questions

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 5</p>	<p>matter. The changes to the Council Tax Reduction Scheme are one measure which could see the most vulnerable in Somerset pay an average of £415 extra per year.</p> <p>If the most vulnerable in Somerset are expected to pay extra, isn't it only fair that councillors of all persuasions, as representatives of their communities, also commit to contribute the same amount through a pay cut to their basic salary of £16,135 to help balance the books?</p> <p>Question 4b - Roadworks and compensation associated with the Celebration Mile</p> <p>The roadworks associated with the Celebration Mile in Bridgwater have been strongly criticised by local businesses and residents. A petition to stop the roadworks has secured nearly 200 signatures. Some local businesses believe they are entitled to compensation for the disruption caused by the roadworks, with an impact on footfall.</p> <p>Will Somerset Council commit to compensate those affected by the disruption from the Celebration Mile roadworks?</p> <p>Response from Deputy Leader and Lead Member for Finance, Procurement and Resources, Councillor Liz Leyshon (question 4a) and Lead Member for Transport and Waste Services, Councillor Richard Wilkins (question 4b)</p>
<p>Paul Partington</p>	<p>Rights of Way</p> <p>75 years ago, the National Parks and Access to the Countryside Act received Royal Assent on 16 December. In 1947, two Committee reports, "Footpaths and Access to the Countryside" and "National Parks" were published under the chairmanship of Sir Arthur Hobhouse. The Committee recommended the creation of twelve National Parks these being: the Lake District, North Wales, the Peak District, Dartmoor, the Yorkshire Dales, the Pembrokeshire Coast, Exmoor, the South Downs, the Roman Wall, the North Yorkshire Moors, the Brecon Beacons and the Black Mountains. For footpaths and access to the countryside, the Committee recommended a survey of all rights of way, a tribunal to settle disputes, a mechanism for the closure, diversion and creation of new rights of way and long distance footpaths. All these recommendations were incorporated into "The National Parks and Access to the Countryside Act 1949".</p> <p>Sir Arthur Hobhouse was a Somerset County Councillor from 1925 to 1947 and was the chairman of the council from 1940 to 1947.</p> <p>Somerset should be proud of Sir Arthur Hobhouse that his Reports contributed to Parliament passing the National Parks and Access to the Countryside Act 1949.</p>

Full Council – 18 December 2024 – Public and Member Questions

Page 6

Public Rights of Way

The use of wheelchairs, mobility scooters and prams are allowed on public footpaths, bridleways and restrictive byways.

A dog is seen as a normal accompaniment for someone walking a public right of way

27 September 2005 section 147 of the Highways Act 1980 was amended so that local authorities when authorising the erecting of stiles, gates or other works on footpaths or bridleways must have regard to the needs of people with mobility problems.

Permissive paths are where a landowner has granted permission to use a path. At any time, the permission can be withdrawn by a landowner. A permissive path is not a public right of way and cannot be protected by the Highway Authority.

Somerset Council as the Highway Authority has a statutory responsibility for protecting and asserting rights of people to use the public rights of way network.

There is a download available on the 'Public Rights of Way Section' of Somerset Council's website, 'A guide for dog owners and walkers'. In the guide it is stated "Walking keeps you and your dog happy and healthy. Did you know that walking only 30 minutes every day makes you feel good, gives you more energy, helps to reduce stress, can lower blood pressure and helps keep your heart in good working order".

There is a footpath T 2/8 very close to Neroche Hall Car Park. The footpath was subject to Diversion Order 16 March 2005, confirmed 4 December 2006 by the Secretary of State for Environment, Food and Rural Affairs and the Diversion came into force 1 January 2007. The diversion of the footpath started at the carriageway at Bickenhall Bridge and is a headland path in a field and entered a field where it was cross field path (now enclosed) to a boundary fence (where a stile was erected and since has been replaced by a metal pedestrian gate). There were no limitations between the starting point and finishing point of the diversion listed in the Order.

Footpath T 2/8 takes walkers from Bickenhall Bridge to Abbey Hill Drove, bridleway T 2/9; the width of the diverted footpath is 1.5 metres. Walking Abbey Hill Drove takes walkers to footpath T 2/7 which leads to near Neroche Hall Car Park. Footpath T 2/8 also gives access to a wider public right of way network associated with Abbey Hill Drove.

Since circa September 2021 there have been issues with footpath T 2/8, a wide metal field gate at the entrance from the carriageway has been replaced with locked wooden gates, wooden fencing and combined with a metal pedestrian gate (resulting in a gap of 1.1 metres width and immediately adjacent a metal pedestrian gate, the width path is meant to be 1.5 metres and it is questionable whether the path is fully on the Definitive route at this location), it seems possible by altering the wooden fencing and repositioning the metal pedestrian gate the issue could be resolved making a single limitation compliant with the performance requirements of BS 5709 (British Standard 5709 specifies field-measurable performance requirements for new gaps, gates and stiles for footpaths, bridleways, restricted byways and other routes used by the public). A fallen oak tree circa November 2023 remains and is 100% blocking the width of the path, a stile (since modified) remains of the three installed circa September 2021 and there is a wooden pedestrian gate installed circa 2005 or later.

Full Council – 18 December 2024 – Public and Member Questions

A sign 'No dogs' has been in place at Bickenhall Bridge since circa September 2021. Footpath T 2/8 has been subject numerous complaints logged with Somerset rights of way since September 2021 and Neroche Parish Council meeting 13th January 2022 had complaints concerning footpath T2/8 from parishioners regarding the installation of stiles (one stile since modified remains) and a 'No Dogs' notice which remains.

A circular walk (approximately 200 metres of unclassified road, footpath T 2/8, bridleway T 2/9, footpath T 2/7 and approximately 10 metres of unclassified road) from Neroche Hall Car Park has been made difficult to walk due to the combined gap and metal pedestrian gate, fallen oak tree and stile, it is impossible to use for many people with mobility problems. Footpath T 2/8 also gives access to a wider public footpath bridleway network associated with Abbey Hill Drove.

Bridleway T 2/11, September 2023 a notice was served on Somerset Council, section 130 Highways Act 1980 because of the obstruction of the bridleway. Records show that from at least 2007 the bridleway has been obstructed. Part of the public bridleway remains obstructed.

An email regarding footpath T 2/8 and bridleway T 2/11 was sent by me 6 November 2024 to Somerset rights of way, as of 10 December although delivered I haven't received a reply or acknowledgement that it has been read.

Questions:

Question 5a. Does Somerset Council accept that if obstructions to a public right of way that are not resolved using its statutory duties to protect a public right of way it is then open for someone to use section 130 of the Highways Act 1980 to have the obstruction removed?

Question 5b. Does Somerset Council accept that an 'Explanatory Note' by Taunton Deane Borough Council circa 2005 regarding footpath T 2/8 is not a legal document and as such does not form part of a Diversion Order under Section 119 of the Highways Act 1980?

Question 5c. Does Somerset Council accept that misleading signs & notices are unlawful under the Highways Act 1980 Section 132 and National Parks and Access to the Countryside Act 1949 Section 57 and the Council has the power to remove any misleading or unlawful signs on public rights of way that deter people from exercising their legal right, and if so what action is being taken by the Council to remove the 'No dogs' sign at footpath T 2/8?

Question 5d. Does Somerset Council accept if limitations have been added to a footpath that these must either be authorised under section 147 Highways Act 1980 (if capable of being so authorised) or removed?

Question 5e. Footpath T 2/8, how many man hours has been spent by the rights of way department of Somerset County Council and Somerset Council trying to resolve the issue of footpath T 2/8 and what has been the financial costs including any works/supply of material?

Question 5f. If Somerset Council allows an unauthorised stile not listed as a limitation on a Diversion Order to remain, is it failing to comply with the Equality Act 2010?

Full Council – 18 December 2024 – Public and Member Questions

<p>Page 60</p>	<p>Question 5g. Bridleway T 2/12, was there any financial costs to Somerset Council in the issue of any legal notices regarding section 130 Highways Act 1980 and if so, what were these costs?</p> <p>Question 5h. Bridleway T 2/12, has there been any financial cost to Somerset Council due to any enforcement action and if so, what were the costs?</p> <p>Question 5i. Bridleway T 2/12 a section of this bridleway remains obstructed. What steps are being taken by the rights of way of Somerset Council to have a continuous bridleway which is a public right of way unobstructed between Forest Drove and Curry Mallet Drove?</p> <p>Question 5j. The Definitive Map is a legal document and what is shown on it is correct until shown otherwise. If the Definitive Map shows a public right of way, even if an application has been made to downgrade or delete it, does Somerset Council accept it must assert and protect the right of the public to use and enjoy the highway at the status shown?</p> <p>Question 5k. How many unresolved issues/faults remain on the Somerset rights of way network?</p> <p>Question 5l. How many applications for Definitive Map Modification Orders are waiting to be assessed by Somerset rights of way department and at what rate are these being dealt with per year?</p> <p>Response from Lead Member for Transport and Waste Services, Councillor Richard Wilkins</p>
<p>Coz Haysham NO SUBMISSION</p>	<p>Home Education</p>
<p>Nigel Pearson SUBMISSION REMOVED</p>	<p>Re: Planning Application No 21/03055/FUL Drs C&R Wachsmuth. The Old Farm House, Purtington, TA20 4DH. Enforcement order 21/00224/ENF 20/9/2022</p>
<p>Trevor Challenger</p>	<p>Submission 8a - Wiveliscombe/Wellington Bus Routes - Petition - less than 5000 signatories</p> <p>Does not wish to speak – only to hand in their petition</p> <p>Response from Lead Member for Transport and Waste Services, Councillor Richard Wilkins</p>

Full Council – 18 December 2024 – Public and Member Questions

<p>Andrew Lee</p> <p>Page 9</p>	<p>Public Participation</p> <p>Back in July 2022 following the election of a new council I asked Cllr Bill Revans about the difficulty that members of the public had in accessing these meetings and asking questions.</p> <p>In response he told me: <i>“the Council will be reviewing its public question time procedures and its meeting arrangements, including timings, as part of the transition to the new Somerset Council when the new Constitution and democratic arrangements are considered at the County Council meeting in February 2023. Our Constitution and Governance Committee will be considering these issues with a view to maximising the opportunity for the public to ask questions of their elected representatives and allow democratic procedures to take place in the new unitary council.”</i></p> <p>Question 9a</p> <p>The council initially tried different venues around the county to maximise access. After a few months it settled on Bridgwater and I think I’m right in saying that all full council meetings have been in Bridgwater for the past 12 months. Meetings are usually held at 10am on a Wednesday. This effectively prevents the working population of Somerset (aside from those who work nights) from attending council meetings to ask questions.</p> <p>Why are the council not attempting to be closer to their electorate by holding meetings in Taunton, Yeovil or Frome?</p> <p>Would the council consider holding evening meetings or at least holding public question time in the evening?</p> <p>Question 9b</p> <p>The current rules for asking questions are given in writing for each full council meeting. They are broadly unchanged and have been unchanged for a dozen years or more. That is questions must be submitted by 5pm on the Thursday before a meeting on the Wednesday following.</p> <p>In other words giving 3 clear working days notice.</p> <p>The agenda is usually published 5 clear days before a meeting. The agenda for this month's meeting was published on the morning of 11 December.</p> <p>That means that in order to ask a question of the meeting, bearing in mind questions should always relate to items on the agenda, at most 48 hours to digest the content of the meeting and prepare and submit a question to the meeting.</p> <p>Somerset Council is not the same as Somerset County Council whose public questions rules it has, by and large, inherited. It does far more and its meetings cover a much larger remit.</p> <p>As a result, for instance, the September agenda contained 449 pages. This agenda runs to 400 pages.</p> <p>Is it really giving the public a fair and reasonable chance of asking questions of their elected representatives, when they have 48 hours to read 400+ pages, often written, inevitably (I mean no criticism by this) in technical language, digest it and write a question down?</p> <p>Bearing in mind that the majority of people you represent also have day time jobs to go to, I suggest the system as it stands does not <i>“maximise the opportunity for the public to ask questions of their elected representatives.”</i></p>
---------------------------------	---

Full Council – 18 December 2024 – Public and Member Questions

	<p>Question 9c The number of people asking questions of the council does seem to be small and usually involves members of the public who have representative, or quasi representative roles. Do you believe that the number of questions the council receives from the public for full council meetings is indicative of a population that believes their Council: <i>“welcomes public involvement and participation in its public committee meetings.”</i></p> <p>Response from the Leader of the Council and Lead Member for Governance and Communications, Councillor Bill Revans</p>
<p>Sue Isherwood</p> <p>Page 10</p>	<p>Westbury sub Mendip Parish Council Question 10a – On behalf of the Westbury sub-Mendip Parish Council I would like to express our grave concern at the lack of engagement of Highways Officers with the parish concerning the danger posed to pedestrians by the A371. Highways’ comments often just give standard advice and make insufficient attempt to address issues of importance to the community.</p> <p>The planners have engaged with us and have understood the need to ensure any development on this site meets a specific local plan policy to make it safe for pedestrians to cross. The Highways teams are not engaging.</p> <p>We want to pull Highways and Planning together to get the best result possible for our community. Other local parish councils have similar issues. We are not alone.</p> <p>For those who don’t know the village, the road effectively cuts the village in half. For much of the route through the village there is no pavement and there is no safe place to cross. This has been major concern of the Parish for many years with increasing heavy vehicle use, restricted width and many bends with poor visibility. We now have the prospect of a planning application which seeks to develop some 60 houses on the opposite side of the road from most facilities - the school, pub, shop and post office.</p> <p>The local plan spells out that any development on this site is required to provide safe pedestrian links to the village core on the opposite side. We have commissioned a professional scoping report that asks Highways to fully assess a range of options to fulfil this requirement. This report and request has been ignored, officers seem to take the view that “nothing can be done” when not all options have been considered. This is not acceptable, lives of young children are in serious danger and Highways have stayed silent on a recent request to meet their senior team.</p>

Full Council – 18 December 2024 – Public and Member Questions

	<p>It is very regrettable that they seem willing to raise no objection to a development which will both increase traffic on the road and pedestrians seeking to cross it without any attempt to require the land owner and developer to meaningfully solve pedestrian safety.</p> <p>Communities are important and should not be ignored.</p> <p>We have previously asked to see how Highways have made their assessment so far as this appears to lack proper scrutiny and for a meeting with a senior team. We have not had a response.</p> <p>Can we please have a meeting within the first 2 weeks of January or sooner with a senior manager from both Highways and Planning to discuss our request in full and find best safe crossing solution which can then be implemented?</p> <p>Response from Lead Member for Transport and Waste Services, Councillor Richard Wilkins</p>
<p>Nigel Behan</p> <p>Page 11</p>	<p>Question 11a - Relates to Appendix A - New Savings Proposals 2025.26 to 2029.30.pdf</p> <p>Will you clarify the reasoning, purpose and consequential impact of this accounting manoeuvre?</p> <p>“25-26SCS01 Workforce Programme Substitution of Saving of £9.000m currently included within the MTFP will be substituted as part of the Workforce Programme Savings in 2025/26.”</p> <p>Question 11b - The LGA and other organisations that “comment”/“complain”/“bleat” etc (examples: CCN: Government should rethink local government funding in Budget & East London council could issue S114) on Local Authority funding point out how the lack of funding for local government services (the bottom tier of the public sector food chain but more democratic than say, the NHS-which, as an aside, does not have to balance budgets annually) will lead to more councils having to issue S114 reports (“effective bankruptcy”).</p> <p>SC formally claim they are acting as if a S114 report has been issued.(“Agree that the Council continues with the aim of avoiding a Section 114 notice by taking all of the necessary actions and continuing to operate as if one had been issued. “)</p> <p>Does SC believe this is the most effective method to set a needs-based budget for service users, residents, electors, council taxpayers etc or just another continuing form of rationing expectations and aspirations?</p> <p>Response from Deputy Leader and Lead Member for Finance, Procurement and Performance, Councillor Liz Leyshon and Lead Member for Transformation, Human Resources and Localities, Councillor Theo Butt Philip</p>

Full Council – 18 December 2024 – Public and Member Questions

--	--

	Annexe B – Member Questions
Name of person submitting	Question
Mr Leigh Redman 12	<p>Question 1a - Local Government Association Equality Framework for Local Government Peer Challenge. I would like to ask for equalities for an update on the recommendations made please?</p> <p>Response from Lead Member for Communities, Housing Revenue Account, Culture and Equalities and Diversity, Councillor Federica Smith-Roberts</p>