

Summons to attend meeting of Full Council



Date: Tuesday, 18 October 2022

Time: 5.00 pm

Venue: The Council Chamber - City Hall, College Green,
Bristol, BS1 5TR

To: All Members of Council

Issued by: Oliver Harrison, Democratic Services

City Hall, PO Box 3399, Bristol, BS1 9NE

Tel: 0117 3526162

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Date: Friday, 7 October 2022



Agenda

6. Public Petitions, Statements and Questions

Public forum items can be about any matter the Council is responsible for or which directly affects the city. Submissions will be treated in order of receipt and **as many people shall be called upon as is possible within the time allowed within the meeting (normally 30 minutes)**. (Pages 3 - 35)

Further rules can be found within our Council Procedure Rules within the Constitution.

Please note that the following deadlines apply to this meeting:

- a. Public petitions and statements: Petitions and written statements must be received by **12 noon on Friday 14 October 2022** at latest. One written statement per member of the public is permitted.
- b. Public questions: Written public questions must be received by **5pm on Wednesday 12 October 2022** at latest. A maximum of 2 questions per member of the public is permitted. Questions should be addressed to the Mayor or relevant Cabinet Member.

Public forum items should be e-mailed to democratic.services@bristol.gov.uk

Signed



Proper Officer
Friday, 7 October 2022



Agenda XX item PP01
Colston Parade Road Name Change

Reply:

Thank you for bringing your petition to Full Council on 18th October 2022

I direct you to the street naming policy under the Public Health Act 1925 find via this link: [file \(bristol.gov.uk\)](file:bristol.gov.uk)

The Council has the power to rename any street given under section 21 of the 1925 Public Health Act. This can be done at the discretion of the Council and involves a period where objections can be heard by the Magistrates Court.

Where residents themselves request a change the Council's standard policy is for written agreement to be obtained from every property owner affected. Once satisfied the process laid out in 1925 Public Health Act can be implemented.

**Agenda item 6 Public Statements PS01
Concerns Regarding Kensington House**

Reply:

Thank you for presenting your statement at Full Council on 18th October.

You have copied my office to the emails about this issue and I know that residents are concerned about the issues of anti-social behaviour and noise.

I hope that councillors meet you to talk about what can be done with yourselves, residents of Kensington House and St Mungos and consider the recommendations you make in further detail.

Of course, it is important that we deal with each other respectfully, especially when we consider some vulnerable adults that are placed at Kensington House.

Agenda item 6 Public Statements PS07
RPZ scheme in Victoria Park

Reply:

Thank you for presenting your statement at Full Council on 18th October

The current position of the council is not to expand the extent of the current Residents Parking Scheme unless overwhelming local support can be demonstrated. We expect this to be led by local councillors, so that they support such a change and understand the implications without just simply moving the problem parking on.

We do not believe that RPZ is a long-term solution to anti-social parking in these areas, and have supported a liveable neighbourhoods approach. We are underway with our first pilot in St George which will help us learn about the approach to consider in other area.

Liveable neighbourhoods involve encouraging cycling and active travel through infrastructure so as to reduce car ownership and therefore less congestion, problem parking and carbon emissions.

Agenda item 6 – public question responses
See separate document

Item 8 - Petition Debate – Enable Group to address sewage pollution in the Avon

Reply:

Thank you for presenting your petition for debate at Full Council on 18th October

In 2020, Bristol partners came together to declare an ecological emergency. Our city's wildlife, ecosystems and habitats are vitally important to us all, as the loss of biodiversity affects our lives in many ways, from the insects that pollinate our food to the green spaces that enhance our resident's health and wellbeing. A key strategic goal within the resulting [ecological emergency strategy](#) is that 100% of Bristol's waterways have water quality that supports healthy wildlife by 2030. The document sets out an ambition to work together as a city to work with landowners to tackle the pollution that currently enters our waterways, taking measures to work with landowners to reduce fertiliser and pesticide run off and address storm and flood sewage overflows and the impact they have.

I appreciate the significant amount of work the Conham bathing group have done and thank them for the way they have engaged with key stakeholders, namely Wessex Water. We support this collaboration and will work with any party interested in reducing pollution in the river Avon, in line with our ambitions set out above.

We were asked earlier this year to support an application for Bathing Water Status. Our legal team have advised that the stretch of river all the way up to Hanham Lock, including the area of interest at Conham, is covered by our 2009 Byelaws. As swimming is prohibited under these existing byelaws, we responded to share that we wouldn't be in a position to support the application for bathing water status, which would encourage prohibited activity.

To allow swimming in this areas, the Harbour Master would have to give his express consent and, without investing in significant safety measures, we would find ourselves liable should anyone come to harm.

Swimming in open water can present risks including cold water shock, boat strike, hazardous objects under the water, strong currents, and illness and infection. This is why many open water areas in Bristol have by-laws which prohibit swimming.

In light of the above, we have been asked to review and remove the 2009 Byelaws that prohibit swimming. This cannot be done in isolation, however the legislation relating to our harbour estate will be reviewed in the next couple of years and I have asked that this be considered as part of that process.

We know that many people want the opportunity to enjoy open water safely. We have therefore listened to people's requests for a safe swimming space in the harbour, and are actively working to make this request a reality with a view to piloting something next year. We are currently working through the operational requirements to enable this and will be sharing more details on these plans shortly.

We have the Conham Bathing group on a list of key stakeholders to keep close to this work and would appreciate their input and support to make open water swimming in Bristol a reality.

Petition Debate 8a – Road Usage for Hospitality

Reply:

Thank you for presenting your petition for debate at Full Council on 18th October

Here is the link to the mayor's recent blog on this issue. [New changes to outdoor hospitality - The Bristol Mayor](#)

Full Council – 18 October 2022

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Public questions



Procedural note:

Questions submitted by members of the public:

- Questions can be about any matter the Council is responsible for or which directly affect the city.
- Members of the public who live and/or have a business in Bristol are entitled to submit up to 2 written questions, and to ask up to 2 supplementary questions. A supplementary question must arise directly out of the original question or the reply.
- Replies to questions will be given verbally by the Mayor (or a Cabinet member where relevant). Written replies will be published within 10 working days following the meeting.



*point of explanation - where a person has asked two questions on the same topic they are on the same line. Where topics are different they have different lines.

Ref No	Name	Title
PQ01	Miha Klement	Brislington Cycle Path
PQ02	Suzanne Audrey	Committee System
PQ03	Suzanne Audrey	International Travel Policy
PQ04	Stephen McNamara	Trans Rights are Human Rights
PQ05	David Redgewell	City Region Bus Network
PQ06	Anna Swift	Temporary Pavement Licences
PQ07	Helen Powell	Handling of FOI Requests
PQ08	Jen Smith	SEND Surveillance
PQ09	Rose Crossland	Treaty on the Prohibition of Nuclear Weapons
PQ10	Tom Bosanquet	Ashley Road junction works
PQ11	Martin Rands	Avon Crescent
PQ12	Rob Bryher	St George Park
PQ13	Anita Bennett	Flood Zones
PQ14	Rachel Horsington	Trees in Easton
PQ15	Rachel Horsington	Bristol to Bath Cycle Path
PQ16	Sarah Middleton	Chelsea Park Colston Road Trees
PQ17	<name redacted>	Gender Identity
PQ18	Clarissa Payne	Legality of Silver Motion



QUESTION PQ 01**Subject: Brislington Cycle Path****Question submitted by: Miha Klement**

I'd like to bring to your attention the poor state of the river bank cycle path from Brislington to Temple Meads. Its part of the national cycle network and WECA's infra plan. It's a really enjoyable path and used by local families and commuters. It is our only active travel route to the city. Its very nice but its in serious disrepair.

The path is overgrown, it is eroded from buddleias pushing up the tarmac, the fence is broken in lots of places and it is getting worse all the time. During the spring storms a tree fell on the cycle path and uprooted a very large part of tarmac – effectively halving the width of the path. The council removed the tree but did not fix the path. Instead they fenced off the area which effectively halved the width of the. The fence itself is now overgrown as well.

Our councilor Andrew Varney raised the issue at full council meeting in July and the reply from the Mayor was that there is no money available for improvements.

I then wrote to Don Alexander myself asking when the path will be repaired. Don was completely unaware of the damage so I had to provide him pictures and a map. He promised a reply but then gave up. When I chased him on Twitter Don blocked me. Since I raised my question over two months ago I have received no reply and the path is still blocked.

What surveys were undertaken in determining that no budget was available for repairs of the Brislington cycle path?

Reply:

- **We've committed £1.9 billion in capital investment up to 2031/32.**
- **For this year and next, that includes £2.7m for bridges – £1m for Gaol Ferry Bridge, more for Redcliffe Bridge, and £15m is needed for bridges right along the New Cut, including Sparke Evans Footbridge. Some of these bridges are a hundred years old without ever having had a proper service in their entire life.**
- **We've also committed £1m to fix Kings Weston Iron Bridge; £2m for Portway Park & Ride's railway platform; £2m for Cattlemarket Road; £3m for Cumberland Road stabilisation.**
- **That's just some of the transport capital programme, which – like all areas of our capital budget – is under significant pressure due to inflation in general and rising construction costs in particular. With a zero-sum budget, prioritising new projects would mean shelving other ones where plans and business cases are fully developed.**
- **Our budget remains are at breaking point, and – if noises from national government ring true – national government's austerity might get even worse, after 12 years of cuts already.**



- **At this site, space is limited to make meaningful improvements and modern shared use standards cannot be met without significant engineering and construction works. We anticipate that active travel needs for this route will be enhanced through the wider redevelopment of the St Philips area.**



QUESTION PQ 02

Subject: Committee System

Question submitted by: Suzanne Audrey

[for Cabinet member Councillor Helen Holland]

With regard to the cross-party committee shaping the new committee system of governance from May 2024, please can you give an update on the ways in which you are, and will be, actively engaging citizens in the work you are doing?

Reply:

This question was addressed to Cllr Helen Holland and a verbal reply given at the meeting. [Watch here.](#)



QUESTION PQ 03

Subject: International Travel Policy

Question submitted by: Suzanne Audrey

[for Mayor Marvin Rees]

Bristol City Council International Travel Policy and Procedures for Members states: Challenging goals have been set for both the council and the city to be carbon neutral by 2030. Bristol City Council is already recognised as an environmental leader. To show leadership in this context means achieving our goals in an integrated way so that delivering one piece of work enhances and does not undermine our climate goals. We can do this by using alternatives to travel and making good choices about how we travel. Alternatives to travel should be considered first. Greater availability and widespread use of high-quality live streaming and video and teleconferencing options have made avoiding travel much more viable. These solutions avoid the financial, carbon, and time costs of travel and accommodation [<https://www.bristol.gov.uk/files/documents/3359-international-travel-policy-and-procedures-for-members/file>].

In your register of interests, it states: 23/9/2022 Return travel for attendance at Global Goals Week/UN General Assembly, from the Mayors Migration Council; accommodation from New York University/Terry and Lesley Kahn.

Please can you explain the purpose of this trip?

Reply:

Thank you for your interest

You may have seen my recent blog about the UN General Assembly and Global Goals Week: [Bristol in New York: cities that never sleep on the SDGs – The Bristol Mayor](#)



QUESTION PQ 04

Subject: Trans Rights are Human Rights

Question submitted by: Stephen McNamara

[for Cabinet member Councillor Craig Cheney]

- You have a named responsibility for Governance. Please explain on what basis the "Trans rights are human rights" motion was considered at the 5th July Full Council meeting without an Equalities Impact Assessment given that the decision impacts upon people with protected characteristics under the Equality Act?
- Do you believe that a biological man can literally change their sex and become a biological woman?

Reply:

A verbal reply was given at the meeting, [watch here.](#)



QUESTION PQ 05

Subject: City Region Bus Network

Question submitted by: David Redgewell

1. What progress is the mayor or Councillor Don Alexander making with the metro mayor Dan Norris and west of England mayoral combined transport Authority and North Somerset council to make sure that the key gaps in the Bristol city Region bus Network are being filled?

Following the Beeching style bus cuts from the 9th October 2022, the deepest bus cuts in any city region in England by first group plc west of England buses. And the Ending of services operated by HCT group of London. Including community transport and Dial ride.

i.e. the following Routes such as

Only 511 512 Bristol local services

62 Thornbury, Berkeley, sharpness, cam Dursey may lane bus station.

Bristol city centre, St Anne's park Brislington, Knowle ,Hengrove hospital Services 36 ,96 .

178 Bristol bus and coach station , Bristol Temple meads station, Arnos vale Brislington, Keynsham, Timsbury, Markbury ,Paulton, Midsomer Norton, Westfield and Radstock.

Services y4/y4 Bristol bus and coach station, Eastville park, Stapleton, Frenchay, Winterbourne Frampton Cotterell, Coalpit Heath, yate park and ride and yate railway station and bus station.

Services 515 Stockwood whitchurch Hengrove hospital imperial park .

505 long Ashton park and ride, Clifton Down ,cotham Horfield and Southmead hospital bus station

506 Southmead hospital bus station

Horfield Eastville park ,Easton Lawrence hill,Oid market Bristol city centre.

516 whitchurch estate, Hengrove, knowle

52 South Bristol to Bristol city centre.

This route are key orbital socially important routes serving some of Bristol poorest communities.

2. What progress is being made with the west of England mayoral combined transport Authority and North Somerset council by the city council to recruit more bus and coach drivers for First group stagecoach group and the smaller bus and coach companies?

Reply:

Question 1

- Quite agree with you David, I will take this up with Dan as I'm sure you will.
- The provision of supported bus services is a WECA responsibility and BCC is supporting its efforts to secure replacement provision for services lost following the loss of Bristol Community Transport and the forthcoming reductions proposed by First. The Big Lemon company has now stepped to run the four BCT that were cut.

Question 2



- **BCC is supporting WECA and the operators in their efforts to address the bus driver shortage in the region. The WECA Business and Skills team are working with the local operators to get people the right skills needed this, includes driving qualifications and helping with English as a second language. BCC has supported WECA with recruitment posters at bus stops as part of a wider recruitment drive.**



QUESTION PQ06

Subject: Temporary Pavement Licences

Question submitted by: Anna Swift

I am the owner and proprietor of The Garden of Easton Café which is situated on St Marks Road, Bristol. I am writing to you about the urgent matter of the revocation of temporary pavement licences in Bristol and our plea to the Council to extend the licences for another year.

When we were granted our licence just over 1 year ago we decided to put a huge amount of effort into producing an outside eating area that would massively enhance the street, we have introduced much needed greenery to our inner city location and added colour that St Marks road deserves. Since opening our café after Covid these extra 16 seats have been essential in helping us to be profitable, particularly during the days at weekends when we are extremely busy. As you will be aware, things are once again getting extremely tough for restaurants and cafes and to be forced to remove these seats now just doesn't make any sense.

It seems madness to remove outdoor seating as we enter the winter months, when many clinically vulnerable people are wary of sitting inside.

Small independent hospitality venues are already struggling to make ends meet we are asking for a common sense approach instead of asking us to destroy our outside spaces.

It is my understanding that Parliament will be debating the extension of temporary pavement licences with a view to enabling them to become permanent. So could Bristol City at least wait until the outcome of this debate is known?

I have learnt that Liverpool seems to be taking an open minded approach and has extended at least some pavement licences for another year. I have spoken to a gastropub in Liverpool ('The Ink In The Well', Lark lane) who informed me that their pavement license has been extended for a year.

Another possible way forward would be for Highways to re-designate our small piece of road as pavement using road markings – is this something that you would consider?

If you are able, please come and visit us - when you see our site I am sure that you will agree that it is worth keeping!

Reply:

A verbal reply was given at the meeting, [watch here.](#)



QUESTION PQ07**Subject: Handling of FOI Requests****Question submitted by: Helen Powell**

For around 18 months, Bristol City Council has been routinely rejecting any Freedom of Information (FOI) request relating to Stoke Lodge Playing Fields as vexatious. Indeed, we understand that it has also rejected as vexatious at least one request about completely different playing fields, due to suspicion that it might actually be something to do with Stoke Lodge.

The Information Commissioner recently issued a decision (reference: IC-127328-VOW6, dated 22 August 2022) stating that it was not lawful for the Council to take a blanket approach of rejecting all FOI requests involving Stoke Lodge as vexatious.

Among other things, the Information Commissioner said that:

- It was not persuaded by the Council's argument that We Love Stoke Lodge are acting as part of a campaign to disrupt, harass or burden the Council.
 - Many individuals, acting from different perspectives and motivations, have contacted the Council acting in its various different capacities in relation to Stoke Lodge.
 - The effect of receiving the requests would not be a significant burden upon an authority the size of the Council when compared to the value and purpose behind the requests for information.
- On 5 October 2022, Private Eye published an article about the Information Commissioner's decision.

We Love Stoke Lodge has subsequently been contacted by a third party who read the Private Eye article. She recently made a generic FOI request on a particular issue. This was rejected by the Council because the answer to it would, at least in part, relate to Stoke Lodge. The Council claimed she was part of a campaign aimed at creating burdens for the Council and rejected her request as vexatious on 4 October following an internal review. We understand that she intends to refer her complaint to the Information Commissioner, referencing its August decision.

We would be grateful if you would explain why, having received a determination from the Information Commissioner over six weeks ago specifically stating that it is not lawful to take this approach, the Council is continuing to reject as vexatious any FOI request where the answer might involve disclosing information relating to Stoke Lodge. Why is the Council choosing to ignore the ICO's views in its handling of other FOI requests?

Reply:

A verbal reply was given at the meeting. [Watch here.](#)



QUESTION PQ08

Subject: SEND Surveillance

Question submitted by: Jen Smith

Q1 - I am one of the two Send parents who have experienced covert surveillance by Bristol City Council. Is it a coincidence that the council will not respond to my Subject Access Request made in the summer nor the complaint I made regarding the Subject Access request not being responded to - or are there other people who are also being ghosted by the council?

Bristol City Council is aware of its duties under data protection legislation, and that includes complying with Subject Access Requests (SARs)

BCC currently has a significant backlog of SARs, but changes in how SARs are managed are underway with a view to eliminating the backlog and improving our compliance rate

Due to the volume and complexity of the information Bristol City Council holds, responding to SAR can be an extremely time-consuming process. In the SEND team any work on a SAR has to be undertaken by SEND officers. This means that our ability to complete case work for children and families is reduced each time a SAR is requested.

Q2 - Why are so many Send families having to resort to threatening or proceeding with Judicial Review to get the provision in their children's Education Health and Care Plan?

No one has to resort to threatening behaviour

Ofsted and the CQC have just undertaken a reinspection of the Bristol local area Education, Health and Care services, this will include inspecting EHCP process.

We are expecting that report shortly and any actions suggested by the reinspection team to improve services in Bristol will be implemented

This will include any recommendations relating to the inclusion of provision in EHCPs.



QUESTION PQ09**Subject: Treaty on the Prohibition of Nuclear Weapons****Question submitted by: Rose Crossland**

Bristol is a member of the 'Mayors for Peace' network. In 2021, the United Nations ratified the Treaty on the Prohibition of Nuclear Weapons, signed by 91 states, but the UK government is currently not a signatory. Throughout the UK, resolutions supporting the TPNW are being passed at all levels of local government. With the threat of nuclear disaster (deliberate or accidental) perilously heightened due to the war in Ukraine, now it is more important than ever that we send a message to the UK government that the possession of nuclear weapons does not protect us – on the contrary, it makes us a target. The people of Bristol have the right to live in a world free from this threat. Does the council support the United Nations Treaty on the Prohibition of Nuclear Weapons, and will the council call on the UK government to sign and ratify it?

REPLY

Bristol has a growing global reputation, after joining the Mayors for Peace network. We also work through the Mayor's Migration Council and the Global Parliament of Mayors, and are now known as a leading city on implementing the UN's interdependent Sustainable Development Goals (SDGs) – which include targets on peace and climate, as well as jobs, health, and housing.

In 2020, I spoke at the opening of the '50 Cities – 50 Traces' exhibition at the invitation of Hannover, one of our seven twin cities and fellow member of Mayors for Peace. It was a privilege that our city was chosen as the final stop before the UN's General Assembly in New York.

I want to reiterate my support for the UN's Treaty on the Non-Proliferation of Nuclear Weapons (NPT). This landmark treaty has been signed by 191 states, crucially including five with nuclear weapons; it aims to prevent the spread of nuclear weapons and nuclear weapons technology, while working towards complete multi-lateral disarmament. NATO members states remain opposed to the Treaty on the Prohibition of Nuclear Weapons. Events over the last year have only strengthened the case for a multi-lateral approach that seeks to engage all nuclear powers in further progress on arms control, disarmament, and non-proliferation.



QUESTION PQ10**Subject: Ashley Road junction works****Question submitted by: Tom Bosanquet**

Dear Mayor Rees & Cllr Alexander,

On 1st March this year I cycled in to work, only to be confronted with a large yellow sign announcing that my business was closed! What a surprise! Had I missed a month & woken to find it was in fact April 1st?

No.. as it turns out, the part of the road on which my business is based had been entirely closed off & the sign was somehow meant to indicate this fact, neatly ignoring the restaurant next door which depends far more on daily deliveries & walk up custom.

There had been no prior warning that the road would be closed off for any time. A brief letter had been received in January saying that works were to be carried out on the Cheltenham Rd / Ashley Rd junction, but that was the sum total of local engagement by the council. Residents & businesses were not asked for input, nor were they properly informed – indeed, even local councillors had not been consulted.

There was chaos on the roads that day – not only did the temporary traffic lights snag up like crazy, but there was absolutely no consideration given to pedestrians or cyclists. Unclear & frustrating. This continued throughout the works despite complaints/feedback, alongside temporary lights failing on several occasions & a general focus on motorists only.

It transpired that the works were undertaken because the original traffic lights were old & liable to fail, and the council decided to tack on some tinkering alongside these upgrades, but decided against talking to anyone local who might have useful ideas from using the junction daily.

The works were finally completed, having overrun by about 50%, at which point Cllr Alexander crowed about how these works benefited pedestrians because walkways had been slightly enlarged & the traffic lights had been moved a little. A painted cycle lane was also removed from the south bound Cheltenham Rd and motorists instantly returned to dangerously parking on the pavement. So we're already seeing the pavements being damaged, the benefits for pedestrians being stolen by antisocial parking, and the safety of cyclists, plus the free-flow of motorists, being hampered.

So, all in all a fiasco of works – long drawn out, presumably expensive, and all for very little improvement. Rightly, Cllr Alexander's proclamation was met with disbelief (putting it politely). While the previous painted cycle lane was poor & often blocked, entirely removing it is in no way a solution & a million miles from complying with LTN 1/20. As it stands, the junction continues to be less than ideal for ALL users – public transport, motorists, cyclists and pedestrians.

This episode highlighted a multitude of missed opportunities, but such failures are echoed in other works around the city, whether it is woeful pedestrian/cyclist alternatives during Gaol Ferry Bridge works, the Chocolate Path (coming up to 5 years out of action!), proposals for Whiteladies Rd cycle lane removal, the St Luke's Rd crossing doldrums.. Let alone the citywide proliferation of dangerous pavement parking getting almost no attention and still no updated Bristol Cycling Delivery Plan (more



on that coming soon!). It feels like ineffective fire fighting, being reactive rather than proactive, and none of it seems to work for residents of Bristol.

So, the questions:

- **What lessons have been learned from the junction works?**
- **Can you identify why works in Bristol have such a tendency to overrun?**

Suggested reply:

- **This was first traffic signal job by our new framework contractor. They have also learned some lessons and will be approaching the works in future with more resources.**
- **Original programme was 12 weeks - it took 18. The contractor had issues sourcing materials such as concrete and tarmac, they had resources issues getting the actual labour to do the job, experienced issues with equipment such as temporary signals, they had to hand dig more than they anticipated owing to underground services. All these are valuable learning points for them.**
- **We have raised with their directors our robust view that this is not acceptable due to the implications the works caused on the network and in future and I expect better programming and commitment from them.**



QUESTION PQ11

Subject: Avon Crescent

Question submitted by: Martin Rands

In 2013 local residents were called to the Nova Scotia pub to be told by Bristol City Council officers that the Metrobus AVTM scheme would be built opposite Avon Crescent. The purpose of this meeting was to inform residents that Avon Crescent would become a shared space, where all motor vehicles, pedestrians and cyclists would have an EQUAL right to use ALL the space (pavement and highway) Trees would also be planted to improve the streetscape and to mitigate for environmental and heritage damage.

Metrobus has been built, but not shared space at Avon Crescent, which is a breach of a planning obligation.

I would like to ask the Mayor and Transport cabinet member why this breach of 2014 planning consent has not been enforced in relation to Avon Crescent?

If planning obligations are not enforced, it makes the whole Bristol City Council planning process unfit for purpose, and will undermine public trust in future schemes being built, as described and specified.

Reply:

- **There is not a breach of planning consent.**
- **It is closed to through traffic**
- **The proposed bus gate on Cumberland Rd is due to be implemented when the chocolate path works complete in March 2023**



QUESTION PQ12

Subject: St George Park

Question submitted by: Rob Bryher

Question 1

My children use the toddler swings in St George Park on a regular basis. I appreciate that the council acted with safety as the first priority in their recent removal and I'm very thankful for their swift action.

However, I have not received any reassurance through emailing the council that the wooden frame and swings will be replaced in the play park.

The community-led group Play in St George Park are attempting to raise funding to transform the play park, but I'm sure the Mayor would agree that it is councils that should be able to fund parks.

Please can the Mayor tell me when the frame and toddler swings are likely to be replaced?

Reply:

I think we should be able to fund parks, but council budgets are being constantly shrunk. We spend £5m maintain our parks and it's a number that will have to reduce in the budget

That's why we need to elect a labour government that invests in local government. The council has a very limited budget available for replacing play equipment and play areas, that have reached the end of their useable life.

All of our repair and maintenance funding is committed this financial year, so we will be unable to replace the toddler swings frame before the end of March 2023. However, we have fitted a toddler seat in place of one of the three accessible swing seats in the play area, as a temporary measure.

We have been able to progress a replacement seesaw, for the one that was removed, but our funds cannot stretch to the swing frame at this time. We will prioritise replacing the swings, next year, if the Play in St George Park group are not successful in their fund raising.

Question 2



With the cost of updating St George Park play park likely to be somewhere in the range of £400,000, can the Mayor use the budget process this coming year to find funding for these necessary improvements? Or is there another avenue that can be explored to find funding

Reply:

There is very little prospect of it coming from the council budget.

Park improvements rely on funds made available through Councillor run Area Committees, from Section 106 and Community Infrastructure Levy (CIL) monies, the community can put forward proposals for consideration.

The Play in St George Park group are working in partnership with the Parks Service to fundraise resources for a new play area. They have already secured funds through the Area Committee process to extend the fenced off dog free area. They have submitted proposals for Area Committee 2022 funding (results due Nov/Dec 2022) and have also applied for external grants to reach the target amount needed.



QUESTION PQ13

Subject: Flood Zones

Question submitted by: Anita Bennett

Can Cllr Beech and Mayor Rees please explain in detail why there are ANY planning applications being considered for the highest risk flood zones BEFORE you have found what she is quoted in the Evening Post as Bristol needing £81 million for its share to build the officially required flood protections? Surely that risks future lawsuits by developers, residents, environmentalists, and citizens, doesn't it? Please provide your detailed strategy to solve this contradiction.

Reply:

BCC as a Local Planning Authority has a duty to determine any planning application submitted to them in accordance with an adopted development plan

If the LPA fail to determine the application within the relevant timeframe, or an application is refused, the applicant has the right to submit an appeal to the Secretary of State, who will then determine that application

National and local planning policy make it clear that development must be made safe from the risk of flooding. While we are working hard to secure the funding to deliver our preferred long-term approach to better protect Bristol from the risk of flooding, planning applications submitted in the meantime must be considered on their own merits based on the site-specific flood risk mitigation included within the proposals

A [planning position statement](#) was approved at the October cabinet meeting that sets out adopted and emerging planning policy position in respect of managing flood risk in Bristol.



QUESTION PQ14

Subject: Trees in Easton

Question submitted by: Rachel Horsington

As you know and have been made aware of by Easton residents Easton needs and wants street trees. Easton has only a handful of streets with a tree on it and there are practically no grass verges in Easton which means for all intensive purposes Easton is excluded from tree planting schemes. You said you would consider the idea of digging into concrete etc when I brought Easton's exclusion to the tree planting scheme to your attention. What is your decision on this matter?

Reply:

We've planted some 80,000 new trees since taking office and are ramping up efforts to plant even more trees right across our city.

Generally, trees can be planted within pavements, where wide enough, or within the road subject to review of constraints such as under-ground services, impact on road safety and whether there is support for tree planting within the streets. In addition to the cost of a tree (currently £295), there is an additional cost to construct a tree pit which will need to be funded. Residents can request to plant and sponsor a tree via Trees for Streets.

The Council will, in due course, also advertise a fixed cost to plant a tree that requires a tree pit – as well as adding a crowd funding option to the site.

We're looking at our budget – trees will be one of many priorities in that, but trees aren't free, and aren't the only city priority.



QUESTION PQ15

Subject: Bristol to Bath Cycle Path

Question submitted by: Rachel Horsington

The stretch between greenback and Old market is a very busy route with 1000's of people using it every week. Despite this there are barely any bins along it- especially between the City Academy turning and town. This is approx one kilometer with no provision at all for litter disposal. It seems wishful thinking that 1000's of people will take their rubbish home with them and clearly many people don't judging by the mess it is constantly is in. People litter because it's convenient so it's important make litter disposal convenient, how? By providing more bins. Bristol waste said they want more bins on the path but that it is a council decision. So my question. Can we have lots more bins and emptying of bins on the railway path please?

Reply:

I have a different theory about why people litter - I think it happens because they're lazy and don't care about their city.

The litter bins on the Bristol to Bath Cycle Path were installed with the creation of the cycle path.

BCC and Bristol Waste Company are reviewing the approach for the distribution of litter bins. As part of that work will review the suggested section of the cycle path to identify any suitable locations for litter bins.

Bins aren't free – they're not free to install, and not free to empty. The only way we make Bristol cleaner is by getting people to take responsibility.



QUESTION PQ16

Subject: Chelsea Park Colston Road Trees

Question submitted by: Sarah Middleton

We're delighted to see the mayor is in support of street trees in Bristol neighbourhoods (twitter 18th September 22)

In Chelsea park and Colston road we have a strong community of residents who are determined to improve our neighbourhood with street trees.

1. street trees will improve air quality (which is poor in easton - pollution is high).
2. cool the neighbourhood during the summer - especially important during intense heat waves
3. extend wildlife habitat connected to the cycle path green corridor
4. help our area to look and feel more beautiful and welcoming.
5. local residents will be happy to water new trees for the initial years whilst they become established.

We have a strong community spirit in our area and have a track record of organising events together and being supportive to create a better neighbourhood.

We need at least 20 trees on Colston road and Chelsea park. The exact location of the street trees will depend on practicalities, so we are flexible on this.

However we request pavement build outs to ensure enough space is made for the trees. We have the support of our councillor Barry Parsons on this.

This is a project close to my heart which I would love to see take place here in my neighborhood in Easton. Please advise what are the next steps we need to take to get street trees planted on Chelsea park and Colston road in Easton?

Reply:

We've planted some 80,000 new trees since taking office and are ramping up efforts to plant even more trees right across our city.

Generally, trees can be planted within pavements, where wide enough, or within the road subject to review of constraints such as under-ground services, impact on road safety and whether there is support for tree planting within the streets.

In addition to the cost of a tree (currently £295), there is an additional cost to construct a tree pit which will need to be funded. Residents can request to plant and sponsor a tree via Trees for Streets. The Council will, in due course, also advertise a fixed cost to plant a tree that requires a tree pit – as well as adding a crowd funding option to the site.

More widely, the Area Committees (made up of councillors) met over the summer to allocate Section 106 (s106) monies available to them for tree replacement. Area Committee 4, which includes Easton ward, committed just under £93,000 of the more than £163,000 available to it, to plant 56 trees. Only one of these trees was for Easton – Owen Square Park – due to the conditions attached to s106 agreements requiring



replacements to be planted within a one mile radius of the development which incurred the s106 contribution.

As of 30 September, Area Committee 4 also held a further £973,000 of Community Infrastructure Levy (CIL) monies to allocate (the majority of which is held for the Old Market Neighbourhood Plan Area).



QUESTION PQ17

Subject: Gender Identity

Question submitted by: <name redacted>

1) A Gender Identity Ideology typically includes some of the following tenets :

- Sex is not binary but a spectrum
- Everyone has a gender and there are over 100 genders (the BBC) or an infinite number of genders (University of Essex)
- There are people who are non-binary - presumed to mean neither male or female (and to be discovered by gender identity)
- Everyone has a gender identity and this enables a person to discover their gender by introspection
- Some people are a man on one day and a woman on the next day depending on how they feel
- A trans woman is literally a woman
- Some lesbians have a penis and testicles
- A woman is any person who sincerely asserts that they are a woman
- Some children are trans and if they say they are then that belief must be affirmed
- Puberty blockers are completely safe
- It is a matter of celebration and not concern that there has been a 7000% increase in pubescent girls who believe they are boy and seek medical intervention
- Trans women should compete in women only sports because they are women
- The only way to show understanding or compassion is to agree with whatever Stonewall says
- There should be no discussion with gender critical people because they deny that trans people exist
- Gender critical people are motivated by transphobia

If an employee or teacher, in an appropriate manner and in the appropriate circumstances etc were to express concerns that such an ideology involves muddled thinking. and has a chilling affect on general discourse and could potentially contain misogynistic, reductive and homophobic elements, then would they be at risk of any detriment?

(Imagine a 3 hour training session at the end of which everyone was asked to express their honest views and an employee politely and gently stated their view)

Reply:

We have recently completed a public consultation on a draft Trans Inclusion and Gender Identity policy that we are developing to provide clarity on how best to support trans and gender-diverse service users and citizens, as well as making sure other characteristics including sex-based protections are correctly and lawfully accounted for in any approach we take.

This draft policy explicitly recognises that gender critical beliefs are protected under the characteristic of Religion and Belief, and that expressing such views should not necessarily be considered hate speech or motivated by transphobia. However, these rights cannot be used as a justification for discrimination, harassment or prejudice directed against any group or individuals.



2) Presuming that subsequent to the Forstater judgement and a proper understanding of the Human Rights Act the answer is "No", then given the tone, tenor and content of the Silver Motion agreed on 5th July 2022, what actions does the Council intend to take to reassure employees and teachers that their right to freedom of expression is protected and that they are not obliged to believe in a Gender Identity Ideology?

Reply:

The motion is not binding on council policy. Which motions are heard and debated by Full Council is a matter for the Lord Mayor and the Party Group Leaders

It's worth noting that the Forstater judgement included a comment that gender critical beliefs "may well be profoundly offensive and even distressing to many others, but they are beliefs and must be tolerated in a pluralist society". The consultation responses will be taken into consideration when finalising the policy and a consultation report will be published.



QUESTION PQ18**Subject: Legality of Silver Motion****Question submitted by: Clarissa Payne**

Dear Cllr Cheney,

This is the text of the advice that the South Oxfordshire received from their Monitoring Officer on 7th October 2021.

"Good evening councillors,

I have asked the Chair if I may have the opportunity of addressing Council regarding the motion to Council on the 22December 2020 entitled:

Council notes that Trans people face significant disadvantage in society".

I will be happy to discuss any issues regarding this statement with members outside the meeting, but I am not able to answer any questions during the meeting.

A corporate complaint was made regarding the motion by a resident, and I reviewed the background to the resolution and complaint shortly after I came into post. I have not upheld the complaint, and this was communicated to the complainant in my letter of the 23 of September 2021.

As a starting point, it is my view that the motion was clearly one which Council was lawfully entitled to accept and make a resolution upon. The motion was political in nature, intended to be aspirational, was clearly something of relevance to the Council and was non-binding in nature or legal effect.

However, and perhaps understandably for a political motion, the wording of three elements of the resolution lacked legal precision in terms of definitions and impact.

This is certainly not a criticism - this is the nature of political discourse, politicians raise issues of genuine concern by way of motion as part of the democratic process.

As an aside, I am more than happy to help with the drafting of motions should any member require it, indeed, I would prefer to be involved at the formative stage of a motion.

I need to outline to Council for the record, the interpretation that we must place on certain elements of the resolution made. This is to ensure that there is no doubt about the considerations members and officers consider when making decisions around service provision.

Firstly, it is important that I make it clear that Council motions do not and cannot legally bind the Executive in relation to executive functions. In other words, the Council resolutions did not override or affect the lawful exercise of the Council's public functions in relation to the provision of services, and no services have been affected by the resolution.

In short, the terms of the resolution must be read in the context that it is always subject to an implied requirement to act lawfully.

I would therefore provide clarity around the following elements of the resolution as follows:

"[t]rans men are men, trans women are women and that non-binary genders are just as valid"

The intent of the motion and the statements was to demonstrate support and solidarity with trans people. It was not intended to be an assertion of biological / and or social / and or legal fact.

However, for the purposes of making decisions around service provision, the Council is only permitted to legally recognise someone's sex as that recorded at birth unless a gender recognition certificate has been issued.

The Equality Act is also clear that the right to recognition in one's acquired sex is not absolute and there will be circumstances where the Council must recognise that there is a necessity for segregation in order to give due consideration to other protected characteristics such as religion or belief.



Whilst I recognise that the intent of the motion was to demonstrate support and seek to address disadvantages in society, the statement in relation to non-binary genders is legally incorrect because there is – perhaps currently - no legal recognition of such identity. As such, the Council cannot legally consider non-binary genders as a factor when making decisions.

“Ensure that all Council services, both directly provided and through partners, are fully accessible to all, regardless of their sexuality or gender identity”

I understand that the intent of the wording was to ensure that all services are fully accessible to all and is again intended to set out the Council’s commitment to the PSED.

There is a potential for this to be read as providing precedence to the protected characteristics of sexual orientation and gender re-assignment which, though not the intention, needs to be clarified. Essentially, the way in which this would be applied is that services would be accessible to all in accordance with the law and officers would ensure that there would be no unintended consequences.

“that the Council’s constitution, policies, forms, and all internal and external communications are gender neutral”

The Council cannot legally commit to gender neutrality as suggested by the resolution. Again, I entirely accept and appreciate that this element was intended to demonstrate solidarity with trans people, but it could lead to unintended consequences in the unlikely event it was interpreted in too restrictive a way.

It would be a disproportionate approach in that it goes beyond that which might reasonably be regarded to protect the rights of trans people without apparent consideration for the rights of others. Thank you”.

Would you please ask the Bristol City Monitoring Officer to comment on the contents and legality and meaning of the 5th July Silver Motion (agreed without a Equalities Impact Assessment)?

Reply:

Council motions are reviewed by the Council’s Monitoring Officer prior to publication. The Monitoring officer was satisfied that the motion was not unlawful and this remains the case.

The motion is not binding on council policy. Which motions are heard and debated by Full Council is a matter for the Lord Mayor and the Party Group Leaders

