

**Democratic Services**

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Date: 2 September 2015

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**To: All Members of the Council**

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Council: Thursday, 10th September, 2015**

You are invited to attend a meeting of the **Council** to be held on **Thursday, 10th September, 2015 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Refreshments will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Jo Morrison  
Democratic Services Manager  
for Chief Executive

**Please note the following arrangements for pre-group meetings:**

<b>Conservative</b>	<b>Brunswick Room, Ground Floor</b>
<b>Liberal Democrat</b>	<b>Kaposvar Room, Floor 1</b>
<b>Labour</b>	<b>Labour Group Room, Floor 2</b>
<b>Independent &amp; Village Voice</b>	<b>Independent Group room</b>
<b>Green</b>	<b>Green Group room, Floor 2</b>

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

**Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and officers, papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

### 3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Tim Warren (Conservative Group), Dine Romero (Liberal Democrat Group), Robin Moss (Labour Group), Sarah Bevan (Independent & Village Voice Group) and Jonathan Carr (Green Group)
5. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
6. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.
7. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

## 8. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

9. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

**A G E N D A**

**1. EMERGENCY EVACUATION PROCEDURE**

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 8.

**2. APOLOGIES FOR ABSENCE**

**3. DECLARATIONS OF INTEREST**

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

**4. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

**5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

**6. MINUTES - 16TH JULY 2015 (Pages 9 - 20)**

Both minutes of Special and Ordinary meeting to be confirmed as a correct record and signed by the Chairman.

**7. SYRIAN REFUGEES - REPORT ON PROGRESS**

At the last Council, Members requested an update at this meeting on progress with

requested actions. The following points are set out below for information;

- A letter was written to the Home Office as requested. A response has been received recently, setting out requirements for Local Authorities. Officers are considering this and discussing with partners as required by the Home Office, with a view to making recommendations to Cabinet;
- The Chief Executive has been in contact with Citizens UK and will be meeting with them shortly.

8. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

9. APPROVAL TO APPLY TO DESIGNATE FIRS FIELD AS A CENTENERY FIELD (Pages 21 - 26)

Fields in Trust has launched a new initiative called Centenary Fields, to protect and preserve the UK's war memorial fields, parks and green spaces that include war memorials and other valued green space with significance to World War I. Designated sites would be protected in perpetuity through a legal deed of dedication between the Council and Fields in Trust.

Following discussions with officers and local consultation with the Friends of Firs Field, it is proposed that Firs Field would be ideal for this programme. The Cabinet will consider this matter at its meeting on 9 September and its views and decision will be available to the Council meeting.

10. CORPORATE AUDIT COMMITTEE ANNUAL REPORT (Pages 27 - 34)

The Corporate Audit Committee has specific delegated powers given to it from Full Council and as such is required to report back annually to Council under its Terms of Reference. This is the Annual Report of the Committee which details its work over the last year.

11. AMENDMENTS REQUIRED TO THE CONSTITUTION (Pages 35 - 44)

These recommendations are being made as the Constitution needs to reflect the current best practice and other required amendments

12. MOTION FROM THE LIBERAL DEMOCRAT GROUP - HOUSING (Pages 45 - 46)

13. MOTION FROM THE GREEN GROUP - GULLS & WASTE (Pages 47 - 48)

14. MOTION FROM THE CONSERVATIVE GROUP - DORCHESTER STREET BUS GATE (Pages 49 - 50)

15. MOTION FROM LIBERAL DEMOCRAT GROUP - FRACKING

16. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

# **Protocol for Decision-making**

## **Guidance for Members when making decisions**

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MINUTES OF COUNCIL MEETING**

Thursday, 16th July, 2015

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Paul Crossley, Sally Davis, Douglas Deacon, Michael Evans, Andrew Furse, Ian Gilchrist, Francine Haerberling, Alan Hale, Liz Hardman, Steve Hedges, Eleanor Jackson, Marie Longstaff, Barry Macrae, Paul Myers, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, David Veale, Martin Veal, Geoff Ward, Tim Warren, Jasper Becker, Colin Blackburn, Jonathan Carr, Matt Cochrane, Fiona Darey, Matthew Davies, Bob Goodman, Donal Hassett, Deirdre Horstmann, Steve Jeffries, Paul May, Shaun McGall, Michael Norton, Lisa O'Brien, Lin Patterson, Christopher Pearce, Joe Rayment, Mark Shelford, Peter Turner, Karen Walker, Karen Warrington and Alison Millar

Apologies for absence: **Councillors** Charles Gerrish, Les Kew, Robin Moss, Chris Watt, Chris Dando and Emma Dixon

**15 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure, as set out on the agenda.

**16 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the customary announcements regarding the meeting being webcast, and mobile phones being switched to silent/off.

**17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

**18 APPOINTMENT OF HONORARY ALDERMEN**

The Chairman invited Councillor Warren, as Leader of the Council, to move the motion which was seconded by Councillor Pritchard and supported by Councillors Haerberling and Crossley.

It was then unanimously

**RESOLVED** that the former B&NES Councillor Malcolm Hanney should have conferred on him the title of Honorary Alderman in recognition of his eminent and distinguished service to the Council.

The Chairman invited Councillor Warren, as Leader of the Council, to move a further motion which was seconded by Councillor Longstaff and supported by Councillors May and Nigel Roberts and further unanimously

**RESOLVED** that the former B&NES Councillor Peter Edwards should have conferred on him the title of Honorary Alderman in recognition of his eminent and distinguished service to the Council

Each former Councillor received a scroll and badge honouring their appointment from the Chairman, signed their names in the official register and addressed the Council.

The meeting ended at 6:50pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **MINUTES OF COUNCIL MEETING**

Thursday, 16th July, 2015

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Paul Crossley, Sally Davis, Douglas Deacon, Michael Evans, Andrew Furse, Ian Gilchrist, Francine Haerberling, Alan Hale, Liz Hardman, Steve Hedges, Eleanor Jackson, Marie Longstaff, Barry Macrae, Paul Myers, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, David Veale, Martin Veal, Geoff Ward, Tim Warren, Jasper Becker, Colin Blackburn, Jonathan Carr, Matt Cochrane, Fiona Darey, Matthew Davies, Bob Goodman, Donal Hassett, Deirdre Horstmann, Steve Jeffries, Paul May, Shaun McGall, Michael Norton, Lisa O'Brien, Lin Patterson, Christopher Pearce, Joe Rayment, Mark Shelford, Peter Turner, Karen Walker, Karen Warrington and Alison Millar

Apologies for absence: **Councillors** Charles Gerrish, Les Kew, Robin Moss, Chris Watt, Chris Dando and Emma Dixon

#### **19 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure, as set out on the agenda.

#### **20 DECLARATIONS OF INTEREST**

Maria Lucas, Monitoring Officer, granted a general dispensation for all members, and declared an interest for officers, in respect of membership of the Avon Pension Fund – item 11.

Councillor Eleanor Jackson declared an “other” interest in item 16 (Syrian Refugee motion) as Chair of Christians Together in Radstock and Westfield.

Councillor Geoff Ward declared an “other” interest in item 9 (Joint Health & Wellbeing Strategy) as Commercial Chairman for the Chartered Institute of Environmental Health. (This declaration was made at item 9.)

#### **21 MINUTES - 21ST MAY 2015**

On a motion from Councillor Tim Warren, seconded by Councillor Eleanor Jackson, it was

**RESOLVED** that the minutes of 21<sup>st</sup> May 2015 be approved as a correct record and signed by the Chairman.

#### **22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

**23 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman invited the Council to stand in silence as a mark of respect following the death in June of former Councillor and Eastbourne MP David Bellotti, and in May, of former Avon County Councillor and Kingswood and Wansdyke MP Jack Aspinwall.

The Chairman made the customary announcements regarding the webcast and mobile phones.

The Chairman invited Councillors to two future events; a civic celebration on October 25<sup>th</sup> and a charity fundraiser on April 16<sup>th</sup>. Everyone was invited and more details would follow.

Finally, the Chairman congratulated the Council's Planning department for winning the 'Excellence in decision making' award from the Royal Town Planning Institute.

**24 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Peter Travis made a statement to Council in the place of David Redgewell. He referred to discussions that were taking place between David and First Group about cuts to services in the South West. He referenced issues within David's statements which had previously been circulated to Members and highlighted specific cuts to the bus service that serves the village of Rode. He called upon Members to lobby to urgently re-think the reduction in the 267 bus service.

There were no factual questions from Group Leaders. The statement was referred to the Cabinet Member for Transport.

**25 OPTIONS TO STRENGTHEN COMMUNITY REPRESENTATION AND CIVIC GOVERNANCE WITHIN BATH**

The Council considered a report inviting endorsement of the establishment of a new Bath City Forum to strengthen community representation and civic governance in Bath.

On a motion from Councillor Tim Warren, seconded by Councillor Patrick Anketell-Jones, it was

**RESOLVED**

1. To note the evidence base prepared by the Council's Working Group on options to strengthen community representation and civic governance within Bath;
2. To endorse the establishment of a Bath City Forum, as set out in in paragraph 5.10 of the report, as an advisory body only, with no delegated powers;

3. To agree the draft Terms of Reference of the Bath City Forum set out in Appendix 1, with the addition under 13.3 of “(vi) Agree the main issues and topics it wishes to consider over the coming year, with particular reference to the distinctive urban issues affecting Bath”;
4. That, in respect of Section 9 (Chair and Vice Chair) of the Terms of Reference set out at Appendix 1, the following sentences be added to paragraph 9.1;  
  
*“Both the Chair and Vice Chair shall be drawn from the 12 elected Bath and North East Somerset Councillors serving as members of the Bath City Forum. The Chair and Vice Chair shall not be drawn from the same political group.”*
5. To authorise the Chief Executive, in consultation with Group Leaders, to make any minor amendments to the Terms of Reference, with any significant changes being reserved for Council;
6. That non-Councillor members are to be selected through an open and transparent process;
7. To thank the members of the working group for their deliberations; and
8. To thank local residents and parish councils for their contributions to the process.

(Notes;

- 1 The wording at resolution at 4 above was proposed by Councillor Joe Rayment and accepted into the body of the motion by Councillor Tim Warren;
- 2 The wording at resolution 6 above was part of an amendment proposed by Councillor Paul Crossley and accepted into the body of the motion by Councillor Tim Warren;
- 3 During debate, an unsuccessful amendment was moved by Councillor Paul Crossley, seconded by Councillor Nigel Roberts, which suggested specific responsibilities for the Forum could be delegated covering CIL, Heritage, Transport etc. The amendment was lost with 16 Councillors voting in favour, 40 against and 3 Councillors abstaining.
- 4 The substantive motion was carried with 42 Councillors voting in favour, 15 voting against and 2 Councillors abstaining.)

## **26 BATH & NORTH EAST SOMERSET JOINT HEALTH AND WELLBEING STRATEGY**

The Council considered the refreshed Bath and North East Somerset Joint Health & Wellbeing Strategy, first published in November 2013.

On a motion from Councillor Vic Pritchard, seconded by Councillor Francine Haeberling, it was (unanimously)

**RESOLVED** to adopt the refreshed Bath and North East Somerset Joint Health and Wellbeing Strategy (which will form part of the Council’s Policy & Budget framework).

## **27 YOUTH JUSTICE PLAN**

The Council considered the Youth Justice Plan 2015-16 which had previously been endorsed by the Cabinet at its meeting on 8<sup>th</sup> July.

On a motion from Councillor Michael Evans, seconded by Councillor Lisa Brett, it was (unanimously)

**RESOLVED**

1. To agree that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the national Youth Justice Board for England and Wales;
2. To agree that the Youth Justice plan can be accommodated within the Council budget;
3. That the Youth Justice plan is adopted as part of the Council's Policy & Budget framework; and
4. That the relevant Policy Development and Scrutiny Panel oversees progress and performance.

**28 AVON PENSION FUND COMMITTEE ANNUAL REPORT**

The Council considered the annual report of the Avon Pension Fund which details the work undertaken in the previous twelve months, and makes reference to the future work programme.

On a motion from Councillor David Veale, seconded by Councillor Shaun McGall, it was (unanimously)

**RESOLVED** to note the report.

**29 TREASURY MANAGEMENT OUTTURN REPORT 2014/15**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2014/15.

On a motion from Councillor Tim Warren, seconded by Councillor Paul May, it was

**RESOLVED** (unanimously)

1. To agree that the 2014/15 Treasury Management report to 31<sup>st</sup> March 2015, prepared in accordance with the CIPFA Treasury Code of Practice, is noted; and
2. To note the 2014/15 Treasury Management Indicators.

**30 WEST OF ENGLAND STRATEGIC LEADERS BOARD**

The Council considered a report regarding governance arrangements for the Local Enterprise Partnership, in particular the West of England Strategic Leaders Board.

On a motion from Councillor Paul Myers, seconded by Councillor Patrick Anketell-Jones, it was

**RESOLVED**

1. To note the constitution of the Strategic Leaders Board (SLB) (Appendix 1) and agree to delegate to the SLB the necessary powers to take any decisions required to deliver the Strategic Economic Plan (SEP);
2. To appoint the Leader to the SLB;
3. To agree that the Head of Legal and Democratic Services, in consultation with the Leader and the Chief Executive, be authorised to agree and settle the terms of any future Joint Working Agreement(s) for the SLB as and when required;
4. To adopt the revised Terms of Reference for the West of England Joint Scrutiny Committee (Appendix 2);
5. To delegate authority to the Chief Executive to participate in the Investment Awards Board; and
6. That the minutes of the West of England Strategic Leaders' Board shall be reported to Cabinet for noting.

(Note;

- 1 *The wording in resolution 6 above was proposed by Councillor John Bull and accepted into the body of the motion by Councillor Tim Warren.*
- 2 *The substantive motion was carried with 44 Councillors voting in favour and 14 Councillors abstaining.)*

**31 AMENDMENTS REQUIRED TO THE CONSTITUTION RELATING TO THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATION 2015 AND THE RE-STRUCTURING IMPLEMENTATION COMMITTEE**

The Council considered a report seeking amendments to the Constitution required by regulations, and ensuring the Re-structuring Implementation Committee reflects the structure of the Council.

On a motion from Councillor Tim Warren, seconded by Councillor Dine Romero, it was (unanimously)

**RESOLVED** to agree the required changes to the Constitution set out in Appendix 1 of the report.

**32 MOTION FROM THE LABOUR GROUP - DEVOLUTION**

An officer briefing note on devolution had been circulated.

On a motion from Councillor John Bull, seconded by Councillor Liz Hardman, it was

**RESOLVED** as set out below;

This Council recognises that the West of England is a local economic area with over 90% of its residents working within its area. It is the only City Region outside London to be a net contributor to national resources and its four local authorities must not miss out compared to other parts of England in terms of the devolution of power and resources.

The partnership between our four local authorities is our key external relationship. We are proud of the heritage and distinct identity of our own district and respect those of the other three West of England authorities.

Council commits to looking favourably on any proposals for devolution that pass the tests of democracy, accountability and scrutiny. True devolution should be about all local services and how to give local people and their elected representatives a greater say on how they are run.

Council believes that the West of England local authorities have demonstrated that they can work constructively within existing structures. We want to see an approach to devolution that is focussed on building upon this co-operation rather than imposing new governance arrangements.

Council believes that devolution and co-operation should extend beyond the current range of local services. We want to see decision-making powers over skills and local bus and rail services delegated to a more local level, better co-ordination and partnership across the range of public services, including health and policing and a more strategic overview and assessment of housing and especially affordable housing. We also want to see greater powers of scrutiny over the Local Economic Partnership and other decision-making bodies spending public money.

Council resolves to adopt these principles in any discussions on the shape of devolution for the West of England. Council further resolves to communicate this vision to Central Government and to ask our local MPs to share this vision and communicate it to Ministers.

Council resolves to urge Central Government to offer far greater control of local finances to local authorities, including the further localising of business rates.

Council confirms its opposition to a 'Metro Mayor' for the West of England and calls on Central Government to offer our sub region a full model of devolution at least equal to that offered to other parts of England that does not impose this unwanted structure on the West of England.

Council notes the work already being undertaken by the four UAs in the West of England area, including through the Strategic Leaders Board, to pursue greater devolution for the West of England area whilst maintaining the distinctiveness of the four different authorities and separate democratic arrangements of the four Councils;



Council notes the joint working that has already commenced between the four UAs to establish a structure which can enable the West of England to take advantage of greater devolution, and that the four authorities have confirmed their aim of securing a structure which does not involve a Metro Mayor.

(Notes;

- 1 *The final two paragraphs of the resolutions were proposed by Councillor Tim Warren and accepted by Councillor John Bull.*
- 2 *The resolutions were carried with one abstention and all remaining Councillors voting in favour.)*

### **33 MOTION FROM THE LABOUR GROUP - SYRIAN REFUGEES**

An officer briefing note on this subject had been circulated.

On a motion from Councillor Tony Clarke, seconded by Councillor Mark Shelford, it was

**RESOLVED** (unanimously) as set out below;

1. Council notes that over 6 million people have been displaced in Syria and over 3 million people have fled to nearby countries.
2. Council notes that, as of March 2015, 187 Syrian people had been resettled in the UK through the government's "vulnerable persons relocation scheme", while Germany and Sweden have resettled nearly 100,000 Syrian people between them.
3. Council welcomes the work that Citizens UK is undertaking to highlight this issue.
4. Council notes the large sums of humanitarian aid the UK Government has committed to the relief effort, which has included £378 million for humanitarian aid within Syria itself and £422 million for neighbouring and nearby countries.
5. Council notes that the resettlement of refugees is predominantly a matter for central Government through the Vulnerable Persons Relocation Scheme.
6. Council notes the lack of ongoing funding available under the Vulnerable Persons Relocation Scheme, particularly given the high level of support needs of those relocated under this programme.
7. Council notes that, whilst some Councils have agreed to take a small number of refugees, a number of Councils have also highlighted this concern with central government.
8. Council therefore resolves to:
  - 1) write to the Home Office asking for clarification of the details of the scheme, including cost implications, as well as their advice as to the suitability of this scheme in Bath & North East Somerset, particularly

given the high level of specialist support many of these vulnerable refugees are likely to need.

- 2) offer to meet with Citizens UK to explore the assistance they can provide to Councils in respect of this issue.
  - 3) taking account of the above, subsequently consider the suitability of this scheme in Bath & North East Somerset, including whether any suitable accommodation would be available in the area and whether the Council or its partners can provide the specialist support that may be required to these vulnerable refugees; and
9. that Council receives a report back to its next meeting detailing progress on the actions in resolutions 8 1) – 8 3) above.

(Notes;

- 1 *Opening the debate, a motion was moved by Councillor Joe Rayment, and seconded by Councillor Eleanor Jackson, asking for a willingness to accept 50 refugees. This motion was replaced with the successful amendment.*
- 2 *The Conservative amendment was carried with 32 Councillors voting in favour and 25 against.*
- 3 *Resolution 9 above was proposed by Councillor Shaun McGall and accepted into the body of the substantive motion by Councillor Tony Clarke).*

### **34 MOTION FROM THE LIBERAL DEMOCRAT GROUP - HUMAN RIGHTS ACT**

An officer briefing note on this issue had been circulated. During the debate on this item, Councillor Tim Warren moved, seconded by Councillor Martin Veal, that the meeting continue until 10.10pm in accordance with Council rule 48. This was accepted by the meeting.

On a motion from Councillor Michael Evans, seconded by Councillor Michael Norton, it was

**RESOLVED** as set out below;

#### **Council notes:**

- That from the Magna Carta in 1215 to the signing of the European Convention on Human Rights in Rome in 1950, Britain has a long and proud history of protecting human rights.
- That the 1998 Human Rights Act, as a piece of domestic legislation, is distinct from the 1950 European Convention on Human Rights (ECHR), and therefore the two should not be confused.
- That the 1998 Human Rights Act goes beyond the UK's obligations under the ECHR, for instance in that the ECHR does not require the jurisprudence of the Strasbourg Court to be directly binding on domestic courts in the way the Human Rights Act incorporates.

- That the 1998 Human Rights Act is not the only mechanism available to protect and promote human rights in the UK.
- That it does not follow that a British Bill of Rights would be incompatible with the UK's obligations under the ECHR and that the Government's stated intention is to incorporate the principles of 1950 Convention into the proposed British Bill of Rights.

**Council believes:**

- That protecting and promoting human rights is a hallmark of a civilised and democratic society.
- That replacing the Human Rights Act with a British Bill of Rights would give greater clarity to the public over the balance between rights and responsibilities in Britain, whilst both protecting fundamental human rights and reaffirming the sovereignty of the UK Parliament, as well as affirming the jurisdiction of the UK Supreme Court as the ultimate arbiter of human rights matters in the UK.

(Notes;

- 1 *Opening the debate, a motion had been moved by Councillor Lisa Brett and seconded by Councillor Cherry Beath, asking Council to oppose the repeal of the Human Rights Act. This motion was replaced with the successful amendment.*
- 2 *The Conservative amendment was carried with 32 Councillors voting in favour and 24 Councillors voting against.*
- 3 *The substantive motion was carried with 32 Councillors voting in favour and 24 Councillors voting against.*
- 4 *During the debate, a point of order (4(A), rule 36) was raised by Councillor Joe Rayment that the amendment constituted a direct negative of the motion. The Monitoring Officer advised that it was not a direct negative and therefore the amendment was valid.)*

The meeting ended at 10.08 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	10 <sup>th</sup> September 2015	
TITLE:	Transforming Firs Field into a Centenary Park	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: N/A		

## 1 THE ISSUE

- 1.1 Fields in Trust has launched a new initiative called Centenary Fields, to protect and preserve the UK's war memorial fields, parks and green spaces that include war memorials and other valued green space with significance to World War I.
- 1.2 Designated sites would be protected in perpetuity through a legal deed of dedication between the Council and Fields in Trust.
- 1.3 Following discussions with officers and local consultation with the Friends of Firs Field, it is proposed that Firs Field would be ideal for this programme.
- 1.4 The Cabinet will have considered the matter at its meeting on 9 September and its views and decision will be available at (or before) the Council meeting.

## 2 RECOMMENDATION

- 2.1 Subject to the outcome of the Cabinet meeting of 9 September, that the Council enters into a legal deed of dedication giving Centenary Field designation to Firs Field, subject to discussion with the Charity Commission
- 2.2 That the Council recommends that the Leader of the Council agrees, on behalf of the Council as corporate trustee, to include the land held on trust within this designation, on the basis that Centenary Field designation will appropriately serve the aims of the trust created.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no additional resource implications in designating the site as it is currently managed and maintained by the Council's Parks Service.
- 3.2 The site will continue to be the responsibility of the Council to maintain, there is therefore no expected change to the costs of this site within the Parks budget, however the maintenance costs would become a continuing budget requirement in perpetuity - in line with the deed of dedication.
- 3.3 The costs associated with the process are any legal costs; the installation of the commemorative plaque (the plaque is provided free) and the cost of registering the resulting restrictions with the land registry approximately £80.00. Legal costs will be covered by the WW1 Centenary Budget held by the Arts Development Section.
- 3.4 The site will be designated in perpetuity and cannot therefore be sold or developed in the future without meeting specific criteria detailed in 5.7 below.
- 3.5 Fields in Trust is an external trust separate to the Council and there are therefore no implications for management and finance of the Trust itself.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The main consideration is that Members should be aware that this decision is in perpetuity and therefore may limit any development proposals of a future administration.
- 4.2 The Planning department have confirmed that this site is not required to meet any development needs identified in current or emerging plans.

### **5 THE REPORT**

- 5.1 This report is presented following representation by the Friends of Firs Field to designate the site as a Centenary Field.

#### **5.2 Background relating to the site's significance in relation to World War I**

At a meeting of discharged soldiers in February 1919, the men had asked that a Church Army hut should be built as a memorial to those who had died in the war, and as a place that ex-soldiers could use for recreation.

According to the Historical Guide to Monkton Combe, Combe Down and Claverton (1924) the Reverend Sweetapple was instrumental in arranging the purchase of Firs Field which then measured 4.75 acres. The Reverend Sweetapple is named in the first conveyance of 3<sup>rd</sup> March 1919 as purchasing the whole field from the

Misses Stennard, acting on behalf of the residents who had subscribed to the cost of the field. The larger part of Firs Field was conveyed to Monkton Combe Parish Council for £750.00 on 9<sup>th</sup> February 1920. The Misses Stennard kindly refunded £50.00 of the price to commemorate England's victory in the Great War and to keep in memory those who so bravely laid down their lives for their King and Country from the Parish of Combe Down.

The remainder of Firs Field continued to be held under a charitable trust but was finally conveyed to the Parish Council on 1<sup>st</sup> June 1965. A handsome memorial cross which still stands today was also erected in the Field along with a Church Army hut that was demolished in the 1960s.

Following several boundary changes and local government re-organisations, Bath and North East Somerset Council is now the statutory successor to the Parish Council and responsible for the management of Firs Field. Following a Counsel's Opinion obtained in 2009, the land conveyed in 1965 is deemed to be held by the Council on trust to provide a public recreation facility for the residents.

Harry Patch, known as the 'Last fighting Tommy' grew up on Combe Down and was called up in October 1916. He was sent to France in June 1917 and was wounded while serving in the Duke of Cornwall's Light Infantry. He returned to live in Combe Down village after the war. Harry Patch took part in the church service and the ceremony to unveil the war memorial on the 28<sup>th</sup> May 1921 and this is recorded movingly in his memoirs.

- 5.3 Firs Field has continued to be the centre of community life on Combe Down. Older residents - some the direct descendants of the original subscribers - have ensured that the story is known of how the field was bought by public subscription as a memorial to those who lost their lives in the First World War..
- 5.4 The Centenary Fields programme aims to protect at least one green space in every local authority area to commemorate the centenary of World War 1.
- 5.5 Fields in Trust exists to safeguard fields in perpetuity via a legal document called a deed of dedication through the Centenary Fields Programme and other similar initiatives.
- 5.6 Phase 1 began in April 2014 when first tier local authorities received an initial approach. Phase 2 began in November when Town and Parish councils were approached with a similar request to nominate suitable sites.
- 5.7 Fields in Trust want the network of Centenary Fields to be established by November 2018 with all deeds of dedication signed by this time. Any sites that have not completed the deed by this date will not be eligible to take part in the scheme.
- 5.8 Each application is assessed through a site visit after the application is filled out by the landowner evidencing ownership. The principal use of the site should be outdoor recreation, sport or play. The site must have public access and be accessible in terms of its location and affordability for the local community. Sites must also have local managers e.g. the council's Parks department. The Deed of Dedication must be agreed and signed within six months of submitting an application.

5.9 The site continues to be managed by the Local Authority and all aspects of the management and maintenance remain the same and will retain the name. The site will receive a commemorative plaque to be display denoting its status as a Centenary Field. The decision is legally binding in perpetuity and protects the site from future development or from being considered a disposable asset.

5.10 Fields in Trust does accept that on rare occasions communities change and land use changes accordingly. Parts of sites, or very rarely, whole sites can therefore be disposed of provided the disposal is of clear advantage to, and in the best interests of, the community from a recreational perspective. The criteria which Fields in Trust applies to replacement facilities are that they should be of:

- at least equal size
- better quality
- serving the same community in terms of catchment area.

5.11 Additionally, and very importantly, the entire proceeds of any disposal should normally be re-applied to new sport, recreation and/or play facilities, with priority given to outdoor before indoor facilities

## **6 RATIONALE**

6.1 This proposal has community support and is a positive way of commemorating local war heroes and the centenary of the Great War.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None.

## **8 CONSULTATION**

8.1 Friends of Firs Field, Monitoring officer, Section 151 officer, Planning Department, Property Services, Legal Services, Strategic Director Place.

8.2 The Charity Commission will need to be consulted to ensure there are no issues with this proposal from their perspective, in relation to the piece of land currently held in trust.

## **9 RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Michael Rowan 01225 396811</i>
<b>Background papers</b>	<a href="http://www.fieldsintrust.org/centenaryfields.aspx">http://www.fieldsintrust.org/centenaryfields.aspx</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	





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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	10 <sup>th</sup> September 2015	AGENDA ITEM NUMBER
TITLE:	Annual Report – Corporate Audit Committee	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Annual Report		

## **1 THE ISSUE**

- 1.1 The Corporate Audit Committee has specific delegated powers given to it from Full Council and as such is required to report back annually to Council under its Terms of Reference.
- 1.2 This is the Annual Report of the Committee which details its work over the last year.

## **2 RECOMMENDATION**

Council is asked to agree that:

- 2.1 The Annual Report of the Corporate Audit Committee is noted

## **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications relevant to this report

## **4 CORPORATE PRIORITIES**

- 4.1 Completion of the Corporate Audit Committee's work assists the organisation in efficiently and effectively contributing to the Council's priorities.

## **5 THE REPORT**

- 5.1 Appendix 1 details the tenth annual report of the Corporate Audit Committee since it was established by the Council on 12 May 2005. It reviews the work done by the Committee over the past 12 months, its future work plan, membership and support of the Committee.
- 5.2 The Committee's work has continued to develop as detailed at Appendix 1 and as part of its responsibilities it has reviewed its terms of reference and the key areas of responsibility are still considered appropriate and meet current best practice.
- 5.3 Whilst the Committee's work in 2015/16 will be broadly similar to the year recently ended it will keep under close review a number of key issues including the future development of its new shared Audit & Assurance service with North Somerset, ongoing management of the organisation's Corporate risks and financial resilience of the Council through its Accounting and Treasury management arrangements.

## **6 RISK MANAGEMENT**

- 6.1 A proportionate risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 The Corporate Audit Committee has specific responsibility for ensuring the Council's Risk Management and Financial Governance framework is robust and effective.

## **7 EQUALITIES**

- 7.1 A proportionate equalities impact assessment has been carried out using corporate guidelines and no significant issues have been identified.

## **8 CONSULTATION**

- 8.1 The report was distributed to the Chief Executive, Council's Monitoring Officer, S151 Officer and Chair of the Audit Committee for consultation.

## **9 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 9.1 No specific issues to consider.

## **10 ADVICE SOUGHT**

- 10.1 The Council's Chief Executive, Monitoring Officer (Council Solicitor) and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	<i>Jeff Wring (01225 477323)</i>
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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### **CORPORATE AUDIT COMMITTEE**

#### **ANNUAL REPORT TO COUNCIL 2014/15**

##### **1. INTRODUCTION**

This is the tenth annual report of the Committee since it was established by the Council on 12 May 2005. It covers the work done during the year September 2014 to June 2015.

##### **2. REVIEW OF WORK DONE IN 2014/15**

###### **a. Financial Governance – Annual Accounts**

- i. The Committee approved on behalf of the Council an unqualified set of accounts for the year ended 31 March 2014 within the statutory deadline. This included the accounts for the Pension Fund.
- ii. The Committee then considered the formal governance reports for the Council and Pension Fund submitted by the external auditors (Grant Thornton) on their audit of the accounts.
- iii. The Council report highlighted some presentational and technical changes to the accounts and recommendations to improve the quality of the reconciliation process between the Property and Asset registers for accounting purposes. However there were no proposed changes to the General Fund Balances and Reserves. The auditors also noted that the accounts were presented promptly and that they were supported by good quality working papers.
- iv. The report on the Pension Fund Accounts highlighted that the financial statements were produced to a good standard, supported by good quality working papers and there were no material adjustments to the accounts.
- v. Both Governance reports were therefore noted and the audit of the accounts formally completed.

###### **b. Financial Governance – Treasury Management**

- i. The Committee considered the Treasury Management Outturn for 2013/14 which concluded that all prudential indicators were in line with projections and that the average rate of investment return was 0.08% above the benchmark rate.
- ii. In addition the committee received an update report six months into the 2014/15 year which showed an average rate of investment return 0.04% above the benchmark rate and all actions on target in line with the strategy..
- iii. Finally the Committee reviewed the Treasury Management and Annual Investment Strategy for 2015/16. This set out the treasury limits in force,

## Appendix 1

treasury management indicators, current position, borrowing requirement, prospects for interest rates and the borrowing and investment strategies.

- iv. The committee agreed that current performance is good despite this being a very difficult and challenging arena due to the uncertainties within the global financial economy and therefore scrutiny will continue to be important to ensure Council resources are invested wisely

### **c. External Audit -**

- i. Alongside the audit of the accounts for 2013/14 the external auditor also conducted work in relation to concluding a satisfactory VFM opinion for the Council following assessments of our financial resilience, economy, efficiency and effectiveness and a broadly satisfactory review of our four main grant returns.
- ii. The external auditor also presented their new audit fees for the Council and Pension Fund as well as their audit plans for 2014/15. No significant variances were proposed from the previous audit approach and update reports on their work continued to be presented to the Committee alongside references to key national reports and reviews which could impact on the governance framework.

### **d. Corporate Governance –**

- i. The Accounts and Audit Regulations require the Council to carry out an annual review of its governance arrangements, and to produce an annual statement detailing the results of that review. In addition there was a review of progress against actions identified in the 2013/14 statement.
- ii. In relation to the 2014/15 review, two reports were received to both introduce the Committee to their role in relation to the review.
- iii. All views were fed back to senior management and it was pleasing to note that no significant issues were identified for 2014/15 which is a positive sign of an effective internal control environment. The formal statement was then signed by the Leader of Council and Chief Executive prior to the statutory deadline.
- iv. During the year the Committee also received a report on proposed changes to the Council's Financial Regulations including those affecting Schools and the Committee recommended them on for formal approval by Council.

### **e. Internal Audit –**

- i. The Committee considered the Service's work plan and monitored its progress during the year. The Committee was satisfied with the balance of the plan between planned projects, unplanned commissions and follow-up of previous reports.



## Appendix 1

- ii. Whilst benchmarking results were broadly solid with costs below average and quality assurance indicators high, the Committee did express concern that only 81% of the plan had been completed. However the Committee recognised the changes which were ongoing within the function in its joint working arrangement with North Somerset and supported the positive actions to address resource gaps and improved performance on almost all areas including the implementation of audit recommendations.
- iii. The committee noted the annual opinion on the internal control framework and that with increased pressure on budgets, choices on the degree of internal control had to be made and there was therefore an imperceptible rise in the level of the risk being accepted.
- iv. The committee also received updates on progress of the audit function towards a shared service with North Somerset Council. This proposal built on the first 12 months of joint working between the two Councils and the sharing of a Head of Service.
- v. The Committee were briefed in December on the move towards a single integrated function and were supportive of the proposal which was eventually presented and approved by the Cabinet Member in December 2014.
- vi. The new integrated service is now formally in operation under a five year contract with additional savings of almost 25% guaranteed to be delivered over the contractual period. The potential to now build on these arrangements to achieve further benefits can now be realised and work is already underway in areas such as Data Analytics to maximise the sharing of resources.. Additionally the audit service have contracted with the South West Audit Partnership to work in tandem in a number of areas. Both of these moves enabled further savings to be delivered without any loss of productivity and the Committee welcomed these significant and very positive steps to improving the audit service.

### **f. Review of Terms of Reference**

- i. As part of good practice a high level desktop review was undertaken of the Committee's Terms of Reference against CIPFA's best practice model for Audit Committees. Areas previously highlighted included independent support and training and development.
- ii. In relation to independent support the committee has already tackled this through the adoption of a co-opted independent member and the level of independence to the committee will be kept under review.

## **Appendix 1**

### **3. WORK PLAN FOR 2014/15**

- i. Whilst the Committee's work in 2015/16 will be broadly similar to the year recently ended it will keep under close review a number of key issues –
  - a) The future development of the Shared Internal Audit service;
  - b) The on-going management of the organisation's Corporate Risks;
  - c) Financial resilience of the organisation through its Accounting and Treasury Management arrangements.

### **4. MEMBERSHIP AND SUPPORT**

- i. Three meetings were held during 2014/15 with Councillor Andy Furse acting as Chair of the Committee during this time. Following the elections in May 2015 a new Chair was selected Councillor Brian Simmons and two new Councillors – Chris Dando and Chris Pearce – were appointed to the Committee.
- iii. The Committee's lead officer is the Head of Audit West. Other officers attend, notably the Divisional Director (Business Support) who leads on financial issues through his S151 role, Corporate Finance Manager and Group Manager for Audit & Risk.
- iii. The external auditors are currently represented by an Engagement Lead and Audit Manager from Grant Thornton.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	10 September 2015	:
TITLE:	AMENDMENTS REQUIRED TO THE CONSTITUTION	
WARD:	All	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>		
Appendix 1 - Part 3 Responsibility for Functions, Section 4 Delegation of functions to officers		
Appendix 2 - Part 3 Responsibility for Functions, Environmental Services Delegation Scheme		
Appendix 3 – Part 5 Terms of Reference, Standards Committee and Code of Conduct		

## **1 THE ISSUE**

- 1.1 This report sets out proposed amendments to the Constitution.
- 1.2 It recommends that Council consider and approve the proposed revisions.
- 1.3 These recommendations are being made as the Constitution needs to reflect the current best practice and other required amendments.

## **2 RECOMMENDATION**

- 2.1 That the amendments to the Council's Constitution as set out in Appendix 1 and 2 to the report be approved.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no financial, property or people implications directly arising from this report.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

## **5 THE REPORT**

- 5.1 The Constitution is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

### **5.2 What amendments are requested to be made to the Constitution?**

- 5.3 Appendix 1 contains the highlighted amendment recommended to Part 3 of the Constitution section 4. It was identified in an Internal Audit Report on Resources – Property Services that the Council's Scheme of Delegations to Officers referred to Head of Property and did not reflect the appointment of a Corporate Property Officer. Council is therefore requested to agree this change to section 4.
- 5.4 Appendix 2 sets out highlighted amendments that are recommended to the Environmental Services Delegation Scheme in Part 3 of the Constitution. The new wording will ensure that all current legislation is incorporated into the delegation scheme. Previously the scheme set out the legislation in detail and this required regular updating of legislative changes to ensure it was still compliant. The proposed scheme enables automatic updating as it refers to all relevant legislation currently in force. This amendment has required a minor amendment to the Regulatory (Access) Committee Terms of Reference, which reflects the current practice.
- 5.5 Appendix 3 contains amendments to Part 5 Terms of Reference of the Standards Committee. The Constitution currently states that all requests for dispensations are delegated to the Standards Committee, which was the position under the old standards regime. Section 33 of the Localism Act 2011 sets out the requirements and circumstances when a member can apply for a dispensation in relation to a discloseable pecuniary interest ("DPI"). As the consequences of having a DPI are now more onerous and to ensure effective transaction of the council's business, the Council is requested to agree delegated authority for the Monitoring Officer to grant a dispensation in circumstances where without the dispensation:
- the number of persons prohibited by having a DPI from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
  - the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

- each member of the authority's executive would be prohibited by DPLs from participating in any particular business to be transacted by the authority's executive.

The Standards Committee should be designated as the appropriate body to consider whether granting the dispensation is in the interests of persons living in the authority's area, or that it is otherwise appropriate to grant a dispensation.

## 6 RATIONALE

- 6.1 Council is requested to agree the amendments to ensure that the Constitution is legally compliant and up to date with best practice. The amendments will also ensure transparency, and openness of decision making and facilitate the efficient administration of the Council's functions. An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

## 7 OTHER OPTIONS CONSIDERED

- 7.1 If the Constitution is not amended, it will not be up to date or reflect the correct legal position and therefore open to challenge.

## 8 CONSULTATION

- 8.1 No consultation has taken place in relation to the amendments to the Scheme as this is not required.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	Maria Lucas <a href="mailto:maria.lucas@bathnes.gov.uk">maria.lucas@bathnes.gov.uk</a> 01225 395171
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**Part 3 - Responsibility for Functions**

**SECTION 4 DELEGATION OF FUNCTIONS TO OFFICERS**

**~~HEAD OF PROPERTY~~ CORPORATE PROPERTY OFFICER**

1. The acquisition, disposal and management of all interests in real property in accordance with such scheme (if any) as may be approved by the Council from time to time.
2. To enter contracts for the provision of property services with public bodies as defined by the Local Authorities (Goods and Services) Act 1970.

## Part 5 Terms of Reference

### REGULATORY (ACCESS) COMMITTEE

The Committee is granted delegated authority to exercise all the Council's powers and duties in respect of:

- (1) Modification Orders, Reclassification Orders and Public Path Orders **where the matters are contentious**
- (2) Commons Registration (including Town and Village Greens)

**\*Note 1** – *The Service Manager: Highways and Team Leader: Highways and Drainage have been delegated general as well as specific responsibility in respect of these functions.*

**\*Note 2** – *The Committee's delegated authority is framed in such a way that it will be able, if appropriate, to deal with matters other than strict "quasi-judicial" functions relating to Public Rights of Way. This would, however, be within the overall policy framework set by the Council.*

## **Part 3 - Responsibility for Functions**

### **ENVIRONMENTAL SERVICES. PLACE DIRECTORATE**

#### **DELEGATIONS TO OFFICERS**

##### **1. Introduction**

- 1.1 For the purposes of this scheme of delegation the officers to whom delegations are made as follows:

Chief Executive and Statutory Officers

Strategic Director of Place

Divisional Director Environmental Services, Group Managers and Team Managers and other officers in the following divisions;

Highways and Traffic

Neighbourhood Environmental Services

Planning Policy and Transport

Public Protection and Health Improvement Service

Transport and Parking

- 1.2 The delegations set out below apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council or Cabinet and any committees or sub-committees thereof.

- 1.3 For the avoidance of doubt any functions which are not specifically discharged by Council or delegated to Committees or Sub-Committees are delegated to Officers. If there is any doubt such power will be exercised by the Chief Executive or in her absence her Deputy or Monitoring Officer.

##### **2. General Principles of Officer Delegations**

- 2.1 Functions delegated to officers are to be exercised taking into account:

- ☐ All other parts of the Constitution (including Article 13 "Decision Making"),

Standing Orders

Budget and Policy Framework,

- ☐ The approved Budget,

Strategy and Programme

Financial Regulations



- Any instructions given by the Chief Executive,
- Any financial advice given by the Chief Financial Officer
- Any legal advice given by the Head of Legal and Democratic Services, and
- Any statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Council and Cabinet.

2.2 Any function delegated to a specified officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated or (save in case of the Chief Financial Officer and Head of Legal and Democratic Services) by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer who must ensure when delegating functions that the power can be exercised by that officer

2.3 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.

2.4 Any reference to any Act of Parliament shall be deemed to include any act, statutory instrument or regulation by which it is applied, extended, amended, consolidated or replaced.

2.5 Where any function is delegated to an officer, that officer may choose not exercise that function and may, instead, refer a matter to the Council, the Cabinet, relevant Committee or Portfolio Holder for decision as appropriate with the agreement of the appropriate Divisional Director.

2.6 For the avoidance of doubt the relevant officers and the Planning and Environmental Law Manager are authorised to;

- institute criminal proceedings, civil proceedings and other formal enforcement actions by the Authority, and
- to conduct legal proceedings instituted by the Authority and to conduct the defence of legal proceedings brought against the Authority.

2.7 Cabinet members or Committees may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive.

2.8 In the absence or the unavailability of an officer, any function delegated to that officer may be exercised by their deputy.

### **3. General Provisions and Limitations**

3.1 Apart from those powers set out above any remaining functions which have not been, under this or any other current scheme of delegations, specifically reserved to

Council, Cabinet or any committees or sub-committees thereof are delegated to officers. For the avoidance of doubt the powers may be further delegated under written authority.

## Part 5 Terms of Reference

## STANDARDS COMMITTEE

(u) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to **discloseable pecuniary interests as set out in the Localism Act 2011.**

## Part 3 - Responsibility for Functions

## Section 4A Proper Officer Functions

## LOCALISM ACT 2011

29	Establish, maintain and publish a Register of Interests.	Monitoring Officer & Head of Legal & Democratic Services
33	<p>grant a dispensation in circumstances where without the dispensation:</p> <ul style="list-style-type: none"> <li>the number of persons prohibited by having a DPI from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or</li> <li>the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.</li> <li>each member of the authority's executive would be prohibited by DPIs from participating in any particular business to be transacted by the authority's executive.</li> </ul>	Monitoring Officer & Head of Legal & Democratic Services

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## Motion to Council – Housing

### Cherry Beath on behalf of the Liberal Democrat Group

#### Council:

- Recognises and supports the aspiration of home ownership as a general principle which is the right of hard-working local residents.
- Notes the Government proposal to extend the Right to Buy to Housing Association tenants.
- Notes that 5,918 households are currently listed on the housing waiting register in B&NES – highlighting the need for more social rented homes to be made available not fewer – and notes that this number is likely to increase with the implementation of the proposal.
- Is deeply concerned about the proposed requirement for Council assets to be sold to pay for the proposal and further notes that this plan has a reported funding gap of over £1 billion and fails to address the situation for local authorities, such as B&NES, which no longer have any housing stock to sell due to historic transfers to housing associations.
- Notes that housing associations' capacity to build new housing will also be threatened by the announced rent reduction of 1% per year; this will reduce their rental revenue streams by 12% over the next four years, reducing their borrowing capacity and potentially putting planned development projects at risk.

#### Council resolves:

- To work with other neighbouring authorities and local registered social landlords to raise these concerns with regard to the Government Right to Buy proposals.
- To write to the MPs for Bath and for North East Somerset to call on them to support the Council's position and raise these concerns in Parliament.
- To further call on our local MPs to work towards ensuring: that the extension of Right to Buy is strictly limited to Housing Association Tenants and does not simply benefit buy-to-let developers; that exemptions are put in place for rural communities and important revenue-generating assets; and that genuine and timely one-for-one replacement of housing units occurs.

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## Motion to Council - Gulls and Waste

10 September 2015

### Jonathan Carr on behalf of the Green Party

#### The Council Notes that:-

1. The gull population in Bath has increased substantially over the past decade to over 2,000. While current actions have reduced the rate at which the population is increasing, the population continues to increase and will not decrease to more tolerable levels without further action.
2. Studies of bird culls (Murton et al. 1972, Haag 1984, Kautz 1985, 1990, Kautz & Malecki 1990, Sol & Senar 1995, Schnitzler 1999) which have found that bird populations quickly return to or exceed previous levels after a cull, as culled birds are replaced by younger, healthier birds. Studies of use of egg removal (Rösener 1999) and chemical contraceptives (Elder 1964, Neubauer 1994) have shown these measures alone to be ineffective at causing substantial decreases in bird populations.
3. Reducing the food available to gulls was the first recommendation of the Planning, Transport and Environment PDS report on Urban Gulls in November 2013.
4. Waste is a major source of food for gulls in Bath, and that gulls tear open bags and strew waste across streets while trying to extract edible waste.
5. The Current waste collection contracts must be renewed by October 2017.
6. This renewal presents a key opportunity to create a permanent decrease in the gull population by renegotiating waste collection to reduce the amount of food available to the gulls from waste.
7. The council notes that separation of waste into different categories and minimising the amount of general waste will reduce the food available to gulls.
8. The council accepts the above scientific findings and that bird populations are controlled most effectively by limiting the availability of food.

#### The Council resolves to:

9. Use humane methods of population controls and to avoid culling.
10. Undertake what measures are available to it within the scope of existing contracts to reduce the food available to gulls through waste.
11. Give priority when renegotiating waste collection contracts to;
  - Reducing the quantity of edible waste accessible by gulls and other scavengers.
  - Maximising the proportion of waste that is recycled, reused or composted and minimising the proportion of waste, particularly food waste, that is sent to landfill.
  - Minimising the impact of waste collection arrangements on the neighbourhood environment
12. The council will work with neighbouring authorities to reduce gulls' access to food in the region outside BANES.

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## **Motion to Council – Dorchester Street Bus Gate**

**To be moved by Cllr Matt Cochrane on behalf of the Conservative Group**

### **Council notes:**

- That between January and May of 2014 the Council operated an 'experimental' Bus Gate on the eastbound carriage of Dorchester Street.
- That the experiment was ended early after confusion among motorists resulted in more than £220,000 worth of fines having to be refunded to drivers caught passing through the Bus Gate.
- That at the time the trial concluded, the Council stated that it would analyse the data gathered during the experiment and assess the impact of the Bus Gate before taking a final decision over its permanent future, but that this decision may not be taken until after the completion of the Rossiter Road/Widcombe Parade diversion project.
- That during the 15 week period of the Bus Gate's operation, 7,225 motorists were issued with Penalty Charge Notices – meaning an average of 69 vehicles were caught breaching the Bus Gate each day. However, no specific data was gathered on the number of vehicles displaced onto alternative routes such as Rossiter Road, Pulteney Road and North Parade.

### **Council believes:**

- That with the two-way system on Rossiter Road now in operation, now is the right time to take a decision on the future of the Dorchester Street Bus Gate.
- That, whilst the Council is supportive of measures to encourage bus usage, including bus priority measures where appropriate, the problems caused by the Bus Gate in terms of confusion amongst motorists and reputational damage to the Council and city mean its reintroduction would not be sensible or justified.
- That further work is nonetheless required to assess whether any steps can be taken to improve the flow of traffic on Dorchester Street to reduce congestion for the benefit of all traffic, including buses, and ensure a safe environment for all road users and pedestrians.

### **Council resolves:**

1. To express its view that the Dorchester Street Bus Gate should not be reinstated and put this as a recommendation to the Cabinet Member.

2. To request that the Cabinet Member for Transport ask officers to undertake a study of Dorchester Street to determine whether any measures could be introduced to improve the flow of traffic whilst ensuring a safe environment for all road users and pedestrians.

## Motion to Council – Fracking

### Dine Romero on behalf of the Liberal Democrat Group

#### Council:

- Notes the resolution on fracking adopted by Council on 11 July 2013.
- Reiterates its serious concerns about the potential impact of unconventional gas exploration and extraction, as well as geothermal exploitation, within Bath and North East Somerset, in particular relating to:
  - a. The vulnerability of the hot springs which supply Bath's spa water and the potential risk to the supply of hot spring water and to the water table overall.
  - b. Its potential impact in an area significantly covered by Green Belt, Areas of Outstanding Natural Beauty and a World Heritage Site.
  - c. The importance of protecting the reservoir water supply in the Chew Valley.
- Is deeply concerned by Government plans to approve new licenses for fracking, including reportedly in the West of England area, and by Government plans to fast-track planning approval for fracking projects, effectively removing decision-making from local government.

#### Council resolves:

- To request that the Leader of Council and Chief Executive once again formally register the concerns of Council relating to unconventional gas exploration and extraction and geothermal exploitation within Bath and North East Somerset and neighbouring areas with the Department for Energy & Climate Change.
- To request an update from Officers and the Cabinet on this issue with regard to the Placemaking Plan and measures available to the Council to control, and if appropriate prevent, the use of unconventional gas exploration and extraction and geothermal exploitation within B&NES.
- To request that the Members of Parliament for Bath and North East Somerset convey Council's concerns to the appropriate Government Ministers.

Motion adopted 11 July 2013: <http://democracy.bathnes.gov.uk/mgAi.aspx?ID=10112>

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