

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 12th September, 2013

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Gabriel Batt, Bryan Chalker, Bryan Organ, June Player and Roger Symonds

26 EMERGENCY EVACUATION PROCEDURE

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

27 DECLARATIONS OF INTEREST

Councillor Will Sandry declared a disclosable pecuniary interest in item 12 on Tobacco Control as an employee of Imperial Tobacco Limited.

Councillor Lorraine Morgan-Brinkhurst MBE declared an 'other' interest in item 10 – "Apprenticeships, Work placements, Work experience, Internships and Volunteering policy" as a non-executive Director on Sirona Care and Health.

28 MINUTES - 11TH JULY 2013

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

RESOLVED that the minutes of 11th July 2013 be confirmed as a correct record and signed by the Chairman.

29 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chairman made the customary announcements regarding mobile phones and a comfort break. He also announced that item 11 had been withdrawn from the agenda. At his invitation, the Council's Monitoring Officer explained how the petition for debate item would be conducted.

30 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

31 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

- Pat Ryan made a statement regarding the impact of the Council Tax Support scheme and the bedroom tax. In response to a question from Councillor John Bull asking if Mrs Ryan was aware that Members of the Labour and Independent groups, and some Members of the Conservative group had attempted last November to get Cabinet to consider other sources of revenue to restore the loss of benefit but that this had not been taken up by the Cabinet, Mrs Ryan responded that she had not been aware of that and was sorry to hear it. The statement was referred to the Cabinet Member for Community Resources. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.
- David Metcalfe, Co-Chair of the Cultural Forum for the Bath Area made a statement regarding the arts sector. In response to a query from Councillor Dave Laming about the role of the river in future arts planning, Mr Metcalfe responded that he would love to develop this as much as possible and was aware of the future event to which Councillor Laming had made reference. The statement was referred to the Cabinet Member for Sustainable Development. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.
- Belinda Kidd, Chief Executive of Bath Festivals made a statement outlining the benefits the arts bring to Bath & North East Somerset. In response to a question from Councillor Tim Warren about whether the collaborative partnership approach she was seeking from the Council meant money or help, Ms Kidd responded that it was a bit of both. She understood the tough times the Council faced but believed that a sense of partnership would act as a catalyst for facilitating creativity. In response to a question from Councillor Eleanor Jackson enquiring whether the programme of festivals would be extended to the Somer valley, Ms Kidd responded that they hoped to do so, and had already been working with libraries and youth centres in that area. In response to a question from Councillor Dave Laming whether there were any plans for a river festival this year, Belinda Kidd responded that they would love to hold such an event which would need considerable funds raised to cover the health and safety aspects of it. The statement was referred to the Cabinet Member for Sustainable Development. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.
- Nicolette Boater made a statement regarding statutory officer roles. The statement was referred to the Leader. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.

- David Redgewell made a statement about bus service alterations and progress on MetroWest. In response to a question from the Leader enquiring whether Mr Redgewell was aware of the forthcoming major transport consultation that was being planned, he responded that he was aware, welcomed it and hoped neighbouring authorities would contribute too. In response to a question from Councillor Eleanor Jackson asking if he was aware that there was a new shopping bus service between Writhlington and Radstock, Mr Redgewell responded that he welcomed any new bus services, particularly if they were privately funded. The statement was referred to the Cabinet Member for Transport. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.

Concerning item 12 on the agenda:

- David Redgewell made a further statement regarding Bath's public toilets in which he outlined the impact of toilet closure on himself and disabled people generally. He called for a proper equality impact assessment to be done and proposed working with the private sector. In response to a question from Councillor Tim Warren about whether he'd been aware of any public consultation about closing toilets, Mr Redgewell responded that he had tried to get a definitive list from the Equalities team about which toilets were earmarked for closure but had not received one. In response to a question from Councillor John Bull asking how many of those designated for closure had disabled facilities, Mr Redgewell responded that most of them did.
- Susan Charles, Access B&NES Disability Access group made a statement regarding Bath's public toilets in which she commented that closing toilets without offering alternatives was contrary to disability legislation. She mentioned that many pub toilets were not on the ground floor and difficult to access. She felt these moves would take disabled people back to the 1800s. In response to a question from Councillor Tim Warren about whether she'd been aware of any public consultation about closing toilets, Susan Charles responded that she had not.
- Ian Pring, Bath & District Branch Chair of MS Society, made a statement regarding the impact of toilet closure on people with MS. Whilst understanding the conflicting demands on the Council, he urged the Council to recognise toilets as an essential service and keep them open. In response to a question from Councillor Tim Warren about whether he'd been aware of any public consultation about closing toilets, Ian Pring responded that he had only been vaguely aware.
- Clare Libby, who had been a Bath Tourist Information officer for 18 years (now retired) made a brief statement explaining that the most common question asked of the service over the 18 years had been the location of the nearest public toilets. In response to a question from Councillor David Dixon as to whether Clare Libby was aware that the Pump rooms and Guildhall toilets were now available to the public at no cost, Clare Libby responded that she was aware but there were still not enough. Councillor John Bull asked how she would feel directing members of the public to shops and cafes, to

which Mrs Libby responded that she would have tried to help people in the best way possible.

- Teresa Webb made a statement regarding Bath's public toilets stressing the need for toilets in the outlying areas of Bath with few retail outlets, and close to transport hubs. A copy of the statement has been placed on the Council's Minute book and linked to the electronic record.
- Teresa Waterhouse read a statement on behalf of Jackie Dudley, Colostomy Association calling for adequate toilet facilities to enable everyone regardless of condition or disability to be able to take part in public life. She described the distress and embarrassment that resulted from inadequate facilities, as well as the potential loss of trade and damage to the city's reputation.
- Lyndon Hughes read a statement of behalf of Kerr Brown, Ileostomy Association, which called for easy access to clean facilities which were needed frequently due to different bowel function, in order for people with this condition to have the confidence to maintain a healthy and active life. In response to a question from Councillor Eleanor Jackson querying whether members of the Association were aware that drinking less to avoid trips to the toilet carried a risk of developing kidney stones, Mr Hughes responded that they were aware.

The Chairman indicated the above statements would be taken into account during the debate.

32 SAVE BATH'S PUBLIC TOILETS - PETITION FOR DEBATE

The Council had received a petition entitled 'Save Bath's Public Toilets' with sufficient signatures to trigger a debate at Council.

Lin Patterson, lead petitioner, spoke in support of the petition. A copy of the statement is attached to the Minute book and attached electronically to the minutes.

It was moved by Councillor David Dixon, seconded by Councillor Paul Crossley, and

RESOLVED (unanimously) as set out below;

Council wishes to provide public conveniences which:

- Are modern and well maintained and which meet the needs of both the residents and visitors to the district.
- Meet acceptable standards of cleanliness and hygiene.
- Are located strategically across the district.
- Are accessible and safe to all users.
- Address night time economy issues.

Council notes:

- That access to toilets is very important for many people who live in, work in and visit our area.
- That toilets in public buildings are now publicly accessible.
- That the budget set by Council expects a saving of £120k on public convenience provision to be delivered in the 2014/15 financial year.
- That the equalities issues arising from this budget proposal have been analysed and a statement prepared in September 2012, which is available at; http://www.bathnes.gov.uk/sites/default/files/siteimages/equality_public_toilets_sept_2012.docx
- The increase in toilets in the private sector over recent years, some of which the Council has enabled through planning and development grants at no cost to the tax payer. These include Bath Bus Station, Southgate, Waitrose and the new one that will be delivered through the Keynsham redevelopment.
- And recognises the serious concerns of residents over the planned closure of a number of the Council's public toilets.
- And recognises the importance of easily accessible public toilets and the value placed upon them by the general public, particularly in the case of elderly and disabled residents, and those with certain health problems.
- And supports plans to upgrade and improve the Council's public toilet provision, where appropriate and needed.
- And is concerned by the continued lack of certainty over the future of those toilets earmarked for closure if no suitable alternative can be found.

Council resolves:

1. To ask that Officers continue to work with local ward Members on seeking alternative public toilet provision, or identifying alternative funding arrangements, in areas where public toilets are earmarked for closure.
2. That where no suitable nearby alternative provision can be found, or alternative arrangements identified, Cabinet halt the planned toilet closures and maintain existing public toilet facilities in these areas until the end of the current financial year.
3. To request that officers review the arrangements for the new public toilet maintenance contract to investigate potential options for retaining a greater number of public toilets, whilst still seeking to achieve the target level of savings within the Medium Term Service and Resource Plan (MTSRP).
4. To instruct Cabinet, as part of the 2014/15 budget and MTSRP, to bring forward revised proposals which maintain public toilet facilities in areas where no suitable alternative provision can be found or alternative funding arrangements can be identified, unless consultation with the local community clearly demonstrates a lack of need.

[Note: Councillor Geoff Ward moved an adjustment which had been circulated to the meeting to replace the final 2 sections of the substantive motion with the totality of

the amendment. This was accepted by Councillors David Dixon and Paul Crossley into the substantive motion.]

33 ANNUAL REPORT OF THE AUDIT COMMITTEE

The Corporate Audit Committee has specific delegated powers given to it from 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.

On a motion from Councillor Will Sandry, seconded by Councillor Brian Webber, it was

RESOLVED to note the annual report of the Corporate Audit Committee.

34 APPRENTICESHIPS, WORK PLACEMENTS, WORK EXPERIENCE, INTERNSHIPS AND VOLUNTEERING POLICY

The Council considered a report describing a coordinated approach to be followed by all Council services to ensure that any schemes apply the same broad principles, deliver the Government agenda and assist the Council to deliver an “excellent” programme of apprenticeships, work placements, work experience, internships and volunteering. The policy has already been adopted by the Cabinet on 12th June 2013 and Council is asked to endorse it.

On a motion from Councillor Ben Stevens, seconded by Councillor Andy Furse, it was

RESOLVED (unanimously) to endorse the policy agreed by Cabinet on 12th June 2013.

35 ARRANGEMENTS FOR APPROVAL OF UNANTICIPATED CAPITAL EXPENDITURE OUTSIDE APPROVED BUDGET

This item was withdrawn from the agenda.

36 MOTION FROM LIBERAL DEMOCRAT GROUP - TOBACCO CONTROL

The Council considered a motion from the Liberal Democrat group.

On a motion from Councillor Simon Allen, seconded by Councillor Katie Hall, it was

RESOLVED to agree the motion as set out below;

We acknowledge that:

- Smoking is the single greatest cause of premature death and disease in our communities;

- Reducing smoking in our communities significantly increases household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely taken up by children and young people, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the 80,000 people its products kill in England every year; and
- The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.

As local leaders in public health, we welcome the:

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health Organisation's framework convention on Tobacco control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- Endorsement of this declaration by Department of Health, Public Health England and professional bodies.

We commit our Council from 12th September 2013 to:

- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to our communities;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees;

- Monitor the progress of our plans against our commitments and publish the results;
- Publicly declare our commitment to reducing smoking in our communities by joining the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco; and
- Write to local MPs requesting them to ask the Government to reinstate its proposed legislation requiring cigarettes to be marketed only in standard packages and without images provided by the tobacco companies.

[Notes;

- 1. The underlined wording in the resolution constitutes an adjustment moved by the Labour group and accepted by the mover and seconder of the motion.*
- 2. The resolution was passed with Councillor Doug Nicol abstaining and Councillor Steve Hedges voting against.]*

37 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

One question was submitted by Councillor Steve Hedges to Councillor Tim Ball. A response was circulated, placed on the Minute book and has been linked to the electronic record.

The meeting ended at 9.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services