

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 10th July, 2014

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, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Bryan Chalker and Les Kew

10 EMERGENCY EVACUATION PROCEDURE

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

11 DECLARATIONS OF INTEREST

Councillor Nicholas Coombes declared an 'other' interest in item 8, Core Strategy, due to being employed as a manager at the Planning Inspectorate.

12 MINUTES - 8TH MAY 2014

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

RESOLVED that the minutes of 8th May 2014 be approved as a correct record and signed by the Chairman.

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

The Chairman made the customary announcements regarding mobile phones being switched to silent, the meeting being webcast and a comfort break at an appropriate point.

14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Chairman made reference to the printed Q&A document which had been circulated at the meeting.

Statements were made by the following people;

Guy Matthews made a statement regarding the Fairer Rate Contribution policy and the negative effect the application of it had had on him. He also talked about difficulties with housing costs. Following his statement, the Cabinet Member for Wellbeing offered to meet Mr Matthews to discuss his concerns.

Susan Charles made a statement regarding warm water swimming. In response to a question from Councillor Gerrish regarding the cost to the Council, Ms Charles responded that she didn't have those figures, but said there were grants available towards building and that it wouldn't be a free facility. She urged the Council to think of its equalities duties. In response to a question from Councillor John Bull about the difference in recreational swimming and hydrotherapy, Ms Charles responded that small pools for rehabilitation were between 33 and 34 degrees, too hot for other activities, regular swimming pools were usually 28 degrees, a little too cold unless actively swimming, so the 32 degrees of the warm water pools was the ideal temperature for physical and mental relaxation. The statement was referred to the Cabinet Member for Neighbourhoods, attached to the online minutes and added to the Minute book.

The following statements were all made at the Core Strategy item;

David Redgewell made a statement in support of the Core Strategy, making a case for even more housing to be provided and calling for appropriate transport infrastructure to be in place to support it. The statement is attached to the online minutes and added to the Minute book.

Petra Scofield made a statement on behalf of Residents Protecting Peasedown. She raised the problems of extra development at Peasedown and the effect this had had on traffic, schools, GP surgeries etc. A sustainable planning policy was needed so that developers didn't always win at appeal.

Bob Elcome-Thorpe, Friends of Breaches Gate, made a statement in support of the green belt around East Keynsham and Saltford, outlining the many benefits to the community of this area. He argued there were no extraordinary circumstances to warrant development in this area.

Peter Duppa-Miller, Combe Hay Parish Council, made a statement putting forward the views of the Parish Council. The statement is attached to the online minutes and has been placed on the Council's minute book.

Robert Hellard, South Stoke Parish Council, made a statement opposing adoption of the Core Strategy and calling for more work to be done to produce a properly balanced plan. In response to a question from Councillor Eleanor Jackson asking for evidence to support Mr Hellard's assertion that this policy will 'create a student

ghetto', he referred to the 461 units being built in Green Park and a further application in James Street West. The statement is attached to the online minutes and has been placed on the Council's minute book.

Colin Webb, South of Bath Alliance, made a statement opposing adoption of the strategy. The statement is attached to the online minutes and has been placed on the Council's minute book.

Mary Walsh, Whitchurch Village Action Group, made a statement in support of adopting the Strategy. She acknowledged the loss of some green belt land but highlighted the greater damage that could be inflicted across the region and urged Councillors to be brave enough to vote for adoption. The statement is attached to the online minutes and has been placed on the Council's minute book

Peter Holland, Friends of Breaches Gate, made a statement opposing adoption of the strategy. He objected to residents being excluded from the process to date and presented 300 letters of protest which had been collected over 3 days from local people opposing the removal of land from the green belt between Keynsham East and Saltford.

Caroline Kay, Bath Preservation Trust, made a statement welcoming the fact that development will not be permitted at Weston but expressing regret that it will be permitted at South Stoke. A full copy of the statement is attached to the minutes and has been placed on the Council's Minute book.

Brian Huggett, Englishcombe Parish Council, made a statement opposing the loss of green belt, but supporting adoption of the Strategy to give a degree of certainty and control. He stressed that alternative traffic routes would be needed so that it wasn't all travelling on single lanes through villages. He suggested that providing retirement housing would introduce fluidity to the housing market.

The Chair explained that the statements would be taken into account during the debate.

16 B&NES CORE STRATEGY INSPECTOR'S REPORT

The Council considered a report seeking a decision on accepting the Inspector's recommendations regarding necessary modifications needed to enable adoption of the Core Strategy. It was noted that, earlier that day, Cabinet had met and commended the proposals to the Council.

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

RESOLVED

- 1 To accept the main modifications listed in attachment 1 to the report, which the Inspector considers are needed to make the Plan sound in accordance with section 23 (3) of the Planning and Compulsory Purchase Act 2004;

- 2 To agree the Minor Modifications listed in Attachment 2 to the B&NES Core Strategy, which are needed to ensure consistency and accuracy in the Plan;
- 3 To adopt the B&NES Core Strategy (Local Plan Part 1) as modified in (1) and (2) above for the purposes of section 38(6) of the Planning & Compulsory Purchase Act;
- 4 To agree the B&NES Policies Map is amended in line with (1) and (2) above;
- 5 To agree that the adopted Supplementary Planning Documents/ Guidance listed in Attachment 3 should supplement the Core Strategy;
- 6 To note the success this Council has had in recent years in developing on brownfield sites across the Council area and encourage Cabinet to endeavour to maximise development on brownfield sites that are earmarked for housing across the District; and
- 7 To delegate responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor textual amendments to the Core Strategy prior to publication.

[Notes;

- a) *The wording underlined in resolution 6 above was proposed by Councillor Katie Hall and accepted by the mover and seconder of the motion.*
- b) *The motion was carried with 40 Councillors voting for, 21 Councillors voting against and 2 abstentions. The following Councillors asked to have their vote recorded;*

Against the motion; *Councillors David Veale, Neil Butters, Cherry Beath, Nigel Roberts, Steve Hedges, Roger Symonds, Geoff Ward, Marie Longstaff, Matthew Blankley, Francine Haerberling*

For the motion; *Councillor David Dixon*

Abstaining; *Councillor Nicholas Coombes*

17 PETITION FOR DEBATE - INDEPENDENT SHOPS OF BATH PROTESTING B&NES INCREASE OF PARKING CHARGES IN BATH CITY CENTRE

A petition had been received, gathered by the independent shops of Bath, protesting the increase in parking charges in Bath city centre. According to the Council's petition scheme, if a petition with over 1000 qualifying signatures of people who live, work and study in Bath & North East Somerset is received, a debate is held at Council.

Tim Newark, as one of two lead petitioners, addressed the Council in support of the petition. He explained how the petition had originally been started by Jo Grasse at the start of the year after her shop was directly affected by parking charges. He outlined the recommendations from the petition which they hoped would achieve agreement at this meeting.

Following a debate by Council, Councillor Anthony Clarke moved the following motion, seconded by Councillor John Bull, which was then

RESOLVED that

This Council:

- Notes that, within the budget approved by Council, the level of parking charges are a matter for Cabinet, and so Full Council is in a position only to make recommendations to Cabinet on this matter.
- Believes that, in addition to the social and environmental impact, the Council also has a responsibility to consider the economic impact of its policies.
- Believes that it is essential to Bath's economic prosperity for residents and visitors to be able to make short shopping trips into the city centre.
- Believes that the Council does need to seek ways to reduce the number of cars needing to enter the centre of Bath, but that simply hiking the cost of parking is not the best way to achieve this.
- Is concerned that recent significant increases in on-street parking charges in Bath could have a detrimental impact on economic activity in the city, and believes that the new 'Ultra-Premium Zone' is particularly unfair and punitive.
- Is concerned that recent changes to evening parking charge times at Charlotte Street could have a detrimental impact on the evening economy.
- Is concerned that these changes in on-street parking charges were not undertaken as part of a broader review of parking charges, which should have included consideration of the impact on the local economy.
- Is concerned at the lack of consultation prior to these changes being implemented.

Council resolves:

1. To ask that Cabinet undertake a review of current on-street parking charges, which includes an assessment of demand and supply at each location, and an assessment of the economic impact resulting from the Council's policy towards on-street parking charges.
2. That as part of this review, Cabinet is asked to take into serious consideration the proposals of the petitioners, and in particular seek to reduce or remove the new 'ultra-premium' on-street parking zone rates.
3. That, in addition, Cabinet is asked to seek to either reinstate a reduced evening parking charge from 6pm to 8pm, or alternatively amend the start time of free parking to 7pm rather than the current 8pm.

[Notes;

1. *The above resolution was passed with 33 Councillors voting in favour, 29 against and with 1 abstention.]*

18 APPOINTMENT OF COMMITTEES, POLITICAL PROPORTIONALITY AND CONSTITUTIONAL ISSUES

The Council considered a report inviting it to consider various constitutional and proportionality issues.

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

RESOLVED

1. To approve the allocation of seats on the Committees and Panels listed in Appendix 1 (such seats to be filled in accordance with the nominations made by the political groups) with the following changes
 - a. Labour group to lose one seat on Development Control and one on Wellbeing Policy Development & Scrutiny
 - b. Conservative group to gain one on Development Control
 - c. Independent group gain one on Wellbeing Policy Development & Scrutiny
2. To appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
3. To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
4. To agree the revisions to the existing Petition scheme regarding petitions for debate at Council subject to the variations shown in the revised Appendix 2 (linked to these minutes);
5. To agree that no notices of motion, councillor statements, councillor petitions or councillor questions be permitted at the Budget Council and the Annual Council Meeting and amend the Constitution accordingly;
6. To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

19 POLICY FOR APPOINTMENT OF FREEMEN AND FREEWOMEN

The Council considered a report asking it to adopt a scheme for appointing as Honorary Freemen and Freewomen of Bath and North East Somerset, those

persons who have been appointed to this honorary office by resolution of full Council, in accordance with section 248 of the Local Government Act 1972.

During the debate, Councillor Paul Crossley moved, seconded by Councillor Tim Ball, that the meeting continue until 10.20pm in accordance with Council rule 48. This was accepted by the meeting.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, and supported by Councillors Dave Laming and John Bull, it was

RESOLVED to adopt the scheme.

[Notes;

1. *The above resolution was passed with 57 Councillors voting in favour, 3 Councillors abstaining and the following Councillors voting against – Councillors Nicholas Coombes, Eleanor Jackson and Roger Symonds.]*

20 AVON PENSION FUND COMMITTEE ANNUAL REPORT

Councillor Paul Fox, as Chair of the Avon Pension Fund Committee, introduced this report from the Avon Pension Fund setting out the work it has undertaken in the previous twelve months and the future work programme. In doing so, he thanked officers, the Committee and Vice-Chair Councillor Paul Gerrish.

On a motion from Councillor Paul Fox, seconded by Councillor Charles Gerrish, it was

RESOLVED to note the report.

21 TREASURY MANAGEMENT OUTTURN REPORT 2013/14

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2013/14.

On a motion from Councillor David Bellotti, seconded by Councillor Andy Furse, it was

RESOLVED

1. To note the 2013/14 Treasury Management Annual report to 31st March 2014, prepared in accordance with the CIPFA Treasury Code of Practice;
2. To note the 2013/14 actual Treasury Management Indicators; and
3. To note the debt rescheduling actions highlighted at paragraphs 5.8 to 5.10 of the report.

22 MOTION FROM CLLR NIGEL ROBERTS - AIR POLLUTION

The Council considered a motion brought by Councillor Nigel Roberts on behalf of the Liberal Democrat group regarding air pollution in B&NES as set out below.

On a motion from Councillor Nigel Roberts, seconded by Councillor Lisa Brett, it was

RESOLVED as set out below;

This motion recognises that by reducing air pollution in B&NES we may be able to reduce residents' risk of respiratory diseases, heart disease, and lung cancer.

It also recognises that no one single agency, government department or community has all the answers; improvements to air quality can only be achieved by taking a nationally integrated, collaborative approach. It acknowledges that economic growth and improving the local environment are not mutually exclusive. The Government has advised local authorities to bear in mind the synergies between air quality and climate change, and the benefits of having an integrated approach to economic development, housing and tackling climate change and air quality objectives.

Nevertheless, it is the UK government that is responsible for implementation of clean air laws and remains the major source of finance for clean air policy, both for national policies and through the funding of local authorities. The government's Localism Act sought to transfer more responsibility for air quality from central government to local authorities, especially attempting to make them potentially liable for a share of EU fines, but has failed to give Local Authorities the power they need.

B&NES Council's report on air pollution source apportionment shows that road traffic contributes up to 92% of the total NO_x concentration. The most recent modelling suggests that road traffic contributes 74% to NO₂ concentration.

We therefore call on Central Government to give Local Government greater powers to influence polluters in their areas. It is unacceptable that councils outside London have no ability to influence the air quality in relation to major transport routes since this falls to the Highways Agency. This limits our ambition to respond to residents' concerns when developing a Transport Strategy for Bath

As host to the UK's only World Heritage City, we request the same powers as London to manage traffic flow and to decriminalize certain moving traffic offences. We also demand that the Highways Agency develops a strategy for the A46/A36 that does not direct HGVs and other traffic through the city of Bath, thus contributing to the serious air quality problems within the city.

In addition we request that

1. The Department for Transport and DEFRA should continue to support developing a wider network of Low Emissions Zones to cut emissions in locations where limit values for NO₂ are being breached, piloting in B&NES if found viable and in breach.
2. B&NES are permitted to test differentiated parking permit charges based on emission of vehicles.

3. B&NES is allowed to pilot a Berlin-type system in their city, where cars have to display colour-coded visible road tax permits based on the emissions levels (where, for example, a low polluting car would display a green sticker and high polluting one a red).
4. More central government funding is made available to reduce the NO2 emissions from buses by retrofitting buses with SCRT pollution filtering systems. While welcoming the £5 million Clean Vehicle Technology Fund made available to local authorities to bid for across England and make improvements to local bus fleets, we do not feel this is sufficient funding to make the impact needed.
5. Central government funding is made available to provide incentives to clean up the emissions of local taxis as the highest mileage urban vehicles.
6. Greater regulation of Bus Fares, to encourage modal change.
7. Financial support be made available for improved walking and cycling routes as an alternatives to the motor car
8. Diesel vehicles are subject to the same small surcharge under Vehicle Excise Duty as they are under the Company Car Tax. This would help ameliorate the current, arguably perverse, encouragement of diesel vehicles and bring consistency to the treatment of private and company cars.
9. Smoke control and air quality management rules should not be weakened as government attempts to promote renewable energy in homes and businesses, and if necessary should be strengthened to ensure that local authorities have discretion to determine whether biomass installations are right for their area.
10. Once officers have completed work on assessing the effectiveness, feasibility and social fairness of all of point 1 – 9 above, the findings are fed into the emerging draft Transport Strategy for consideration.

B&NES Council has been proactive in attempting to deal with the problem of poor air quality. It is time for the government to take a bold and radical approach to cutting pollution by giving councils greater influence over polluters in their areas and investing to save taxpayers from footing these huge health bills in the future.

Government needs to give local communities the powers to implement traffic management measures and the finance to ensure that economically those areas are not disadvantaged, by offering alternatives to polluting vehicles.

[Notes;

1. *The underlined wording in resolution 10 above was offered by Councillor Anthony Clarke and accepted by the mover and seconder of the motion.*
2. *This motion was passed with all Councillors voting in favour except for one abstention from Councillor Matthew Blankley*
3. *During this debate, Councillor Chris Watt asked for the Chief Executive to ensure that taxis licensed by this Authority comply with proper regulations regarding diesel*

particulate filters, and that our own garages that run checks on taxis also check this aspect.]

23 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Chairman made reference to the printed Councillor Q&A document which had been circulated at the meeting.

The meeting ended at 10.20 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services