

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

### **MINUTES OF COUNCIL MEETING**

Thursday, 15th January, 2015

Present:- **Councillors** 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, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Alan Hale, Katie Hall, Liz Hardman, 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, 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, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Simon Allen, Sally Davis, Douglas Deacon, Francine Haeberling, Nathan Hartley, Bryan Organ and David Veale

#### **52 EMERGENCY EVACUATION PROCEDURE**

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

#### **53 DECLARATIONS OF INTEREST**

The Chief Executive declared an interest in item 10 "Proper Officer Designation and Allocation of Statutory roles" and withdrew from the meeting for the duration of this item.

#### **54 MINUTES - 13TH NOVEMBER 2014**

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

**RESOLVED** that the minutes of 13<sup>th</sup> November 2014 be approved as a correct record and signed by the Chairman.

#### **55 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

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

He also offered congratulations to the following residents of Bath and North East Somerset Council who had received honours in the Queen's New Year list;-

**MBE** - Peter Capener, co-founder and chair, Bath and West Community Energy. For services to sustainable energy.

**MBE** - Sarah Alice Hunter, vice-captain, England women's rugby union team. For services to Rugby.

**British Empire Medal** - Ann Garner, Artistic director, The Mission Theatre. For services to theatre in Bath.

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

There were no items of urgent business.

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

Statements were made by the following people;

Janet Marton made a statement regarding Alice Park on behalf of the residents in and around the area. She raised four issues of concern about the way the charity was being run. The full statement can be viewed via the link from the minutes. In response to a question from Councillor Paul Crossley about whether she had taken part in the 2 week consultation period at the end of November/beginning of December, Ms Marton responded that she had, but that she had been disappointed with the quality of the consultation. In response to a question from Councillor John Bull about whether she had taken up her concerns with her local Councillor and the Cabinet Member for Neighbourhoods, Ms Marton responded that she had e-mailed them and been told that her complaints had been forwarded to Councillor Paul Crossley. The Chairman thanked Janet Marton for her statement which would be forwarded to the Cabinet Member for Neighbourhoods and the Leader.

Pam Jones made a statement also regarding Alice Park and issues relating to the skate park. The full statement can be viewed via the link from the minutes. In response to a question from Councillor David Dixon as to whether Ms Jones was aware that the skatepark was viewed as a gift to the trust and that the beneficiaries of the park were wider than just the residents in and around the park, Ms Jones responded that information had not been forthcoming, despite some requests being brought under Freedom of Information procedures. Councillor Eleanor Jackson asked whether she had looked into the impact of skateparks in other areas and Ms Jones responded that she was aware of problems in other areas and mentioned some specific examples. The Chairman thanked Pam Jones for her statement which would be forwarded to the Cabinet Member for Neighbourhoods and the Leader.

Ian Cowie made a statement entitled 'Listening Council' expressing his view that the Council had not carried out effective engagement and consultation on various schemes he listed, including the Alice Park skatepark, and other traffic safety issues being brought to this meeting. Consultation meetings were often badly timed and seemed not to allow for alternative proposals. In response to a question from Councillor Tim Warren as to whether Mr Cowie considered that his suggestions for an alternative layout for the skatepark had not been taken seriously, he responded that he felt they had not. In response to a question from Councillor Dave Laming

asking if Mr Cowie had attended an event in the summer to give his views, Mr Cowie responded that he hadn't known about it but had the impression that it had been stage managed. The Chairman thanked Mr Cowie for his statement which would be referred to the Cabinet Member for Neighbourhoods and the Leader.

David Redgewell made a statement entitled 'Public Rail governance; Devolution not Centralisation'. He called on the Council to work with all the surrounding areas to find sub-regional transport solutions. The full statement can be viewed via the link from the minutes. In response to a question from Councillor Paul Crossley as to whether Mr Redgewell was aware that all the Group Leaders from this Council, North Somerset Council and South Gloucestershire Council were working together on devolution of powers and responsibilities but that the principal block to this was the Mayor of Bristol George Ferguson, Mr Redgewell responded that it was for the Councils to sort this out and find a way forward. The Chairman thanked David Redgewell for his statement which was referred to the Cabinet Member for Transport.

Wera Hobhouse made a statement to Council calling for them to look again at highways safety in Peasedown St John following a recent serious accident. The full statement can be viewed via the link from the minutes. In response to a question from Councillor Sarah Bevan, who passed sympathies to all those involved in the accident, and enquired as to whether Ms Hobhouse was aware that in addition to the eastbound filter, contrasting road surface and other alterations, she had also implemented a speed reduction and that, at that time, no serious accidents had been reported, Ms Hobhouse responded that she was aware, that maybe now was the time for a further speed reduction and she was just asking for it to be looked at again. Councillor Dave Laming passed on a question from Councillor Nathan Hartley about whether Ms Hobhouse would be happy to meet Cllr Hartley, she responded that she would. In response to a question from Councillor John Bull as to whether Ms Hobhouse was aware of the current petition gaining signatures (so far over 900) about traffic calming in Paulton, Ms Hobhouse responded that she was aware, but was keen to stress this wasn't about politics but about making everyone safer. The Chairman thanked Wera Hobhouse for her statement and referred it to the Cabinet Member for Transport.

## **58 ESTABLISHMENT OF AVON PENSION FUND BOARD**

Richard Orton made a statement on behalf of UNISON and Unite unions, asking for parity in membership on the Board between employer representatives and scheme member representatives; his contention being that the B&NES Members counted as employer representatives.

During debate, the Chairman called for a brief adjournment to allow for legal and technical advice to be sought on the membership aspects that had been raised. Following this, the Chief Executive informed Council that advice indicated that these proposals were not in conflict with the draft regulations and further advice could be sought when the final regulations were laid, before representatives were appointed.

On a motion from Councillor David Bellotti, seconded by Councillor Charles Gerrish, it was

## **RESOLVED**

1. To approve the proposed Terms of Reference for the local Pension Board;
2. To approve the appointment process for Pension Board members;
3. To agree the delegation of authority to the Strategic Director for Resources, in consultation with the Executive Member for Community Resources to provide appropriate officer resource to support the Pension Board; and
4. To approve the amended Terms of Reference for the Avon Pension Fund Committee.

*[Notes:*

*1 - An amendment was moved during debate by Councillor John Bull, seconded by Councillor Eleanor Jackson, to defer consideration of this item until confirmation was secured that the proposals were in line with the regulations. The amendment was lost, with 4 Councillors voting in favour, 4 abstaining and the rest voting against the amendment.*

*2 – The successful resolution was passed with 3 Councillors voting against, 2 abstaining and all remaining Councillors voting in favour.]*

## **59 POLLING DISTRICTS & PLACES REVIEW**

This item concerned a review of the current arrangements for polling places and districts.

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

**RESOLVED** that, in view of the fact that there remain some unresolved issues, authority be delegated to the Chief Executive, in consultation with Group Leaders and the relevant ward Members, to make the necessary decisions on behalf of the Council.

*[Note; The above resolution was passed with all Councillors voting in favour except for Councillor Nicholas Coombes who voted against.]*

## **60 PROPER OFFICER DESIGNATION AND ALLOCATION OF STATUTORY ROLES**

The Council considered a report seeking approval for the arrangements for proper officer designations and various statutory roles.

The Chief Executive left the Chamber for consideration of this item.

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

## **RESOLVED**

1. To approve the arrangements set out in Appendix 1 to the report;

2. To authorise the Monitoring Officer & Divisional Director (Legal & Democratic Services) to update the Constitution to give effect to the arrangements approved; and

with regard to the arrangements relating to Elections and Scrutiny;

3. That under the Representation of the People Act 1983 and all related legislation with effect from 1<sup>st</sup> June 2015, Dr Jo Farrar be appointed as Electoral Registration Officer;
4. That under Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1st June 2015, Dr Jo Farrar be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area;
5. That the Council's Electoral Registration Officer be authorised to act in respect of all related electoral, poll or referendum duties, including in relation to parliamentary elections, elections to the European Parliament and national and regional polls or referenda;
6. That it be agreed that, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the Peoples Act or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for her in connection with the election or poll);
7. That it be agreed that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council will indemnify the Returning Officer up to the value of such excess.
8. That the Head of Legal & Democratic Services (with effect from 1st June 2015) and the Electoral Services Officer be appointed as Deputy Electoral Registration Officers;
9. That the Policy Development and Scrutiny Lead Officer be designated as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

*[Note: - The above resolutions were carried with all Councillors voting in favour except for Councillor Loraine Morgan-Brinkhurst who voted against, and Councillor Caroline Roberts who abstained.]*

## **61 MOTION FROM THE LABOUR GROUP - QUALITY CONTRACT SCHEME**

On a motion from Councillor John Bull, seconded by Councillor Eleanor Jackson, it was

### **RESOLVED**

1. Council notes that buses are a key part of the B&NES Transport Strategy yet the current services often do not serve the needs of residents and are viewed as expensive and unreliable.
2. Council further notes the powers contained within the Transport Act 2000, as amended, to set up a Quality Contract Scheme (QCS) which would allow the Authority to plan the bus route network, set the fares and award contracts to run services or local networks.
3. Council recognises, however, that under a QCS there is a revenue risk to the Council in that it would be responsible for meeting any shortfall in fares income to cover the operating costs of the contracts.
4. Council also recognises that where a decision has been made to proceed with a QCS in the North East, this has been a joint decision between multiple local authorities.
5. For the reasons outlined in 3 and 4 (above), Council believes that significantly more work is required to determine whether a QCS is the best way forward for the provision of buses in B&NES.
6. Council therefore asks, in the first instance, the Planning, Transport and Environment Policy Development and Scrutiny Panel to undertake further work into the potential, including advantages and disadvantages, as well as cost implications and any financial risk to the Council, of a QCS in B&NES with a report back to the new Council preferably by July 2015 but by the end of the calendar year at the latest.

*[Notes;*

*1 – An amendment to the motion was moved by Councillor Caroline Roberts and seconded by Councillor Lisa Brett to introduce a paragraph noting the good relationships with providers and listing various positive initiatives that had been introduced. This was lost, with 27 Councillors voting in favour and 29 voting against.*

*2 – The successful resolution above was carried with all Councillors voting in favour except for Councillors Gerry Curran, Andy Furse and Doug Nicol who abstained.]*

## **62 PETITION FOR DEBATE - A SAFE CROSSING FOR ST SAVIOURS SCHOOLS**

Richard Young presented a petition calling on the Council to take immediate action and install a pedestrian crossing to safeguard pedestrians at St Saviours schools and nursery. He asked for a safety audit of the wider area covering all crossing

points, solutions for illegally parked cars at various locations and action to deal with the behaviour of drivers.

Following debate by Councillors, it was moved by Councillor Anthony Clarke, seconded by Councillor Bryan Chalker and then

**RESOLVED** that

This Council:

- Notes that the need to improve road safety outside St Saviour's Infants and Junior Schools has been recognised by both local residents and parents, as well as the Council, for a number of years.
- Believes that progress with finding a solution to this issue has been unacceptably slow.
- Believes that funds should be allocated to enable an appropriate safety scheme to be agreed and implemented as a matter of priority.
- Notes that in the Council Budget last February (2014), the Conservative Group tabled a proposal to invest an extra £200,000 in Safer Routes to School schemes such as a safety scheme outside the St Saviour's Schools, but that this failed to gain the support of other political groups.
- Notes that, in the November Budget Monitoring Report, the Council forecast an underspend of £672,000 for this financial year, with £20.66 million of slippage in the Capital Budget from this financial year to the next.
- Notes that there is a precedent for unspent contingencies from a particular capital project being used for another urgent capital scheme.

Council resolves:

1. To ask that the Cabinet Member for Transport instruct officers to work with residents, ward Members, the school and parents of children at the school to agree an appropriate safety scheme as a matter of priority.
2. To ask that the Cabinet allocate whatever funding necessary to enable this scheme to progress in this financial year, noting the available resources mentioned above as potential sources of funding.

*[Note: - The above resolution was carried, with 30 Councillors voting in favour, and the rest abstaining.]*

## **63 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

The Chairman referred to the question from Councillor Nathan Hartley and response from the Cabinet Member for Sustainable Development which had been circulated.

Councillor David Martin made a statement regarding sustainability. A full copy of the statement is attached to the online minutes. The Chairman thanked Councillor Martin for his statement, which he referred to the Cabinet Member for Sustainable Development.

The meeting ended at 8.46 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**