

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 21st 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 25th and a charity fundraiser on April 16th. 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 8th 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 31st 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