

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Thursday, 21st July, 2016

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

Apologies for absence: **Councillors** Lisa Brett, Francine Haerberling, Steve Hedges, Steve Jeffries, Les Kew, Michael Norton, June Player and David Veale

### **21 EMERGENCY EVACUATION PROCEDURE**

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

### **22 DECLARATIONS OF INTEREST**

Councillor Will Sandry declared an 'other' interest in the 'Protect our NHS' statement under item 7, as a Council appointed member of Sirona Community Interest Company (CIC).

Councillor Paul May declared a disclosable pecuniary interest in the 'Protect our NHS' statement under item 7, as the B&NES Non-Executive Director on Sirona CIC. Councillor May left the Chamber for the duration of this item.

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

The Chairman made the customary announcements regarding mobile phones, webcasting and Councillors accessing meeting papers on their ipads.

He asked the Council to stand for a minute's silence in recognition of the lives lost and all those affected by the recent tragedy in Nice.

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

There were no items of urgent business; however, the Chairman took the opportunity to wish the Leader a happy birthday.

### **25 MINUTES - 12TH MAY & 29TH JUNE**

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

**RESOLVED** that the minutes of the meetings of 12<sup>th</sup> May 2016 and 29<sup>th</sup> June 2016 be approved as a correct record and signed by the Chairman.

## **26 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following people;

Pam Richards made a statement and presented a petition on behalf of Protect our NHS BANES (1550 online signatures, 259 local paper ones). Pam expressed concern about the current procurement process for local health and social care services. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Vic Pritchard as to whether the consultation process had been robust and thorough, Pam responded that she did consider it had, but it was too expensive and complex. Councillor Sarah Bevan asked if Pam was aware of any bias, to which Pam responded that there were appropriate guidelines for any procurement process, but that she was concerned the Council was doing this in the first place. Councillor Jonathan Carr noted that Virgin Care Ltd run similar services in other parts of the country and asked Pam if she considered them to be fit and suitable to run the service, to which Pam responded that Councillors may be aware of serious incidences in the press and she did have concerns. The Chairman thanked Ms Richards for her statement which was referred to the Cabinet Member for Adult Social Care & Health.

John Branston made a statement concerning the proper application of planning procedure in relation to siting of purpose-built student accommodation. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Patrick Anketell-Jones asked whether John considered any particular part of the process was not transparent and John responded that he did, in particular the pre-application planning process. The Chairman thanked Mr Branston for his statement which was referred to the Cabinet Member for Homes and Planning.

Susan Charles from WWISE, the Warm Water Inclusive Swimming and Exercise Network, made a statement calling for further consideration to be given to the design of Bath and Keynsham Leisure Centre pools to accommodate the pressing needs of various demographic groups for warm water swimming. She felt that the Council was failing to capitalise on this opportunity, despite giving a commitment in 2011 to give this proper consideration. In response to a question from Councillor Tim Warren about whether Susan had contacted the St Monica's Trust, she responded that she hadn't yet done so, but that that would apply only to residents, and she was thinking of the needs of all. Councillor Tim Ball asked if Susan recognised that some people specifically needed cold water for swimming and she replied that both options should be available. In response to Councillor Lin Patterson, Susan explained that the relevant Council strategies she had referred to in her statement were the Health & Wellbeing Strategy, the Fit for Life initiative, the Children & Young People's policy

and the B&NES Equality Policy. Councillor Sarah Bevan asked if it was depth or temperature which was key, and Susan responded that it was both. Councillor Jonathan Carr asked whether the cost was justified with the current budgetary pressures and Susan explained that she had understood that capital was being invested and the loan repaid over the 20 year contract. The Chairman thanked Ms Charles for her comments which were referred to the relevant Cabinet Members.

Russell Tanner made a statement raising three particular concerns with the planning process, arising from a recent case of permission being granted in Clutton: those were consideration of the environment and the need to prioritise unused and derelict land, democratic accountability of decisions which were clearly unpopular with the community and the provision of inappropriately sized housing which was unsuitable for young people hoping to get onto the housing ladder, or older people looking to downsize. In response to a question from Councillor Sarah Bevan, Russell responded that those on a low income were particularly excluded from accessing housing. Councillor Jonathan Carr asked which particular consideration was most overlooked by current planning policy in Russell's view; to which he replied that environmental aspects were not being given due consideration and that a different approach was needed due to global warming. The Chairman thanked Mr Tanner for his comments which were referred to the Cabinet Member for Homes and Planning.

David Redgewell made a statement about the need for more dialogue at the West of England level to plan devolved bus services on a sub-regional basis. In response to a question from Councillor Jonathan Carr about priorities, David confirmed that buses were a key priority. The Chairman thanked Mr Redgewell for his comments which were referred to the Cabinet Member for Transport.

Adam Reynolds presented a petition of 636 signatures and made a statement outlining a series of measures to ensure cyclists' safety on London Road. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Dine Romero about further measures to promote cycling in the east of Bath, Adam responded that there was a real difficulty with on street parking. Councillor John Bull asked for clarification on an aspect of Adam's statement about the Council needing to 'do nothing' to which he explained that it concerned an experimental TRO which was now out of sync with the loading bay one. Councillor Jonathan Carr asked about measures to further improve safety and Adam responded that measures to develop off road parking would help. The Chairman thanked Mr Reynolds for his statement which was referred to the Cabinet Member for Transport.

Susan Trail, a London Road resident, made a statement about the Gateway group which had been in limbo for over a year whilst, in the meantime, damage had been caused from the loading bays and local homes and businesses were suffering. She called for a meeting of all stakeholders to address the range of conflicting issues. Councillor Dine Romero asked for further information about the loading bays so Susan explained that the protective layer for the vaults had been removed. Councillor Lin Patterson asked how the safety of cyclists could be ensured in this busy stretch of road and Susan responded that it wasn't possible to ensure their safety, although pedestrians and cyclists seemed to sort out their shared use to a certain degree. The Chairman thanked Ms Trail for her comments which were referred to the Cabinet Member for Transport.

Alex Schlesinger made a statement also referring to the Gateway group having not met since 2015, and the need to manage the conflicting concerns of all interested parties. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Dine Romero checked with Alex that the Gateway group had not met since March 2015, which he confirmed. Councillor Sarah Bevan asked how the Gateway group had been constituted to which Alex responded that it hadn't been clear: applications had been elicited and people selected. In response to a query from Councillor Jonathan Carr about parking, Alex clarified that they weren't seeking parking but loading as, at the moment, they couldn't even get carpets delivered, nor could trades vans or scaffolding lorries attend for any work needed. The Chairman thanked Mr Schlesinger for his statement which was referred to the Cabinet Member for Transport.

Martin Price, a resident of Walcot Terrace, read a statement on behalf of the residents of Walcot Terrace calling for the original long loading bay at Walcot Terrace to be reinstated as the safest option for cyclists, pedestrians and drivers, and the best way to protect the Terrace's Grade 2 listed buildings and vaults. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Dine Romero about safer options for the cycle path, Martin responded that they were asking for the 2 sections to be joined back up. Councillor Jonathan Carr referred to a large parking facility in Cleveland Place and Martin responded that it was too far for large deliveries and supermarkets would not park up and walk deliveries from there. The Chairman thanked Mr Price for his statement which was referred to the Cabinet Member for Transport.

Mike Hill made a statement in support of the Vice Chair of the Bath City Forum being a co-opted member. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Tim Warren, Mike confirmed that he had been surprised that this had needed to come to Council. Councillor Dine Romero asked whether Mike was concerned that the Chair was from the Councillor members; to which Mike replied that he could see no reason why the Chair couldn't be a co-opted Member too. Councillor Jonathan Carr asked if Mike had been aware of any opposition to the proposal from the Task & Finish group and Mike responded that as far as he was concerned, everybody had been happy with the decision. Councillor Lin Patterson asked whether Mike was aware of the potential danger of collusion between the Chair and a co-opted member of the same political persuasion which wouldn't be in the best interests of the people of Bath; Mike responded that he wasn't aware and that anyone pursuing their own agenda shouldn't be on the Forum. The Chairman thanked Mr Hill for his statement which would be taken into consideration during the subsequent debate.

## **27 BATH CITY FORUM - TERMS OF REFERENCE**

The Council considered a report regarding the Bath City Forum's Terms of Reference and requesting determination of the arrangements for the Vice Chair of the Forum.

On a motion from Councillor Bob Goodman, seconded by Councillor Joe Rayment, it was

## **RESOLVED**

1. To note that the Bath City Forum has proposed a number of changes to the Terms of Reference agreed by Council for the Forum in July 2015, as set out in paragraph 5.3 of the report;
2. To note that, in accordance with the decision of the Council, the Chief Executive has, in consultation with Group Leaders, agreed the changes proposed by the Bath City Forum to its Terms of Reference, with the exception of the proposal that the Vice Chair of the Forum be a co-opted Member; and
3. To agree that the Vice Chair of the Forum be a co-opted Member.

*[Notes;*

1. *During debate, an unsuccessful amendment was moved by Councillor Jonathan Carr (seconded by Councillor Lin Patterson) calling for the Chairperson of the Forum to be from a different political group than the 2 previous Chairs. This was put straight to the vote following a proposal from Councillor Eleanor Jackson (seconded by Councillor Tim Warren) and passed, that the question now be put. The amendment from Councillor Carr was lost, with 2 Councillors voting in favour, 3 abstentions and all other Councillors voting against.*
2. *The substantive motion was carried with 54 Councillors voting in favour and 2 Councillors abstaining.]*

## **28 INDEMNITIES FOR MEMBERS & OFFICERS**

The Council considered a report recommending an extension of the current indemnity to be granted to Members and officers of the Council, as recommended by the Standards Committee.

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

**RESOLVED** to adopt the indemnity to Members and officers in the terms set out in the appendix to the report.

## **29 TREASURY MANAGEMENT OUTTURN REPORT 2015/16**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2015/16.

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

## **RESOLVED**

1. To note the 2015/16 Treasury Management report to 31<sup>st</sup> March 2016, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the 2015/16 Treasury Management Indicators.

### **30 AMENDMENTS TO THE CONSTITUTION**

The Council considered a report setting out several proposed amendments to the Constitution, following discussions with the Constitution Working group. The report also proposed an addition to the Council's Code of Conduct.

On a motion from Councillor Tim Warren, seconded by Councillor Robin Moss, it was unanimously

#### **RESOLVED**

1. To approve the amendments to the Council's Constitution as set out in Appendix 1 to the report; and
2. To approve the additional wording for the Council's Code of Conduct as set out in paragraph 5.4 of the report.

### **31 DESIGNATION OF CHIEF EXECUTIVE AS HEAD OF PAID SERVICE**

The Strategic Director – People & Communities, and the Monitoring Officer, left the Chamber for consideration of this item on the agenda.

The Council considered a report advising of the arrangements for the secondment of Ashley Ayre to the post of Chief Executive, and seeking approval for his designation as Head of Paid Service with effect from 1<sup>st</sup> September 2016. The report also sought approval for the appointment of Returning Officer and Electoral Registration Officer.

During debate, Councillors paid tribute to the current Chief Executive, Dr Jo Farrar as this was her last Council meeting.

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

#### **RESOLVED**

1. to note the secondment of Ashley Ayre to the post of Chief Executive on a spot salary of £151,500.00 per annum within the approved pay range;
2. to approve the designation of the postholder as Head of Paid Service under section 4 of the Local Government & Housing Act 1989 with effect from 1<sup>st</sup> September 2016; and
3. to approve the designation of the Head of Legal and Democratic Services and Council Solicitor as Returning Officer and Electoral Registration Officer, with effect from 1<sup>st</sup> September 2016.

**32 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

The Chairman made reference to the questions from Councillors Joe Rayment and Eleanor Jackson, and agreed responses, which had been circulated to the meeting.

Councillor Joe Rayment made a statement calling upon Councillors to be mindful of language they used in the Chamber and refrain from making negative comments about age or other protected characteristics. Members took on board his comments.

The meeting ended at 8.45 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**