

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 22nd March, 2018

Present:- **Councillors** Cherry Beath, Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Jasper Becker, Sarah Bevan, Colin Blackburn, John Bull, Neil Butters, Anthony Clarke, Matt Cochran, Paul Crossley, Chris Dando, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Michael Evans, Andrew Furse, Charles Gerrish, Ian Gilchrist, Lizzie Gladwyn, Bob Goodman, Francine Haeberling, Alan Hale, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Les Kew, Barry Macrae, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bryan Organ, Lin Patterson, June Player, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Richard Samuel, 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** Fiona Darey, Marie Longstaff, Paul May, Michael Norton, Christopher Pearce and David Veale

77 EMERGENCY EVACUATION PROCEDURE

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

78 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for any Councillors in receipt of benefits in respect of item 15 – “Free School Meals”.

Councillor Joe Rayment declared a disclosable pecuniary interest in item 13 - “Supporting the Children of Alcoholics”, as a member of staff at DHI who provide drug and alcohol treatment services. The Monitoring Officer declared a dispensation for Councillor Rayment to participate in the debate and vote.

Councillor Eleanor Jackson declared an ‘other’ interest in item 14 - “Badger Cull” as a shareholder in RADCO who own a large dairy herd at Hardington (unaffected by TB).

Councillor Robin Moss declared an ‘other’ interest in item 14 – “Badger Cull”. This declaration was made at the item.

Councillor Chris Watt declared a disclosable pecuniary interest in item 14 - “Badger Cull” as a Director of Microgenetics Ltd which has research collaboration with Bristol University to develop Bovine TB testing and is entering into field based trials of its testing methods with the Animal Plant Health Agency. This declaration was made at item 14. Councillor Watt then withdrew from the meeting for that item.

79 MINUTES - 13TH FEBRUARY 2018

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

RESOLVED that the minutes of the meeting of 13th February 2018, including the exempt minute, be approved as a correct record and signed by the Chair.

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

The Chair made the customary announcements regarding mobile phones, webcasting, Councillors accessing meeting papers via their ipads and a comfort break. She explained that the exempt item 9 would be moved to the end of the agenda.

The Chair informed Councillors that she had hosted the Civic Reception the previous evening which had gone well and raised around £1000 for charity. She thanked her team for all the hard work in organising this.

The Chair informed the Council of the recent death of former Wansdyke and B&NES Councillor and Alderman, Les Sell, and asked the Council to stand for a minute's silence.

The Chair then apologised to Councillors for the removal of the Union Jack flag from the Chamber for the previous meeting and the unsatisfactory nature of her explanation of this to the Chamber at that time. [A full copy of the apology has been added to the Council Minute book.]

81 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

82 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Christine Boyd made a statement about air quality with reference to the 31st March deadline for the Outline Business case submission and regretted the lack of scrutiny involvement in this. She commented that responsibility for this should not just rest with Cabinet members and enquired why B&NES had not been able to include scrutiny involvement in the way that Bristol City Council had. Councillor Tim Warren asked Christine if she was aware that Bristol CC had received their instruction 5 months earlier, to which she responded that she was aware they had managed to consult scrutiny. Councillor Richard Samuel asked about circumstances in which items not included in the first list could later be included. Christine responded that it would seem problematic for items to be included retrospectively.

Rachel Willis addressed the meeting about parking in Freeview Road and the specific problems with parking on the verges. She proposed a solution which had met with the approval of all the residents to whom she had spoken. A full copy of Rachel's statement has been placed on the Minute book and attached to the online

minutes. Councillor Mark Shelford asked Rachel if she would be happy to visit the area with himself and an officer to look at options. Rachel said she would welcome this. Councillor Dine Romero asked Rachel if she was aware of the extensive work that Councillor Tim Ball had carried out in this area, to which Rachel replied that she was, but that further action was now needed. Councillor Joe Rayment asked Rachel whether there was any argument for keeping the grass, to which she responded that, in its current state, there wasn't as it was just mud. Councillor Sarah Bevan asked about the visual impact of the disappearance of losing the verges and Rachel replied that she had received universally positive support for her suggestion.

Sarah Moore made a statement about the closure of Bath Community Academy and the pressure on secondary school places. She explained the negative impact of this on local children having to travel further by car or pay bus fares and add to traffic congestion. She asked if there wasn't anything further that could be done to provide secondary education on the Rush hill site as urgent action was needed. Councillor Dine Romero asked if Sarah was aware of the recent DFE report outlining the number of children without school places this September and projected for 4 years from now, to which Sarah replied that she was and that a school was definitely needed on that site. A suggestion from Councillor Dine Romero to hold a 10 minute debate on this subject was not supported by Councillor Tim Warren, but he suggested a separate member briefing be held on the subject. Councillor Eleanor Jackson subsequently suggested this should come to the Children & Young People Scrutiny Panel which was welcomed by Sarah. Councillor Sarah Bevan asked Sarah if the arguments used when Culverhay was threatened with closure were still valid, to which Sarah responded that those arguments still held as the schools around Culverhay had increased their intake at that time, but they were now reducing again so there weren't sufficient places available.

David Redgewell addressed the Council about various transport issues. He expressed concern about the lack of progress on a bus strategy. He urged Members and officers to continue to drive forward in securing funding for the area and suggested vigilance was needed to check that B&NES didn't end up paying for out of authority projects such as the new Bristol arena. A full copy of David's statement has been placed on the Minute book and attached to the online minutes. Councillor Mark Shelford asked if David was aware that WECA were going to publish their Bus Strategy in June, to which he replied that he was, and it was important to make sure there were sufficient resources to put it into action. Councillor Neil Butters asked David whether he felt we should be doing more to promote MetroWest. He responded that it could do with a push, but acknowledged the difficulty with North Somerset not being involved. Councillor John Bull referred to David's comment that bus franchising was important in improving the network and wondered if David considered WECA was doing enough on this. David responded that the Mayor should be doing that kind of study as it sharpened the operator's viewpoint in a franchising climate.

Paula Riseborough from Protect our NHS B&NES made a statement outlining their concerns about the RUH plans to set up a subsidiary company to manage support staff and calling on B&NES to ask the RUH to bring these proposals to a meeting of the Health & Wellbeing Select Committee (HWSC). A full copy of the statement can be seen on the Council's Minute book and attached to the online minutes. Councillor Pritchard asked if Paula was aware that an invitation had already been issued to

senior RUH staff to come to the HWSC, to which Paula replied that she had found out this evening and was very pleased. In response to a question from Councillor Tim Ball about the RUH's approach to this, Paula responded that there appeared to be a lack of transparency about sharing the business case. Councillor Robin Moss asked, in the light of the concerns raised, whether Council could hold a 10 minute debate on this issue. Councillor Tim Warren was not in agreement – there was an opportunity for debate at the HWSC.

The Chair referred all statements to the relevant Cabinet Members.

83 REQUEST BY CAMELEY PARISH COUNCIL TO CHANGE ITS NAME TO TEMPLE CLOUD WITH CAMELEY PARISH COUNCIL

The Council considered a request from Cameley Parish Council to change its name for the reasons set out in the report.

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was unanimously

RESOLVED

1. To note the receipt of the request from Cameley Parish Council to change its name; and
2. To agree to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Cameley Parish Council to Temple Cloud with Cameley Parish Council.

84 ANNOUNCEMENT OF CHAIRMAN DESIGNATE FOR 2018/19

On a motion from Councillor Sarah Bevan, seconded by Councillor Tim Warren, it was unanimously

RESOLVED that Councillor Karen Walker be designated as Council Chairman for the Council year 2018/19.

85 MOTION FROM THE LABOUR GROUP - ETHICAL CARE CHARTER

On a motion from Councillor Vic Pritchard, seconded by Councillor Francine Haeberling, it was

RESOLVED as set out below;

Council notes that:

1. A national survey of homecare workers undertaken by UNISON, entitled *Time to Care*, found a committed but poorly paid and treated workforce doing its best to maintain good levels of quality care in a system that is in crisis and that poor terms and conditions for workers can contribute towards lower standards of care for people in receipt of homecare services.

2. In light of these findings, UNISON has called on local authorities to commit to becoming Ethical Care Councils by commissioning services which adhere to its Ethical Care Charter. To date, at least 28 councils and a number of social care companies have signed up to the Charter.

Council believes that:

3. By adopting minimum standards for our homecare services, such as those suggested within the Ethical Care Charter, the dignity and quality of life of vulnerable people and the workers who care for them will be protected.
4. Good quality homecare is a key part of the wider Adult Care system, and can reduce demand both for expensive residential care and A&E admissions. It can also help to address bed blocking.
5. It is vital that the Council promotes good working conditions of homecare workers and the retention of skilled and experienced staff thereby ensuring that vulnerable people will be more likely to have a regular care worker with whom they can develop a trusting relationship, and the Council's homecare services already meet many of the standards set out within the Ethical Care Charter.
6. The Council should take the aims of this Charter into account when setting future standards of care.

Council resolves therefore:

7. To ask the Cabinet Member to bring forward a report to the Health & Wellbeing Select Committee in May, outlining the proposed standards to be specified when we recommission homecare services in 2018, taking account of the principles proposed within the Ethical Care Charter.

[Notes;

1. *The opening motion, as set out in the agenda (moved by Councillor Robin Moss, seconded by Councillor Eleanor Jackson), was amended during debate with the resolutions above; carried on a vote of 49 Councillors in favour, 7 against and 2 abstentions.*
2. *Once successfully amended, the above substantive motion was carried unanimously.]*

86 MOTION FROM THE LABOUR GROUP - SUPPORTING THE CHILDREN OF ALCOHOLICS

On a motion from Councillor Liz Hardman, seconded by Councillor Robin Moss, it was

RESOLVED that

Council notes:

- 1 The publication of a report by the Parliamentary Office of Science and Technology in February 2018 which estimated that between 189,000 and

208,000 children in England live with an alcohol-dependent adult, while 15,500 children live with an adult receiving treatment for alcohol dependence, but that these figures are likely to underestimate the scale of the issue due to under-reporting of alcohol consumption and the unknown number of children whose parents are not in treatment and who are not known to social services.

- 2 That the same report found that between 2011 and 2014, Parental Alcohol Misuse (PAM) was implicated in 37% of cases involving the death or serious injury of a child through neglect or abuse, and that 61% of care applications in England involved misuse of alcohol and/or drugs.
- 3 That Children living with alcohol-dependent parents report feeling socially isolated, and are reluctant to seek help due to feelings of stigma, shame and guilt about not wanting to betray parents. Children may have to take on caring responsibilities for the affected parent or younger siblings which can negatively impact school attendance and homework.
- 4 The All-Party Parliamentary Group (APPG) for the Children of Alcoholics report *A Manifesto for Change* which sets out ten key points that the Government needs to address if the children of alcoholics are to be properly supported.

Council believes that:

- 5 It has a responsibility to support the children of alcoholics and to ensure that the needs of these children are met.

Council agrees therefore to:

- 6 Ask the Cabinet Member for Children and Young People to provide assurance, via the Children and Young People Policy Development and Scrutiny Panel that all the relevant policies, procedures and strategies of this Council recognise and address the particular needs of the children of alcoholics.
- 7 Invite the National Association for the Children of Alcoholics (NACOA) to comment on the Council's support offer for the children of alcoholics, and for this comment to also be submitted to the Children and Young People Policy Development and Scrutiny Panel.
- 8 Ask the Leader of Council to write to our local MPs and to Government asking that priority be given to implementing the ten key points identified within the report of the All-Party Parliamentary Group for the Children of Alcoholics, *A Manifesto for Change*, including creating a national strategy for the children of alcoholics and ensuring that local support for the children of alcoholics is properly funded.

[Notes;

1. The above resolution was carried on a unanimous vote.
2. During debate, an unsuccessful amendment from Councillor Dine Romero, seconded by Councillor Richard Samuel to add the words "and people with other addictions" after the word "alcoholics" in paragraphs 5 and 6 was lost, with 15 Councillors voting in favour, 42 against and 1 abstention.]

87 MOTION FROM THE LABOUR GROUP - BADGER CULL

On a motion from Councillor Joe Rayment, seconded by Councillor Eleanor Jackson, it was

RESOLVED that

Council notes:

- 1) That Natural England has received an application for badger culling in Avon.
- 2) That badger culling has already been taking place in Somerset for a number of years.
- 3) That only 5.7% of incidences of bovine tuberculosis (bTb) are caused by badgers.
- 4) That millions of pounds are spent each year on the badger cull, with each culled badger costing thousands of pounds.
- 5) That the badger cull is more than seven times more expensive per badger than the Welsh government's badger vaccination scheme.
- 6) That reports show that up to 22.8% of badgers culled take more than 5 minutes to die, making the cull inhumane by government standards.
- 7) That organisations opposed to the badger cull include: the RSPCA, the RSPB, and the Wildlife Trusts (including Avon Wildlife Trust).
- 8) That landowner permission is required for the badger cull to take place on any land.

Council believes:

- 1) That the badger cull has been ineffective.
- 2) That more effective means of controlling bTb include: testing, movement control and vaccination.
- 3) That the government should revisit the evidence on badger culling and end the programme.
- 4) That public money could be far better spent than on spending an estimated £100 million on badger culling by 2020.

Council resolves:

- 1) To refuse permission for any badger culling to take place on land controlled by the Council.
- 2) To encourage parish councils to implement the same policy.
- 3) To write to the Secretary of State for Environment, Food and Rural Affairs to inform him of our decision, but to offer access to Council land for a coordinated badger vaccination programme.

[Notes;

1. *Following the motion being moved, the Head of Legal Services addressed the Council expressing some concern that the information supporting this motion was not current or specific to B&NES, and advised therefore that further work was needed to enable a considered decision. Councillor Joe Rayment then amended the motion to replace the word “owned” with the word “controlled” in resolution 1.*
2. *The above resolution was carried with 25 Councillors voting in favour, 22 Councillors voting against and 10 abstentions.]*

88 MOTION FROM THE LIBERAL DEMOCRAT GROUP - FREE SCHOOL MEALS

On a motion from Councillor Alison Millar, seconded by Councillor Dine Romero, it was

RESOLVED that

Council notes:

- That, during the transition of benefit claimants onto Universal Credit, the Government temporarily relaxed the criteria for free school meals by making Universal Credit a qualifying benefit for free school meals, regardless of income.
- That the Coalition Government made clear in 2013 that this would be an interim measure during the roll-out of Universal Credit, and that some form of means or eligibility test would need to be introduced once Universal Credit was fully rolled out.
- That these transitional protections will mean that nobody currently receiving free school meals will lose their entitlement when moving onto Universal Credit, and once the full roll out of universal credit is complete (2022) pupils will continue to receive free school meals until the end of their current phase of education.
- That under the new criteria, those earning more than £7,400 a year from work will no longer be eligible for free school meals, equivalent to an annual income of between £18,000 and £24,000 once benefits are taken into account. These proposals will affect free school meals for children in year 3 and above. Transitional protections will ensure that no child currently receiving free school meals will have them taken away.
- That under the new criteria, around 50,000 more children will benefit from a free school meal by 2022 than under the previous benefits system introduced by Labour – and that the new eligibility criteria will only apply to new UC claimants, not those already receiving free meals.
- That all children in Reception, Year 1 and Year 2 will continue to receive free school meals.

- It is estimated that, nationally, only about 65 per cent of children who are eligible for free school meals take them up, often because parents do not realise their children are entitled, and therefore more could be done, at both the local and national level, to ensure that all those eligible for Free School Meals are aware of their entitlement.
- B&NES Council is currently encouraging local Universal Credit recipients to sign up for free school meals and promoting the additional Pupil Premium funding that schools receive, and that as a full UC area since May 2016, more children within B&NES will be protected by the transitional arrangements than in authorities that are still to move into full Universal credit service.

Council resolves:

- Council calls on the Government to work with schools, academies and local authorities to raise awareness of families' eligibility for Free School Meals and encourages all those entitled to Free School Meals to take them up.
- Council requests that the Leader of Council communicate this position and the above motion to the Department for Education, Department for Work and Pensions, relevant Ministers and local MPs.

[Notes;

- 1. The above resolution was proposed by Councillor Michael Evans and accepted into the substantive motion by Councillor Alison Millar.*
- 2. The resolution was carried with 48 Councillors voting favour, 7 Councillors voting against and no abstentions.]*

89 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Chair made reference to the 5 questions from Councillors, and the responses, which had been circulated and attached to the online minutes.

Councillor Richard Samuel made a statement about the Air Quality plan. He objected to the fact that, despite the deadline for first submission having been known since July 2017, the plan was being handled as an urgent decision and therefore exempt from scrutiny or call-in. He noted the final deadline of 31st December and called on the Chief Executive to ensure that urgency provisions would not be used for that submission deadline. Councillor Tim Warren asked Councillor Samuel if he was aware that the proposals were coming back for full consultation, to which he responded that he was aware; however, normal practice was surely for Councillors to decide what was being consulted upon. Councillor Dine Romero asked if there was anything else pertinent to this in the letter from DEFRA. Councillor Samuel responded that he had approached DEFRA to get a clear answer about where responsibility lay for submitting a response and had been clearly told that it was up to individual Councils to decide how they handled their process for doing this. He added that Bristol City Council had taken this through their scrutiny processes. Councillor John Bull asked if he had let Councillor Samuel know that, as Chair of the Panel, he had contacted the Director to follow this up and that one of the reasons why scrutiny involvement hadn't been possible was partly due to officer resources

being needed to prepare the submission. Councillor Samuel responded that he appreciated Councillor Bull's help with this but he would have expected a project plan to build in the necessary scrutiny with Members.

90 EXCLUSION OF THE PUBLIC

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was

RESOLVED that, having been satisfied that the public interest test would be better served by not disclosing relevant information, and in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act as amended.

[Notes;

- 1. The above resolution was carried with 33 Councillors voting in favour and 23 Councillors voting against.]*

91 SENIOR MANAGEMENT AND WIDER SERVICE RE-STRUCTURE 2018-2020

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was

RESOLVED that the Council notes;

1. The reasons and rationale for the proposed changes to service structures;
2. That the Restructuring Implementation Committee has agreed delegated authority to the Chief Executive to take the necessary steps to implement the proposals;
3. That the costs of the restructure will be met from earmarked reserves as approved by Council on 13th February 2018; and
4. That a further report to Council on 10th May 2018 will be made to designate a Section 151 Officer.

[Notes;

- 1. The above resolution was carried with 32 Councillors voting in favour, 14 Councillors voting against and 11 abstentions.]*

The meeting ended at 10.06 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

