

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Thursday, 21st July, 2022

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Sally Davis, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Liz Hardman, Steve Hedges, Joel Hirst, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Dr Kumar, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Michelle O'Doherty, Lisa O'Brien, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Ryan Wills and Joanna Wright

Apologies for absence: **Councillors** Neil Butters, Chris Dando, Douglas Deacon, Alan Hale, Lucy Hodge, Grant Johnson, Matt McCabe, Hal MacFie, Paul Myers, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Chris Watt and David Wood

### **12 ELECTION OF CHAIR**

As Councillor Shaun Stephenson-McGall was unavailable to attend due to illness, the Chief Executive called for a nomination for a Chair for this meeting.

On a motion from Councillor Kevin Guy, seconded by Councillor Vic Pritchard, it was

**RESOLVED** that Councillor Lisa O'Brien be elected Chair for the duration of the meeting.

### **13 EMERGENCY EVACUATION PROCEDURE**

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

### **14 APPOINTMENT OF VICE CHAIR 2022-23**

On a motion from Councillor Kevin Guy, seconded by Councillor June Player, it was

**RESOLVED** that Councillor Sarah Moore be elected as Vice Chair for the remainder of the Council year 2022/23.

Councillor Moore made and signed her Declaration of Acceptance of Office, accepted the Chain of Office from Councillor O'Brien and thanked the Council for her appointment.

### **15 DECLARATIONS OF INTEREST**

An other registrable interest was declared by the following Councillors;

Councillor Liz Hardman as a member of the Fair Food Alliance, who are the drivers of the Fair Food Equity Plan – with reference to minute number 21.

Councillor Robin Moss, as Chair of Radstock & Westfield Big Local who support the Radstock Foodies Club financially – with reference to minute number 21.

Councillor Steve Hedges, as his wife works for HCRG – mentioned in debate for minute number 22 (and declared at that point).

Councillor Gerry Curran, who works for HCRG – mentioned in debate for minute number 22 (and declared at that point).

Councillor Yuktेशwar Kumar took this opportunity to announce that he was joining the Conservative group.

## **16 MINUTES - 12TH MAY 2022**

On a motion from Councillor Eleanor Jackson, seconded by Councillor Karen Walker, it was unanimously

**RESOLVED** that the minutes of 12<sup>th</sup> May 2022 be confirmed as a correct record and signed by the Chair.

## **17 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

There were none.

## **18 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business.

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

David Redgewell had registered to make a statement to Council. As he was unwell, Councillor Liz Hardman read out the statement. The following questions were raised;

- Councillor Karen Walker asked if Mr Redgewell was aware that the WECA Metro Mayor Dan Norris had been invited to the Climate Emergency & Sustainability Panel meeting in September;
- Councillor Vic Pritchard commended Mr Redgewell's extensive transport knowledge but enquired why the Chew Valley had not been included in the comprehensive list he had included in his statement;
- Councillor Robin Moss asked if Mr Redgewell was aware that the Metro Mayor Dan Norris was considering franchising a number of the services mentioned.

These questions will be passed back to Mr Redgewell.

## **20 YOUTH JUSTICE PLAN 2022-23**

The Council considered a report presenting the Youth Justice Plan 2022-23.

On a motion from Councillor Dine Romero, seconded by Councillor Paul May, it was unanimously

**RESOLVED** to

1. Agree the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board for England and Wales;
2. Adopt the Youth Justice Plan as part of the Council's Policy and Budget Framework that can be accommodated within the Council budget; and
3. Note that the Youth Offending Service Management Board is responsible for ensuring delivery and ask the relevant Development and Scrutiny Panel to oversee performance.

## **21 B&NES FOOD EQUITY ACTION PLAN 2022 - 2025**

The Council considered a report presenting the Food Equity Action plan 2022 – 2025.

On a motion from Councillor Dine Romero, seconded by Councillor Liz Hardman, it was unanimously

**RESOLVED**

1. To note progress since the last report (January 2021) and endorse the new Food Equity Action Plan 2022 – 2025 and future priorities for the B&NES Fair Food Alliance; and
2. To support the ambitions of the B&NES Fair Food Alliance by considering ways in which other Council and partnership strategy and policy can help to increase income equality and food security locally.

## **22 POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT**

The Council considered the annual report of the Policy Development & Scrutiny Panels.

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

**RESOLVED** to note the work of the Policy Development & Scrutiny Panels, as set out in the Annual Report attached at Appendix 1.

## **23 CONSTITUTION REFRESH**

The Council considered a report presenting an updated Constitution.

Before opening for debate, the Chair sought clarification from the Monitoring Officer that, in considering this report today, and as certain constitutional aspects had been on the agenda for the previous meeting, the 6 month rule (Part 4A, rule 10 – *old Constitution in operation at this point*) had not been breached. This confirmation was given, as the rule contains provision for officers to bring back an issue within that time.

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

### **RESOLVED**

1. That, having considered the changes unanimously proposed by the Constitution Working Group, adopt the updated Constitution as set out at Appendix 4 to the report;
2. To agree that the date of adoption of the updated Constitution be the 2<sup>nd</sup> August 2022;
3. To agree that the Constitution Working Group should continue to meet in order to advise on the further rationalisation work to be done on the Financial Regulations and Contract Standing Orders and pick up any glitches identified.

*[Notes;*

1. *The above resolutions were carried with 42 Councillors voting in favour and 1 Councillor voting against.]*

## **24 TREASURY MANAGEMENT OUTTURN REPORT 2021/22**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2021/22.

On a motion from Councillor Tom Davies, seconded by Councillor Winston Duguid, it was

### **RESOLVED** to agree that

1. The Treasury Management Report to 31<sup>st</sup> March 2022, prepared in accordance with the CIPFA Treasury Code of Practice, is noted; and
2. The Treasury Management Indicators to 31<sup>st</sup> March 2022 are noted.

*[Notes;*

1. *The above resolution was carried with 42 Councillors voting in favour, and 1 Councillor abstaining.]*

## 25 CLIMATE & ECOLOGY BILL - MOTION FROM LIBERAL DEMOCRAT GROUP

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

**RESOLVED** that

Council:

1. Notes that, along with many other local authorities, Bath and North East Somerset Council is already taking action to achieve net zero carbon emissions and protect and revitalise local wildlife and natural habitats.
2. Recalls that Bath and North East Somerset Council declared a Climate Emergency in March 2019 and declared an Ecological Emergency in July 2020, and also that the UK Parliament declared an Environment and Climate Emergency in May 2019.
3. Notes that the [Climate and Ecology Bill](#) was introduced into the UK Parliament on 21 June 2021 which would, if it becomes law, require the development of a strategy to ensure that the UK's environmental response is in line with the latest science. The strategy would ensure that:
  - the ecological crisis is tackled shoulder to shoulder with the climate crisis via a joined-up approach;
  - the Paris Agreement aim is enshrined into law to ensure that the UK does its full and fair share to limit the global temperature rise to 1.5°C;
  - we halt and reverse biodiversity loss by 2030 to ensure that the UK's ecosystems are protected and restored;
  - the UK takes responsibility for its greenhouse gas footprint, including international aviation and shipping—and by accounting for consumption emissions related to the goods and services that are imported and consumed in the UK;
  - the UK takes responsibility for its ecological footprint in order to better protect the health and resilience of ecosystems—including along domestic and global supply chains; and
  - an independent, temporary Climate and Nature Assembly is set-up—representative of the UK population—to engage with the UK Parliament and UK Government to help develop the strategy.

Council therefore resolves to:

1. Support the Climate and Ecology Bill.
2. Write to the MPs for Bath and for North East Somerset letting them know that the motion has been passed, and urging them to support the Bill, or thanking them for already doing so; and
3. Write to [Zero Hour](#), the organisers of the cross-party campaign for the Bill, to express Bath and North East Somerset Council's support.

[Notes;

1. *The above resolutions were carried with 35 Councillors voting in favour, and 8 Councillors voting against.]*

## **26 STANDING UP FOR RESPONSIBLE TAX CONDUCT - MOTION FROM CLLR KUMAR**

On a motion from Councillor Tom Davies, seconded by Councillor Mark Elliott, it was

**RESOLVED** that

Our Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

B&NES Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.
7. **The Conservative government has failed to make meaningful progress on tackling tax avoidance despite international consensus reached at the G7 summit in June 2021, and has failed to push through key improvements that would have made the system fairer and more effective and would have netted the UK an additional £6.8 billion year.**
8. **Currently case law reinforces that a company's tax status cannot be used as a reason to disbar them from a procurement process; the Lib Dems believe that a real opportunity was missed by the Government when it published new procurement regulations this year which failed to allow public sector organisations to consider the tax arrangements of potential contractors.**
9. **Government instructions to support the creation of "new businesses, new jobs and new skills in the UK" through procurement are at odds with the government's continuing disregard towards this issue.**
10. **By contrast, the Liberal Democrats are committed to ensuring that all businesses operating in the UK pay their fair share of tax in the UK on those operations and also to restricting the ability of companies to unfairly shift profits out of the UK to low tax jurisdictions.**

Our Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. **Continue to ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes, as reported to the cross-party Corporate Policy Development and Scrutiny Panel on 11 July 2022.**
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies **and call upon our two local MPs to write to the relevant Minister to advocate for these changes.**

*[Notes;*

1. *The above resolution was carried as a result of a successful amendment to the published motion, with the amended sections shown in bold.*
2. *The successful amendment was carried with 26 Councillors voting in favour, 8 Councillors voting against and 9 Councillors abstaining.*
3. *The amended motion was then carried as the substantive motion with 38 Councillors voting in favour, 8 Councillors voting against and 5 Councillors abstaining.]*

**27 BRISTOL AIRPORT EXPANSION - CROSS PARTY MOTION FROM LIBERAL DEMOCRAT, CONSERVATIVE, LABOUR GROUPS & CLLR WRIGHT (GREEN MEMBER)**

On a motion from Councillor Shelley Bromley, seconded by Councillor Paul May, it was

**RESOLVED** that

Council notes:

1. The Planning Inspectorate's decision to allow the expansion of Bristol Airport at appeal by 2 million passengers a year, up to 12 million.
2. North Somerset Council refused planning permission for expansion on environmental and traffic congestion grounds and that local elected representatives and neighbouring Councils, including B&NES, Bristol and North Somerset, as well as the WECA Mayor, objected to the application.
3. The forthcoming High Court challenge by campaign group Bristol Airport Action Network (BAAN), which has been supported by public crowdfunding and which will be heard in Bristol High Court on 8 and 9 November 2022.

4. The Climate Emergency Declaration adopted by B&NES Council in March 2019, in which Council resolved to oppose the expansion of Bristol Airport, along with the Ecological Emergency motion adopted in July 2020 which further supported the Council's climate ambitions.
5. Bristol Airport Ltd.'s published expansion strategy, to more than double in size to serve 20 million passengers a year, and 'Carbon Roadmap' policy, which does not include emissions from aircraft.

Council believes:

6. Airport expansion is incompatible with the action being taken by West of England Councils to tackle the Climate Emergency, the UK Government's legally binding climate targets, and advice from the Government's own Climate Change Committee.
7. B&NES residents' health and wellbeing will be adversely affected by expansion, including by additional:
  - a. Traffic congestion from an additional 10,000 car movements every day – and associated pollution due to inadequate and expensive public transport links;
  - b. Noise, from an extra 23,800 flights annually, including 4,000 night flights, which will be concentrated in the summer months; and
  - c. Atmospheric and air pollution, including carbon dioxide emissions, water vapour, nitrogen oxides carbon monoxide, particulate matter, and aerosols, which will affect residents' health directly as well as impacting on climate change.

Council therefore:

8. Calls on the Secretary of State for Levelling Up, Housing and Communities to:
  - a. 'Call in' the expansion of Bristol Airport for an inquiry, due to the climate impact of airport expansion and the negative impact on neighbouring communities.
  - b. Consider all airport expansion applications on a national rather than an individual basis. Make decisions in line with the advice from the Climate Change Committee, which has said there should be 'no net expansion of airports' and also taking the cumulative impact of CO<sub>2</sub> emissions and their impact on the UK's legally binding journey to net zero into account.
9. Requests that the Leader write to the Secretary of State, the aviation minister, and local MPs to inform them of Council's position.
10. Reaffirms its 2019 pledge to provide the leadership to enable Bath & North East Somerset to become carbon neutral by 2030 and aim of making B&NES Council carbon neutral by 2030.

*[Notes;*

1. *The above resolutions were carried with 38 Councillors voting in favour and 4 Councillors abstaining.]*

## 28 COUNCIL TAX SURCHARGE - MOTION FROM CONSERVATIVE GROUP

On a motion from Councillor Tom Davies, seconded by Councillor Tim Ball, it was

**RESOLVED** that

Council:

1. Notes that properties left empty for two years or more are liable for a 200% rate of Council Tax and that properties left empty for five years or more are liable for a rate of 300%.
2. Recognises that this is in order to reduce the number of long-term empty properties in BANES so as to get as many as possible back into use.
3. Recognises that properties that have been empty for a number of years often need a great deal of work to enable them to be habitable again.
4. **Notes that the Council provides a significant amount of information and assistance to owners of Empty Properties to support them in bringing the property back in to use through the Council's own empty homes page, 'No use empty'. This includes information on financial assistance available to owners.**
5. **Notes that 283 empty properties have been brought back into use via the Council's Empty Residential Property Policy over the last two years.**

Council therefore:

6. **Acknowledges that Council approved the Council Tax long term empty property premiums policy on a cross-party basis in November 2020 and that the premiums are intended to help incentivise owners to bring empty properties back into use.**
7. **Defers consideration of this matter and asks the Council's Corporate Scrutiny Panel to review the effectiveness of the policy and consider whether any modifications are justified by the evidence and report back to Council its findings.**

*[Notes;*

4. *The above resolution was carried as a result of a successful amendment to the published motion which had been moved and seconded by Councillors Michael Evans and Karen Warrington, with the amended sections shown in bold.*
5. *The successful amendment was carried with 34 Councillors voting in favour, 7 Councillors voting against and 1 Councillor abstaining.*
6. *The amended motion was then carried as the substantive motion with 35 Councillors voting in favour and 7 Councillors voting against.]*

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

There were no items.

The meeting ended at 9.24 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**