

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

### **MINUTES OF COUNCIL MEETING**

Thursday, 10th November, 2011

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: Councillors Loraine Morgan-Brinkhurst MBE

#### **44 EMERGENCY EVACUATION PROCEDURE**

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

#### **45 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Morgan-Brinkhurst MBE.

#### **46 DECLARATIONS OF INTEREST**

Councillor Jackson declared a personal, non-prejudicial interest in agenda item 12, as a member of Radstock Action Group who are opposed to longer lorries (and their effect on Radstock).

#### **47 MINUTES - 15TH SEPTEMBER 2011**

On a motion from Councillor Crossley, seconded by Councillor Haerberling, it was

**RESOLVED** that the minutes of 15<sup>th</sup> September be approved as a correct record and signed by the Chairman.

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

The Chairman;

1. Announced that Item 9 (Health and Wellbeing Board) would be deferred to a future meeting, following Councillors ratification of this proposal.

2. Indicated that he proposed to waive Council Rule 37 so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished so speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
3. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm.

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

There were no items of urgent business.

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

A petition was submitted by Stephanie Dodge, who also spoke in support of the petition calling for a bin on the Bathwick Estate. The petition was referred for consideration to the Cabinet Member for Neighbourhoods.

A question had been received from Ian Barclay regarding Firs field/Recreation Ground Trust. The Chairman drew attention to the question and response which had been circulated to Councillors and at the meeting. [A copy of which is available on the Council's Minute book and on the website.]

**51 GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD): ISSUES AND OPTIONS CONSULTATION PAPER AND 'CALL FOR SITES'**

The Council considered a report regarding the Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan document (DPD) which is a planning document prepared by the Council which allocates land for the development of authorised Gypsy and Traveller pitches across the district. The call for sites seeks information on potential land for allocation.

The Chairman explained that the purpose of this item was to seek the views of Council as part of the consultation process. Comments that needed to be considered by the Cabinet are recorded below and will be referred to Cabinet.

Councillor Tim Ball, Cabinet Member for Homes and Planning introduced the item. He outlined the four levels of consultation on this and set out the legal background. He informed Council that the consultation period will run from 21st November 2011 to 16th January 2012.

Councillors made the following comments:

- Councillor Martin Veal referred to the criteria set out for Gypsies, Travellers and Travelling Showpeople's accommodation as set out in Appendix 1 (page

25) to the report. He expressed his concern that some residents do not have the same level of facilities as those listed.

- Councillor Dave Laming explained his concern on the yard space to be provided for Travelling Showpeople in that residents would have to pay business rates if they had similar space for winter storage. He added that business rates should also be paid on the flatbed lorries that some Travellers use for collecting scrap. Councillor Laming also referred to the 2200 Travellers on the waterways who had to move on constantly and asked for them to be considered.
- Councillor Crossley agreed that the level of legislation on pitch requirements was burdensome. He stated that the Council had not addressed this issue before and now must take the opportunity that the Cabinet Member for Homes and Planning was providing. He further added that Gypsies, Travellers and Travelling Showpeople had a low life expectancy and were not always well thought of and urged Councillors to take this opportunity to address the gap in policy on this issue.
- Councillor Ian Gilchrist informed Councillors of the costs of £18-22 million involved in the recent Dale Farm enforcement action. He congratulated the Cabinet Member on the positive steps taken to avoid this type of cost for this authority.
- Councillor John Bull stated that his Group welcomed the proposal and supported the consultation which he felt was overdue. He explained that the Development Control Committee had been in a difficult position many times due to the lack of Council policy on the issue and he welcomed a positive outcome.
- Councillor Alan Hale referred to paragraph 4.1 in the report regarding discrimination and stated that if land was found for Gypsies, Travellers and Travelling Showpeople, in his opinion, residents on the waiting list for social housing were being discriminated against. He called for a solution for residents of Bath and North East Somerset from the stable community before making land available for Travellers.
- Councillor Vic Pritchard called for issues to be addressed such as cost, waste provision, education and safeguarding measures. He further added that he had a series of people waiting for accommodation in the Chew Valley area.
- Councillor Tim Warren explained that he had concerns for animal welfare on gypsy, traveller and Travelling Showpeople sites, in particular horses. He hoped that these concerns could be addressed in any Council policy on the issue.
- Councillor Nicholas Coombes explained that he sat on the planning committee (Development Control) and that it had been difficult in the past when an application for a Traveller site came up as there was no Council policy on the issue. He further stated that this should be treated as a 'land use' issue and that every land use issue had knock-on effects. He stated that he fully supported the paper.
- Councillor Sarah Bevan - Human Rights Champion stated that the authority has a duty to ensure that groups such as Gypsies, Travellers and Travelling Showpeople are not discriminated against.
- Councillor Eleanor Jackson stated that a policy on this issue was overdue and she commended this report as the start of the consultation process. She stated that a particular concern was that Traveller children sometimes find it

hard to get into local schools. She asked if Councillor Ball could explain if it was the Council's duty to develop and subsidise the land. *(Addressed in Councillor Tim Ball's closing statement)*

- Councillor Bellotti stated that he was appalled that there were no designated sites for Travellers in this authority which had resulted in incidents of illegal occupation. Councillor Caroline Roberts welcomed the opportunity for the public to comment on this issue and hoped they would engage in the consultation. She also added that it might be beneficial for Travellers to be included in the consultation. Councillor Roberts explained that it had been very difficult for Councillors who had experienced traveller encampments in their ward as there were no designated sites to move them on to. She asked if the authority was being asked to provide the site or facilities as well *(addressed in Councillor Tim Ball's closing statement)*
- Councillor Sally Davis stated that she had had experience of a Traveller site in her ward and she welcomed the consultation.

Councillor Tim Ball, Cabinet Member for Homes and Planning, explained that the Council's duty would be to find sites, not to provide them. He stated that Gypsies, Travellers and Travelling Showpeople are defined as minority groups.

## **52 HEALTH & WELLBEING BOARD GOVERNANCE**

This item was withdrawn from this agenda and is deferred to a future meeting of Council.

## **53 POLICY DEVELOPMENT & SCRUTINY PANELS - ROLE OF VICE-CHAIRS**

This report puts forward proposals concerning the role of Vice-Chairs of Policy Development & Scrutiny Panels, following an instruction from Council at its May 2011 meeting.

On a motion from Councillor Crossley, seconded by Councillor Bull, it was

### **RESOLVED**

1. To approve the principles of the role of Vice-Chair of a Policy Development & Scrutiny Panel, as set out in paragraph 5.3 of the report; and
2. To authorise the Monitoring Officer, in consultation with Group Leaders, to make consequential amendments to the Constitution.

*(Note; the above resolution was agreed with 1 abstention)*

## **54 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2011**

In February 2010, the Council adopted the 2009 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year.

This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2011/12 for the first six months of 2011/12.

On a motion from Councillor Bellotti, seconded by Councillor Crossley, it was

**RESOLVED**

1. To note the Treasury Management report to 30<sup>th</sup> September 2011, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 30<sup>th</sup> September 2011.

*(Note; the above resolution was agreed with 1 abstention)*

**55 COUNCILLOR AGENDA MOTION - MOTION FROM COUNCILLOR NIGEL ROBERTS**

Councillor Nigel Roberts submitted a motion expressing concern that the Department for Transport was pressing ahead with a ten-year trial of longer lorries, despite acknowledging the potential danger to vulnerable road users and the impact on road infrastructure, in heritage cities such as Bath.

On a motion from Councillor Nigel Roberts, seconded by Councillor Roger Symonds, it was

**RESOLVED** (nem con)

1. That the Council Leader be asked to write to the Secretary of State for Transport expressing this Council's concerns; and
2. The Council's officers be asked to look at the effect of these lorries on the roads through Bath and North East Somerset, with a view to mitigating any risks, such as lorries getting stranded and damage to Bath's vaults.

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

Councillor Will Sandry made a statement to the meeting – 'Housing – the inconvenient truth'. The statement was referred to the Cabinet Member for Homes and Planning. [A copy of which is available on the Council's Minute book and on the website].

One Councillor question had been received from Councillor Liz Hardman. The Chair drew attention to the question and response which had been circulated to Councillors and at the meeting. [A copy of which is available on the Council's Minute book and on the website.]

The meeting ended at 7.50 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## **ITEMS FROM THE PUBLIC**

### **Petition**

Petition submitted by Stephanie Dodge in support of a bin on the Bathwick Estate.

### **Question from Ian Barclay to Leader of the Council**

In the April 2009 Press Release titled "Council moves to resolve Recreation Ground Impasse", the leader of the Council said "The Group Leaders of the Council have agreed in principle to transfer Firs Field to the (Recreation Ground) Trust with appropriate covenants that would give similar protection to the land as those that would be applicable for a Village Green"

In answer to a question at the Recreation Ground Trust meeting on 29 September 2011 concerning the Firs Field Land Swap, the Chair of the Board replied that The Firs Field option was never progressed.

Given this answer, what is the current position of the Council Group Leaders on the proposed transfer of Firs Field to the Recreation Ground Trust and on the covenants that would be applicable to a Village Green?

### **Response from Councillor Paul Crossley**

It is important to distinguish between the role of the Council and the Recreation Ground Trust Board. In 2009 the Leader of the Council indicated that group leaders – on behalf of the Council - had agreed in principle to offer Firs Field to the Trust. The Trust Board considered this option but decided at this point not to progress with any land swap involving Firs Field. Negotiations on other options are progressing well and it is anticipated that these will be concluded fairly soon.

Once these negotiations have been completed, it would appropriate for the Council to consider the future of Firs Field in consultation with residents

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**SUMMARY OF COUNCILLORS` SUBMISSIONS - COUNCIL MEETING 10th  
NOVEMBER 2011**

**COUNCILLOR QUESTION S**

**1. Question from Councillor Liz Hardman**

I have had several cases referred to me about late payment of Council tax. The most recent was today, 3rd November, where the householder hadn't paid his tax by November 1st. Although he had been late in paying his Council tax in the past 7 months, 3times, he had paid in full up to November. He received a summons today, 3rd November.

Has the policy changed regarding the issuing of a summons for late payment of Council tax?

**Answer from Cabinet Member for Community Resources**

The recovery procedure has not changed; the process is clearly set out in government legislation (The Administration and Enforcement Regulations 1992)

The initial demand notice (bill) is issued at the start of the year and sets out instalments to be paid by the 1st day of each month (unless a direct debit is set up, when instalments can be made on the 15th). If no payment is received a reminder notice is sent, these are sent after the 22nd of the month. (Three weeks after the due date)

Providing payment of the outstanding sum is made and then future instalments are paid on time no further recovery action will be taken. If no payment is made or if the payment is for an amount lower than the amount shown on the reminder then a summons will be issued (no sooner than 14 days after the issue of the reminder). At that time the balance of council tax plus costs of £55.00 becomes due.

If after the first reminder has been sent and paid a subsequent payment is missed a second reminder is sent. A maximum of two reminders are issued. The second reminder would only be issued to an account where the first reminder had been paid in full. If the amount on the second reminder is paid in full and all future instalments paid on time no further recovery action would be taken.

If no payment is made or if the payment is made for an amount lower than that on the second reminder then a summons would be issued (no sooner than 14 days after the issue of the second reminder).

If, after two reminders have been issued, and paid, a further instalment is missed then a final notice is sent. The final notice removes all instalments and the full balance of council tax due for the year becomes payable.

If the amount shown on the final notice is not paid, in full, then a summons will be issued.

It should be noted that we are always keen to speak to customers who have difficulty paying and will consider an alternative non statutory payment arrangement if the debtor is having financial difficulties. These arrangements can include additional payment dates or revised payment dates, but we do have to take in to account the impact on cash flow to the Council and fairness to all taxpayers in any such plans.

### **STATEMENT FROM COUNCILLOR WILL SANDRY – ‘HOUSING, THE INCONVENIENT TRUTH’**

Mr Chairman,

I have reflected on our debate in September, and I have some thoughts that I would like to share with you.

I respect those councillors who stood up for their own communities in the core strategy debate, with the purpose of protecting their communities from housing development.

However, as I have reflected, on the meeting, I do not recall anyone, (myself included) speak up for members of our community who are currently living in sub-standard or cramped housing; on the housing list; those who are homeless and those who sleep rough. In my view, at our last meeting we failed to fully represent the needs and views of the broad community we represent.

The green belt means that the beautiful City of Bath is held in a green straight jacket. We have not expanded for 60 years; we have tried to work within that constraint, but bizarrely, we have allowed two major universities to develop and expand on our doorstep without sufficient student accommodation on campus.

I am not unhappy that the universities are here, they add much to the vibrance and vitality of the city, but I do feel that what was once a symbiotic relationship is now a parasitic one. The universities, continue to expand, and they are consuming our housing stock. We must continue to support any expansion of purpose built student accommodation on campus and in the city.

Not only has our housing stock come under pressure from the universities, the general population is increasing through immigration and there has been an increase in second home ownership.

My real concern that our core strategy will not provide enough affordable housing for the city, or for North East Somerset. Whilst I recognise the potential of the western riverside and the MoD sites, I also recognise that Bath and North East Somerset is a great place to live and that there are plenty of affluent people with both the means and intent to buy a second home in Bath, or to move here on retirement.

In my view, the inconvenient truth is that the housing we have allocated won't provide for those who need it.

We cannot avoid this issue and the debate needs to be had within the context of core strategy and long term plans.

One quick solution would be to increase our affordable housing thresholds from 35% to 50% and impose this on all schemes that have 5 or more houses rather than the current 14.

In addition to this we should work more closely with the Universities so that more purpose built student accommodation is built, reducing the pressure to convert family housing in to multiple occupancy lets.

There are solutions, and we must consider the housing needs of all our community.

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