

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 18th May, 2017

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Jasper Becker, Sarah Bevan, Colin Blackburn, John Bull, Neil Butters, 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, Lizzie Gladwyn, Bob Goodman, Francine Haerberling, Alan Hale, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Barry Macrae, Paul May, Shaun Stephenson-McGall, Alison Millar, Paul Myers, O'Doherty, Bryan Organ, Lin Patterson, June Player, Christopher Pearce, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Samuel, Will Sandry, Mark Shelford, Brian Simmons, Peter Turner, David Veale, Karen Walker, Geoff Ward, Tim Warren, Karen Warrington and Chris Watt

Apologies for absence: **Councillors** Les Kew, Marie Longstaff, Robin Moss, Michael Norton, Lisa O'Brien and Martin Veal

1 EMERGENCY EVACUATION PROCEDURE

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

2 ELECTION OF CHAIRMAN 2017/18

It was proposed by Councillor Dine Romero, seconded by Councillor Tim Warren, and supported by Councillors John Bull and Sarah Bevan and then

RESOLVED that Councillor Cherry Beath be elected Chairman of the Council for the Council year 2017/18.

Councillor Beath made and signed her Declaration of Acceptance of Office, received the Chain of Office from Councillor Alan Hale and presented the Consort's badge to her husband, Richard. Councillor Beath then addressed the Council. During her speech, Councillor Beath indicated that her preferred form of address was Chair. She informed Council that her chosen charities would be the Genesis Trust and the Mid Somerset Festival. Councillor Beath said she also intended to work on raising awareness of diabetes, as well as championing the work of unseen volunteers and trying to look after the more vulnerable members of our community.

FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR CHERRY BEATH PRESIDED AT THE MEETING.

3 ELECTION OF VICE-CHAIRMAN 2017/18

It was proposed by Councillor Sarah Bevan, seconded by Councillor Bob Goodman, and unanimously

RESOLVED that Councillor Karen Walker be elected Vice-Chairman of the Council for the Council year 2017/18.

Councillor Karen Walker made and signed her Declaration of Acceptance of Office, received the Chain of Office from Councillor Cherry Beath and thanked the Council for her appointment.

4 DECLARATIONS OF INTEREST

There were no declarations of interest made.

5 MINUTES - 23RD MARCH 2017

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

RESOLVED that the minutes of 23rd March 2017 be confirmed as a correct record and signed by the Chair.

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

Councillor Cherry Beath presented Councillor Alan Hale with his past Chairman's badge.

It was proposed by Councillor Tim Warren, seconded by Councillor Dine Romero and supported by Councillors John Bull and Sarah Bevan and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Alan Hale in the office of Chairman of the Council for 2016/17.

Councillor Hale then addressed the Council and, in so doing, thanked Members and officers for their support during his year in office. He praised the amazing volunteers he had met and the diverse and rewarding range of contacts he had made over the 339 events he had been able to attend during the year. He informed the Council that he had recently been privileged to be able to donate £2000 to each of his chosen charities. He made particular mention of the Citizenship Ceremonies which he had found highly rewarding. On conclusion, Councillor Hale then took a seat in the body of the Chamber.

The Chair then;

1. Welcomed the newly elected Councillors;
2. Asked everyone to turn off their mobile phone or switch to silent to avoid disrupting the meeting, and explained that some Councillors were accessing their meeting papers via iPads;

3. Announced that the meeting was being webcast and invited anyone who did not wish to be filmed to make themselves known to the camera operators;
4. Encouraged Members to sign up for the Equalities Theatre training arranged for 20th June; and
5. Reminded Councillors of the pre-election restrictions that applied in making their speeches.

7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

8 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

Rosemary Naish, Chair of the B&NES Avon Local Councils Association, made a statement on behalf of local Town & Parish Councils, highlighting the diverse and valuable work they do for their communities and supporting the Parish Liaison meeting, which they found to be an extremely valuable forum for engagement with the Council. In response to a question from Councillor Lin Patterson asking why Rosemary considered the Association had such a high take-up within local Councils, Rosemary responded that it was perhaps due to the training and professional support that they offered, enabling local Councils to operate more efficiently. Councillor Sarah Bevan asked if Rosemary was able to give one or two key updates to the Parish Charter which was being brought back to Council later in the year, to which Rosemary responded that it was being presented to the Communities, Transport & Environment Scrutiny Panel on Monday 22nd May so she considered they should have the opportunity to consider it first. The Chair thanked Rosemary for her statement (linked to the online minutes) which was referred to the relevant Cabinet Member.

Luke Emmett made a statement welcoming the newly elected Councillors and calling for a new approach to public engagement in future. He highlighted some issues about the Council's Petitions scheme and called for the Leader to attend the public meeting to which he had been invited by Bath Deserves Better via a petition from 38 degrees. Councillor Tim Warren asked Luke if he was aware that he, as Leader had offered to meet all the groups individually accompanied by the relevant Cabinet Member, to which Luke responded that he was aware and thanked him, although that wasn't what the campaign group had asked for. Councillor Dine Romero referred to Luke's comments about current engagement not being effective and asked what he thought would improve it, to which he responded that a public open meeting, with no limits to contributions, at which the Council could share ideas and possibilities would give a real voice to the public in feeling they were helping to move the city forward. Councillor John Bull asked Luke to elaborate on his use of the words 'small print' in relation to the Petition scheme, to which Luke responded that the Council's response stated that their petition did not qualify according to the criteria within the scheme although he claimed that on the Council's website just a name was required. At this point the Monitoring Officer was asked to clarify the

terms of the Council's Petition scheme and she explained that their petition had not complied with the scheme which states that the name and address of each signatory is required to trigger a debate at Council. She offered to follow this up in writing to Luke¹. Councillor Sarah Bevan asked Luke why he had chosen to raise this issue now, to which he responded that the lack of response to the petition and the opportunity of a fresh start with a new Council year had seemed like a good time. The Chair thanked Luke for his statement (linked to the online minutes) which was referred to the relevant Cabinet Member.

David Redgewell made a statement raising various maintenance issues at Bath bus and rail stations. Councillor Neil Butters asked if David thought it would be helpful if the Council could establish a working group to try and address some of these problems, to which David responded that he thought it would be really helpful. Councillor John Bull asked David for an update on the final point of his statement concerning the British Transport Police presence at the station, to which David responded that he now understood the presence would be maintained, but was concerned that the number of officers might be reduced. Councillor Sarah Bevan asked if David considered that the damaged doors restricted access for disabled people, to which he explained that in Councillor Bevan's area, work was often being undertaken to fix the doors, which involved removing signage and thereby creating confusion about bus departure points. The Chair thanked David for his statement (linked to the online minutes) which was referred to the relevant Cabinet Member.

Christine Boyd made a statement about the culture of the Council which she maintained had lost sight of Nolan's guiding principles of public life. She described a lack of openness and leadership and predicted the recent public protests would continue. Councillor Dine Romero asked if Christine could give some examples to which Christine mentioned various points. The Chair thanked Christine for her statement which was referred to the relevant Cabinet Member.²

9 APPOINTMENT OF COMMITTEES & PANELS AND OTHER ANNUAL BUSINESS

The Council considered a report inviting them to consider the non-executive and regulatory Committee arrangements for the Council Year May 2017 to May 2018 and associated annual business.

¹ The response from the Council's Monitoring Officer is as follows:

"I write further to your request for clarification on why the petition set up on the 38 degrees website was not accepted. Before they submitted their petition, the petitioners were signposted to the Council's scheme on the website <https://democracy.bathnes.gov.uk/documents/s46573/5%20-%20Petition%20scheme.pdf> and informed of the requirements of the scheme - "A petition should include: • the name, address and signature of any person supporting the petition or (in the case of electronic petitions) the name, address and e-mail contact. Please note that we will need to check that the petition complies with the requirements, ie that it has been signed by those who live, work or study in the Council area." The 38 degrees petition did not contain the address details for the signatories as requested and required by the Council's scheme and so was rejected. The petitioners could have used the facility on the Council website for starting electronic petitions, which complies with the Council's scheme."

² This statement has not currently been attached for legal reasons but has been placed on the Council's Minute book and is available on request.

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

RESOLVED to

1. Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in current form in appendix 3);
2. Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution, noting the revisions outlined in paragraphs 5.3 (and with any necessary amendments arising from this meeting);
3. Approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups);
4. Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
5. Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
6. Determine the bodies on which co-opted and independent members are to have seats as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
7. Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in section 7;
8. Note the arrangements for the conduct of Cabinet business and the urgent decisions that have been taken in the last municipal year, as set out in section 8;
9. Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise, and note the future intentions regarding reporting annually to Council as outlined in section 9;
10. Approve the amendment to the non-executive procedure rules in the Constitution as outlined in section 10;
11. Note the calendar of meeting dates that has been prepared up to May 2019 which is available on the Council's website;
12. Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result

of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

10 REVIEW OF ELECTORAL ARRANGEMENTS IN BATH AND NORTH EAST SOMERSET COUNCIL (COUNCIL PROPOSAL FOR NO. OF ELECTED MEMBERS)

The Council considered a report concerning the Local Government Boundary Commission review of Bath & North East Somerset Council to determine the correct number of Councillors for the B&NES area, and the correct boundaries.

During debate, concerns were raised that further consideration was needed with regard to future housing projections and student population and assurance was given by the Leader that that would take place. The Chief Executive also assured Members that the points made in debate would be taken on board before submission.

On a motion from Councillor Tim Warren, seconded by Councillor Liz Richardson, it was unanimously

RESOLVED

1. To note the findings of the technical report and outline recommendation; and
2. To delegate to the Chief Executive and Head of Legal and Monitoring Officer sign-off of the final wording of the technical report pending any material changes to underlying evidence.

11 ANNUAL REPORT ON USE OF REGULATORY INVESTIGATIONS POWERS ACT (RIPA) USAGE AND UPDATED POLICY

The Council considered a report concerning the use of RIPA powers in the previous year and setting out the powers of the Council and the revised policy.

On a motion from Councillor Tim Warren, seconded by Councillor Charles Gerrish, it was unanimously

RESOLVED

1. to note the use of RIPA powers in the key statistics set out in Appendix 1 of the report; and
2. to consider and approve the revised RIPA policy at Appendix 2 of the report.

12 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items from Councillors.

The meeting ended at 7.55 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

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COUNCIL 18th MAY 2017

PUBLIC STATEMENTS

List of registered public speakers

SPEAKER	SUBJECT MATTER
1. Rosemary Naish (Chair of B&NES ALCA)	Parish Liaison meeting
2. Luke Emmett	Engagement with residents on new policies & ways of working together
3. David Redgewell	Bath bus & rail interchange
4. Christine Boyd	Nolan principles

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ROSEMARY NAISH STATEMENT

“I am speaking as chair of the B&NES Avon Local Councils Association, known as ALCA. There are 51 Town & Parish councils within B&NES, representing 52% of the electorate and 50 of those 51 town & parish councils belong to ALCA.

Town & parish councils are responsible for street sweeping, street lights, parks, cemeteries and swimming pools among other things. All of our town & parish councillors are unpaid. We have been working together with council officers on an updated Parish Charter, (which will come before you later in the year) which we hope will increase the effectiveness of our joint working to serve the residents of B&NES.

This evening you are asked, in item 8 on the agenda, to renew the terms of reference for the Parishes Liaison meeting. I am here to tell you that to my members the Parishes Liaison meeting is the most important joint meeting we have with B&NES elected members and officers, more so than the Connecting Communities Forums, so I hope you will renew the terms of reference without change, until the charter work is completed. Thank you for giving me the opportunity to speak to you.”

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Statement from Luke Emmett

Good evening Councillors and thank you for the opportunity to speak to you at your AGM, I would like to particularly welcome your new Chairman and two new Councillors.

With a new year comes new opportunities and the chance to put behind the issues of the past. How wonderful would it be;

- To assemble at the guildhall without wading through a sea of protestors.
- To read the local news without seeing the Council and Councillors under attack.
- To open your inbox and not see the latest letter of complaint or FOI?

This is not what anyone wants for this great city - Bath deserves better!

Tonight another protest has gathered outside, people extremely frustrated that their experienced, knowledgeable and articulate voices are being ignored by the Council leadership.

These people feel that lip service has been paid to them whenever they have sought to have their points heard.

These are not people who want the city to stay stuck in the status quo - far from it. They want evidence that stands up to scrutiny to be at the core of how the council takes its decisions from now on, and to be presented to them ahead of their views being sought.

Times may be hard, but the people outside refuse to believe that the bank of honesty and integrity is bankrupt and there are insufficient funds in the vaults of opportunity.

1% of the electorate has petitioned you, Cllr Warren, and your Cabinet to attend a public meeting, to discuss our concerns.

I have a statement here from Robin Priestley - Head of Campaigns by You - 38 Degrees:

"38 Degrees petitions are accepted up and down the country by councils, central government and other organisations. From the London Assembly, to councils in Cornwall and Bristol through to Edinburgh, petitions from our website regularly trigger formal motions, debates and votes. A big 38 Degrees petition is a clear sign of public interest in an issue, something that councils and councillors should be paying attention to. In fact B&NES themselves have previously accepted 38 Degrees petitions. When 2400 people signed a petition to save the public toilets, the council accepted the petition and agreed with its aims:

We collect a full name, postcode and contact details for each signature. Whilst we can't share all of this data with councils (due to data protection laws) we're happy to work with councils to ensure that they are happy that the data we collect is valid and true. We're saddened to hear that B&NES council are not prepared to accept a petition signed by hundreds and hundreds of local people, purely because of some small print. This is clearly a big local issue."

We are not a rabble; we are decent citizens who want the best for this city. Many of these signatories voted Conservative and put you into power. Please reflect on that,

two recent election results in Walcot and Newbridge should tell you that citizens want change.

We ask you again...please accept our invitation as an opportunity for a fresh start. This public meeting will go ahead after the General Election and we have a right to expect you, as our leader to attend.

Bath Deserves Better.

Thank you.

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DAVID REDGEWELL STATEMENT

Service quality at Bath was extremely good during the recent rail closure in April but the following problems were identified in the maintenance of the bus and rail stations:-

- 1) the bus station needs deep cleaning including banners and signs.
- 2) the doors are still damaged and not working as of Saturday.
- 3) the area needs more cleaning including the pavements outside of the bus station although First were on top of the bus and rail stations internally.
- 4) the Council and WECA need to decide on the future of the Travel West/Travel+ brand.
- 5) Whilst First are painting Bath buses in blue and Weston-Super-Mare in orange.
- 6) we need to maintain a BTP presence at Bath Spa.

Thanks

DAVID REDGEWELL Bus Users UK, TSSA

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POLITICAL PROPORTIONALITY TABLE – AS AGREED AT COUNCIL MAY 2017

proportionality									
Licensing Sub-Committee	3	2	1				CON		
Pensions Investment panel	3	2	1				CON		3
Optional proportionality									
Health & Wellbeing Board	2	2 (appropriate Cabinet Members)	1 (observer)	1 (observer)	1 (observer)		<i>Shared between CM & CCG Chair</i>		
Licensing Committee	11	6	3	1	1		CON		