

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 13th September, 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 Cochrane, Sue Craig, Paul Crossley, Chris Dando, Matthew Davies, Sally Davis, Douglas Deacon, Michael Evans, Andrew Furse, Charles Gerrish, Lizzie Gladwyn, Bob Goodman, Francine Haerberling, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Les Kew, Barry Macrae, Paul May, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Lin Patterson, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Dine Romero, Richard Samuel, Will Sandry, Mark Shelford, Brian Simmons, Peter Turner, David Veale, Martin Veal, Karen Walker, Geoff Ward, Tim Warren, Karen Warrington and Chris Watt

Apologies for absence: **Councillors** Emma Dixon, Ian Gilchrist, Alan Hale, Michael Norton, Bryan Organ and Nigel Roberts

30 EMERGENCY EVACUATION PROCEDURE

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

31 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for all Councillors with an interest in item 9 - the Avon Pension Fund Annual report, to enable them to take part in the debate and vote.

The Monitoring Officer issued a further general dispensation for all Councillors with a personal interest in item 16 – Autism Awareness, to enable them to take part in the debate and vote.

In addition to the Councillors covered by the above dispensations, these further declarations were made;

Item 11 – Council Company Annual Accounts

Councillor Charles Gerrish declared an 'other' interest as Chairman of Aequus Developments Ltd (ADL) and announced he had been given a dispensation to speak on this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 14 – Establishment of Joint Venture Partnerships

Councillor Charles Gerrish declared an 'other' interest as Chairman of ADL and left the Chamber for the duration of this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 15 – Labour Motion Shale Gas Exploration and Production etc..

Councillor Paul Myers declared an 'other' interest having attended Frack Free Somer Valley meetings.

Councillor Karen Warrington declared an 'other' interest having attended Frack Free Chew Valley meetings.

32 MINUTES - 12TH JULY 2018

On a motion from Councillor Tim Warren, seconded by Councillor Steve Hedges, it was

RESOLVED that the minutes of the meeting of 12th July 2018 be confirmed as a correct record and signed by the Chair.

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

The Chair made the customary announcements regarding practical meeting arrangements.

She invited Councillors and staff to join her for a Macmillan coffee morning on 28th September between 10:30 and 12:30 in the Chairman's room.

The Chair then informed Members of the recent death of Liz Everitt, wife of the former Chief Executive John Everitt, and asked for Council's sympathies to be sent to the family.

34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

35 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Chair made reference to the Q&A document which had been circulated at the meeting and is attached to the online minutes.

Statements to the meeting were made by the following members of the public;

Joe Scofield presented a petition of over 600 names – "Address the Crisis of Student Housing in Bath". In his statement, Joe called for measures to address the problems caused by over 24,000 students needing housing in Bath. The full copy of Joe's statement has been placed on the Council's Minute book and is available online.

Councillor Bob Goodman asked Joe if he was aware of the recent positive reduction in HMO concentration to 10%, to which Joe responded that he was aware but that he didn't feel the 10% cap was adequate and called for further measures such as ring fencing areas for family housing around schools. Councillor Will Sandry asked Joe if he thought there was more the Council and the University could do to help the situation, to which Joe responded that a message needed to be sent to the University that they couldn't continue to use green belt land allocated for housing for extra teaching blocks to accommodate more students. Councillor Colin Blackburn asked Joe if he thought the restriction should be placed across the whole B&NES area to which Joe responded that he certainly did think so, and that every community should have the same level of protection. The Chair thanked Joe for his statement and petition which would be referred to the Cabinet Member.

Tony Mitchell made a statement on behalf of Transition Keynsham. Tony referred to the questions he had submitted concerning the impact of budget cuts on the provision of Council services and asked if the Council had been robust enough in putting its case to Government. A full copy of Tony's statement is available on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Joe Rayment about whether Tony was asking the Council to be firmer in making their case to Government about the impact of austerity, Tony confirmed that he was. Councillor Sarah Bevan asked about the impact of budget cuts on the work that Transition Keynsham carried out, to which Tony responded that they wouldn't have access to the same level of equipment. The Chair thanked Tony for his statement which would be referred to the Cabinet Member.

Jackie Albrow made a statement calling on the Council to complete the application for a Fields in Trust 'Deed of Dedication' for Moorland Park. Councillor Shaun Stephenson McGall asked if it would now be useful to have a meeting with all the relevant parties to progress this, as the process was started in September 2017, to which Jackie replied that the Council had been supportive but something further was needed to move this along and a meeting would be an excellent idea. The full text of Jackie's statement is available on the Council's Minute book and attached to the online minutes. The Chair thanked Jackie for her statement which would be referred to the Cabinet Member.

John Chapman made a statement about the Kingdom contract for a litter enforcement service. He outlined a number of concerns about such contracts and called for fair and proportionate litter enforcement measures which were within DEFRA guidelines and not target driven. A full copy of John's statement is available on the Council's Minute book and attached to the online minutes. Councillor Tim Warren asked if John was aware that the Council had not entered into a contract with Kingdom, to which John responded that he was aware but the companies were all much the same. Councillor Richard Samuel asked if John was aware that the Liberal Democrats had called in the Council decision, which would be considered by the Communities, Transport and Environment Policy Development & Scrutiny Panel on 27th September and asked what clarifications the Panel should be seeking at that meeting. John suggested they should be seeking assurances that any company would be complying with the law. The Chair thanked John for his statement which would be referred to the Cabinet Member.

Andrew Dickens addressed the Council as a member of the Lower Common East Allotment Association (LCEAA) and outlined his concerns about how the Association had been treated thus far, with regard to use of noticeboards and attendance at quarterly allotment sub-forum meetings. He called for the Council to recognise and accept the Association's rights to be treated no less favourably than any other allotment association. A full copy of Andrew's statement can be viewed on the Council's Minute book and is attached to the online minutes. Councillor Tim Warren offered to meet Andrew to discuss this further; Andrew said he would consider the offer. Councillor Andy Furse asked Andrew to confirm that all they were asking for was for the LCEAA to be treated the same as the other local allotment associations. Andrew confirmed that that was correct and they were simply asking for their existing rights to be respected. Councillor Robin Moss sought clarity on the nature of the problem they had encountered with the Cabinet Member, to which Andrew replied that they had been told it wasn't appropriate to form an alternative association, which he added was contrary to their right to assembly in Article 11 of the Human Rights Act. The Chair thanked Andrew for his statement which would be referred to the Cabinet Member.

David Redgewell made a statement to Members about bus services through parts of B&NES and Somerset County Council. He explained that Somerset had just started a bus services review and called for proper consultation to take place with those parts of B&NES that would be affected by this. David stated that the Government were asking for a single south west voice to contribute to the Transport Select Committee, currently covered by the two Sub-national Transport bodies (SNTB) – South West Peninsula Board and the Western Gateway Board. A copy of David's statement is available on the Council's Minute book and attached to the online minutes. Councillor Mark Shelford asked if David was aware that he was very supportive of David's comments and would be speaking to the relevant people, to which David replied that he was. Councillor Neil Butters asked if David was aware how bus budgets were being impacted in Somerset, to which he responded that the budget was being massively curtailed and he was proud of the work done in B&NES and they needed to echo that. Councillor John Bull asked for a little more information about the SNTBs that David had mentioned, so he explained the areas they covered and reiterated that a single voice was needed into Government. The Chair thanked David for his statement which would be referred to the Cabinet Member.

Dr Chrissie Harrington made a statement on behalf of the Pulteney Estate Residents' Association calling on Councillors to include the Pulteney estate in the Bath Clean Air Zone (CAZ). She outlined the reasons why they considered its omission from the CAZ to be illogical and detrimental to the community, and set out their concerns about the impact this would have. A full copy of Chrissie's statement has been placed on the Council's Minute book and attached to the online minutes. Councillor Bob Goodman asked Chrissie to confirm that they did meet last week with a view to reviewing the situation, which she did. Councillor Richard Samuel asked for Chrissie to clarify her understanding of the Council's position regarding the zone and through traffic on Cleveland place and the A36 Warminster Road. Chrissie explained that they were concerned that traffic from the south and east would end up dropping off, and circulating in their area to avoid the zone, thereby making the congestion there even worse. Councillor Sarah Bevan asked if Chrissie had been informed as to why that area had been excluded, to which she responded that she understood the idea

was to start small, but Bath is already a small city and they didn't think this omission from the zone made sense. The Chair thanked Chrissie for her statement which would be referred to the Cabinet Member

36 POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT 2017-18

The Council considered the annual report of the work undertaken by the 4 Policy Development & Scrutiny Panels and the Select Committee.

On a motion from Councillor Will Sandry, seconded by Councillor John Bull, it was unanimously

RESOLVED to note the work of the Policy Development & Scrutiny Panels and Health Select Committee, as set out in the Annual Report attached at Appendix 1 to the report.

37 AVON PENSION FUND COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Avon Pension Fund Committee on the work it has undertaken in the previous twelve months, up to 31 March 2018.

On a motion from Councillor David Veale, seconded by Councillor Shaun Stephenson McGall, it was

RESOLVED

1. To note the report; and
2. To approve the amended Terms of Reference for the Avon Pension Fund Committee.

[Notes;

- 1. The above resolution was carried with 56 Councillors voting in favour and 1 abstention.]*

38 CORPORATE AUDIT COMMITTEE - ANNUAL REPORT

The Council considered the annual report of the Corporate Audit Committee.

On a motion from Councillor Brian Simmons, seconded by Councillor Andy Furse, it was unanimously

RESOLVED to note the annual report of the Corporate Audit Committee.

39 COUNCIL COMPANY ANNUAL ACCOUNTS

The Council considered a report presenting the annual accounts of ADL, ACL and BTP.

In seconding the report, Councillor Paul Myers regretted that the final accounts had not been available from the Auditors and gave a commitment to Councillors that as soon as they were completed and approved, they would be circulated to all

Councillors and submitted for a future meeting of the Resources Policy Development & Scrutiny Panel and Council.

During debate, Councillor Sarah Bevan, Chair of the Resources Policy Development & Scrutiny Panel, read out the resolutions from the Panel's consideration of this item at their meeting the previous day. [Details available in the Panel's minutes.]

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

RESOLVED

1. Note the ADL 2017/18 year end audited accounts, as set out in Appendix 1 to the report;
2. Note the ACL 2017/18 year end audited accounts, as set out in Appendix 2 to the report;
3. Note the BTP 2017/18 year end audited accounts, as set out in Appendix 3 to the report.

40 UPDATED FINANCIAL REGULATIONS AND BUDGET MANAGEMENT SCHEME

The Council considered a report presenting the updated Financial Regulations and Budget Management Scheme.

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

RESOLVED

1. To approve the updated Financial Regulations and Budget Management Scheme attached as Appendix A to the report;
2. To agree that the Key Decision financial threshold be set at £500k;
3. To give delegated authority be given to the S151 Officer in consultation with the Chief Auditor to make any updates or changes to the regulations of a non-material nature; and
4. That the Corporate Audit Committee overview any further changes to the regulations in line with their terms of reference.

[Notes;

1. *During debate, an amendment was moved by Councillor Robin Moss, and seconded by Councillor Joe Rayment, to postpone the change to the Key Decision financial threshold change until proper scrutiny could take place. This was lost with 7 Councillors voting in favour, 47 Councillors voting against and 1 Councillor abstaining.]*
2. *The above successful resolution was carried with 48 Councillors voting in favour, 2 Councillors voting against and 2 Councillors abstaining.]*

41 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2018 FINAL TIMETABLE

The Council considered a report seeking approval for the final timetable for the implementation of the review of polling districts, places and stations, following the publication on 7th August 2018 of the Local Government Boundary Commission for England's final recommendations on the electoral review of B&NES ward boundaries.

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

RESOLVED to approve the final timetable for the implementation of the review.

[Notes;

- 1. The above successful resolution was carried with 56 Councillors voting in favour and 1 Councillor abstaining.]*

42 ESTABLISHMENT OF JOINT VENTURE PARTNERSHIPS

The Council considered a report seeking agreement for the establishment of Joint Venture Partnership(s) with other public bodies for the purpose of delivering local housing developments, subject to specific business cases being developed for each joint venture.

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

RESOLVED

1. To agree the principle of the establishment of Joint Venture Partnership(s) with other public bodies for the delivery of local housing developments both inside and outside the Council area;
2. To agree that decisions to enter into Joint Venture Partnerships shall be taken by the Cabinet, subject to business case and establishment of appropriate governance arrangements in line with those agreed for Council companies. Implementation of the approved Joint Ventures and administrative functions to be delegated to the appropriate officer(s); and
3. To agree the allocation of up to £10k from the Transformation Revenue Reserve to meet Council legal costs for the setup of the Joint Venture.

[Notes;

- 1. The above successful resolution was carried with 50 Councillors voting in favour, 3 Councillors voting against and 4 Councillors abstaining.]*

43 MOTION FROM THE LABOUR GROUP - PERMITTED DEVELOPMENT FOR SHALE GAS EXPLORATION & INCLUSION OF SHALE GAS PRODUCTION IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REGIME

On a motion from Councillor John Bull, seconded by Councillor Robin Moss, it was

RESOLVED as set out below;

Council notes that:

1. Currently fracking companies are required to apply for planning permission from the local authority to drill or sample a well. They also have to apply for planning permission from the local authority to undertake shale gas production.
2. The Ministry of Housing, Communities and Local Government is consulting on whether proposals for non-hydraulic shale gas exploration should be granted planning permission through a permitted development right.
3. The Ministry of Housing, Communities and Local Government is also consulting on whether to include major shale gas production projects in the Nationally Significant Infrastructure Project regime. This would mean that the Secretary of State would automatically become the decision maker for determining an application for future shale gas production projects meeting certain criteria.
4. The Council previously adopted resolutions on fracking on 11th July 2013 and 10th September 2015.
5. On the 6th August, 2018 the Leader of Council wrote to the Secretary of State, Greg Clark, objecting to these proposals.
6. The Council has responded to the consultation opposing permitted development rights for shale gas exploration and the inclusion of major shale gas production projects in the Nationally Significant Infrastructure Project regime.
7. The potential impact of fracking and its capacity to divert water flows could be catastrophic for the World Heritage City of Bath.

Council believes that:

8. The local planning process is one of the main ways in which communities can express their views about what happens in their area. Permitted development significantly reduces the potential for local people to comment on a development.
9. It is important that local councils have a say in whether shale gas exploration goes ahead as this activity could result in significant local impacts such as increased traffic, noise and lighting as well as damage to the ecology and visual landscape of an area.
10. Shale gas production is highly controversial with the potential to significantly impact on local communities. Decisions about these developments should continue to be made by democratically accountable local planning authorities and not as part of the Nationally Significant Infrastructure Project regime.

Council agrees to ask the Leader of Council to:

11. Write to;
 - a. our local MPs asking for their support in opposing these proposals;
 - b. all authorities which border Bath & North East Somerset, to ask them to support us in our opposition to fracking in our region;
 - c. the appropriate Minister requesting that the Avon Act is extended across the whole Avon catchment area in B&NES.
12. In the event that permitted development rights for shale gas exploration are introduced, to explore the potential for an Article 4 Direction to remove these permitted development rights from shale gas exploration in this area.
13. To work with all planning authorities in the catchment area defined by the carboniferous limestone bowl in which the hot springs sit to introduce Article 4 Directions.
14. Request that our Avon Pension Fund Committee members investigate options to continue diverting investment from companies specialising in fossil fuel energy production to companies specialising in environmentally responsible energy production.

[Notes;

1. *The above successful resolution was carried with 54 Councillors voting in favour, and 3 Councillors abstaining.]*

44 MOTION FROM THE LIBERAL DEMOCRAT GROUP - AUTISM AWARENESS

On a motion from Councillor Tim Ball, seconded by Councillor Steve Hedges, it was

RESOLVED unanimously as set out below;

Council notes:

1. Around 700,000 people in the UK are on the autism spectrum. That is more than 1 in 100. If you include families, autism is part of daily life for 2.8 million people. In addition, many are still undiagnosed.
2. Autism is a hidden disability – you cannot always tell if someone is autistic. The right support at the right time can make an enormous difference to people's lives. 17% of autistic children have been suspended from school. 70% of adults say they are not getting the help they need from social services and that with more support they would feel less isolated. At least one in three experiences severe mental health difficulties due to lack of support. Only 32% are in some kind of paid work.
3. Public awareness of autism is growing but many people are unaware of the challenges faced by people on the autism spectrum and their families.

4. Thousands of children are undiagnosed until later in life, and many adults have suffered from lack of diagnosis and the right understanding and support for much of their life. Many end up in our prison systems or are homeless. Many have never had the right support or opportunity to be employed. Children need to be assessed early and, if autism is suspected, get the right support in a timely way. This currently does not happen, leaving families unable to get the help and support required to enable the young people to understand their condition and reach their potential and for families and teachers to make the necessary adaptations to support them.
5. The efforts made by local organisations and businesses, such as the Roman Baths, which has been recognised by the Autism Society, and the introduction of 'quiet shopping hours' in supermarkets are welcomed. But it should go much further.
6. The excellent work the Council already achieves in providing high quality service for autistic people in Bath and North East Somerset but we recognise we may need to do more to meet the needs of the growing numbers being diagnosed.

Council resolves to:

7. Request that the Leader of the Council writes to the Minister concerned to ensure that Autism is recognised in our criminal justice system.
8. Recognise its position as a community leader in promoting inclusive practice across all partners including schools to ensure that children with autism or similar special educational needs and disabilities are given the appropriate support to learn and fulfil their potential.
9. Recognise its responsibility as a public service provider, to ensure that as far as possible within available resources, all public-facing Council services are aware of the ways in which they can best enable people with an autistic spectrum disorder to access the facilities they offer.
10. Refer this issue to the Health and Wellbeing Board which brings together a range of relevant partners, and is therefore the appropriate forum to consider what more they can do to raise awareness including with local businesses.
11. Consider supporting the 'Too Much Information' Autism Hour in its own premises (6 – 13th October 2018).

[Notes;

1. *The above successful resolution contains wording proposed by Councillor Paul May and accepted into the substantive motion by the mover and seconder, namely paragraphs 6, 8, 9 & 10.]*

45 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Alison Millar made a statement to Council about litter enforcement and advised caution when considering any private contractor undertaking this role. She expressed concern that this would target vulnerable groups and highlighted examples of private contractors being sacked across the country. She described this as a huge concern and reminded Councillors and the public of the call-in Policy Development & Scrutiny Panel which would consider this issue on Thursday 27th September.

The Chair thanked Councillor Millar for her statement which was referred to the relevant Cabinet Member.

The meeting ended at 9.38 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

Name of Member	All Councillors
Meeting and item of business for which the dispensation has been sought	Full Council – 13 th September 2018 (Agenda item 9 – Avon Pension Fund Committee Annual report)
Reason for dispensation	The Monitoring Officer issued a general dispensation allowing all councillors with an interest in Avon Pension Fund to take part in the debate and vote.

Having received a request prior at the meeting regarding this dispensation, it was granted.

Signed

M E Lucas
Monitoring Officer – Bath & North East Somerset Council

Dated 13th September 2018

This page is intentionally left blank

BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

Name of Member	All Councillors
Meeting and item of business for which the dispensation has been sought	Full Council – 13 th September 2018 (Agenda item 16 - Motion on Autism)
Reason for dispensation	The Monitoring Officer issued a general dispensation allowing all councillors with an interest arising from a family member or other connection with autism to take part in the debate and vote.

Having received a request prior to the meeting requesting this dispensation, it was granted.

Signed

M E Lucas
Monitoring Officer – Bath & North East Somerset Council

Dated 13th September 2018

This page is intentionally left blank

COUNCIL 13TH SEPTEMBER 2018

PUBLIC Q&A

P	01	Question from:	Tony Mitchell
<p>What responses did you get from Government to your presentation of “the unprecedented challenges we face”? In particular, what was said about ‘new burdens’, social care, a Local Tourism Levy, University expansion and short term lettings, as cited in your response?</p>			
Answer from:			Cllr Charles Gerrish
<p><i>As highlighted in the response to the Keynsham Area Forum, these issues were set out in the council’s detailed feedback to the Government’s Fair Funding Review. Although we have not received a detailed written response to the specific issues we raised through this process, this is in line with the expectation that Government would normally set out their responses to consultation when finalising their policy. Our latest information is that the Government will announce the results of the Fair Funding consultation at around the time of this Autumn’s budget statement.</i></p> <p><i>Given this, we therefore approached Government ministers directly to press our case and on 5th February, myself and the Leader met with Rishi Sunak MP, Minister for Local Government, regarding both the local government settlement and the specific requests set out in our Fair Funding Review submission. In addition, the Leader wrote formally on 16th May to highlight the specific issue in our Fair Funding response relating to short term holiday lets, highlighting in particular the need for a new Use Class for short term lets. We received a response from the Secretary of State dated 6th June which rejected this particular proposal. However, we continue to press this issue forcefully and on 17 June met with ministerial advisers at the Ministry of Housing, Communities and Local Government (MHCLG), and, separately, with WECA Leaders and Kit Malthouse, Minister of State for Housing, specifically to discuss the issue of short term lettings. The Leader is due to have a further meeting with MHCLG on 17th September to press the short-term letting issue and the full range of requests we have set out.</i></p>			
P	02	Question from:	Tony Mitchell
<p>What ‘other issues’ did the Leader raise with which Government Ministers and what was their response?</p>			
Answer from:			Cllr Charles Gerrish

As well as the key areas highlighted above, our response to the Fair Funding consultation requested a series of flexibilities and technical changes to help us raise more income locally, namely:

- *Full cost recovery for planning fees*
- *An extension of the Transition Grant received by the Council*
- *Extension of flexible use of capital receipts to fund transformation costs*
- *Adjustments to the Minimum Revenue Provision*
- *Removing fee exemptions for listed building applications*
- *Changes to Non Domestic rates exemptions for Listed Buildings standing empty*
- *Changes to the way office to residential conversions are treated under Business Rates retention*
- *Full cost recovery of licencing fees*

I am pleased to say that the issue of planning fees has recently been addressed through new regulations. We continue to press for change and encourage local groups, businesses and residents also to make their views known at national level on all these issues.

I'm handing in the petition: Address the crisis related to student numbers in Bath. The petition has over 600 names.

It isn't about blaming students personally – but having over 24,000 students does cause problems.

Now that wards like Oldfield have reached their limit with the number of HMOs they can have, other parts of Bath like Twerton and Whiteway are filling up with student HMOs.

And so begins a process of stripping out, where perhaps 200 family houses in the Twerton area are lost to HMOs over time.

The sad thing about that is the Twerton area is a place with a history of need – and so the whole area is peppered with schools, nurseries, baby clinics, family programmes and other services for families.

As houses in Twerton get turned into HMOs, families are effectively pushed away from those services, instead having to live in areas that may have lower levels of provision.

Meanwhile, the tenants who move into the HMOs – normally students – don't need services like parent support groups. So the whole equation becomes very unsatisfactory. And if the same pattern gets repeated in other communities, there's quite a loss over time.

There are implications for homelessness too. I had a homeless family stay with me for seven weeks. I saw how the Council depends on private landlords renting to the poor – and how few landlords are prepared to rent to housing benefit claimants.

If you have a thousand 'housing benefit friendly' landlords in BANES, you get some shrinkage as landlords sell up or convert to student accommodation. If new landlords also feel that students are the most profitable option, don't you get erosion of something vital – the private rental sector to the poor?

Sometimes it feels like the Council's house building programme and Aequus firm, just serve to replenish the houses lost to the universities, when really, you'd want to be building housing stock up.

I've hardly time to mention student blocks. But I would say that when I was a home care worker, I visited an elderly man who was housebound, because he'd been housed in an upstairs flat and his legs couldn't handle stairs. Housing officers had nowhere else to put him.

There wasn't provision for him, a man who'd worked all his life in Bath. Yet we build luxury flats for overseas students on some of our last brownfield sites. How has our city become that twisted?

So steps need to be taken, as the public cry out over injustices like these.

This page is intentionally left blank

Tony Mitchell Statement

I have asked these questions on behalf of Transition Keynsham, a voluntary group of residents dedicated to helping to find ways of improving life in our town, whether it be by picking up rubbish as Wombles or devising schemes to enable us all to live more sustainably.

We are therefore very conscious of the effect of the Council's annual budget on the provision of public services. Our concerns are heightened when year on year we are faced with more and more cuts and consequent damage to provision.

Our appreciation of all the hard work to produce this year's budget was influenced by the acknowledgement that its 'unprecedented challenges' were to be discussed with Government, whose funding policies are the real basis of our problems, threatening to break the whole system of Local Government (Lord Porter, Conservative leader of LGA, 3/7/18).

My questions are therefore to help us, as involved and concerned citizens, to understand the outcome of our Councillors' efforts on our behalf, before we get entangled in next year's budget and the Fair Funding Review. A recent comment in the press declared that the present situation reflected the 'woeful efforts of local government leaders to make the case nationally for local government'.

I hope that is not true of our team!

This page is intentionally left blank

CASE FOR COMPLETION OF THE APPLICATION FOR “FIELDS IN TRUST” STATUS FOR MOORLANDS RECREATION PARK (“MOORLANDS PARK”)

We are presenting this case to request the completion of the process which was started in September 2017 to Protect Moorlands Park forever through Fields in Trust (“FIT”). We are aware of some reasons for delay, but the park is vital to the local community for health, enjoyment and a hub for community spirit.

Moorlands Park is at high risk of changes to its character and space by areas being lost or built on. Nationally, parks are being lost at an unacceptable rate. A national survey by FIT states that one in five people say their parks have been at risk of loss/building.

The survey also states that 95% agree that parks should be protected from development. We are campaigning to have permanent protection on Moorlands Park through FIT, but know other parks in this area needs this protection too. The Council has already given this protection to Firs Field in Combe Down through FIT.

An agreement with FIT will bring the following benefits to Moorlands Park: permanent protection, the health and social benefits a park brings, community spirit, and financial savings.

1. Permanent Protection

FIT is a national organisation and a registered charity which is an active champion for the protection of parks and recreation areas. Previously known as the National Playing Fields Association, it gives protection to over 2,700 areas through a form of agreement called a “Deed of Dedication”.

The Council has acknowledged the importance of green space protection through its placement plan, but planning policies have limitations that put parks at risk:

- A Council can only consider planning applications in isolation, so any park is at risk of a series of applications which individually have little effect on the enjoyment of the green space but collectively cause significant loss and damage to its character;
- Planning policies are reviewed every few years. Councils are under ever-increasing financial pressures, and there is always the risk of planning protections being watered down in future plans.

A Deed of Dedication with FIT is not a substitute for planning protection, but it gives an additional, enhanced, level of **permanent** legal protection against any loss of land. The Deed contains binding commitments by the Council, in particular, not to dispose of any park land or to permit any building on park land which is not for the use of the park without the consent of FIT.

FIT works in partnership with the landowner (the Council) and other organisations involved in the parkland management (such as potentially, the Bristol and Bath Parks Foundation) to ensure the parkland is used for the benefit of the local community.

FIT also provide expertise and advice on the preservation of parkland.

2. Health Benefits

The protection of the park is crucial not just for ecology and wildlife but also for the health and social benefit of all sections of the local community, from the children who use the play area to the retired people who walk their dogs there.

According to a survey by FIT:

- 48% of people say using their local park helps them feel healthier;
- 86% of people visiting their local park use it for walking (including walking the dog);
- 69% of people think the loss of parks would be detrimental to children's development.

Using a park benefits:

- Physical health – walking and running helps with fitness and reduces the risk of cardiovascular disease and obesity;
- Child development – outdoor playing is an essential part;
- Mental health - natural therapy through the environment promoting relaxation, stress relief, and interaction with other people, reducing isolation.

3. Community

FIT are active champions, protecting parks and fields nationwide, working with the all the local community.

Previously when Moorlands Park land has come under development threat, this has caused local people stress and anxiety. FIT act as advocates for the local community in such situations.

FIT would carry out an independent assessment of any changes to park land, within the terms of the park's "Deed of Dedication". They can be robust yet flexible, and consider the needs and benefits to the whole community.

They can provide advisory and custodial oversight to the landowner and local park management.

The community then feel they have a supportive, impartial guardian, in matters regarding the Park.

4. Financial benefits

FIT often has grant funding available, but only to its protected fields. Over the years it has provided millions of pounds of improvements in conjunction with grant-making bodies.

Research commissioned by FIT (compiled using HM Treasury approved research methodology) has found that access to green spaces:

- Saves the NHS £111 million per year/ adult in UK in reduced visits to G.P.s (this doesn't include "knock-on" savings due to reduced prescriptions and referrals).
- The "Wellbeing" value associated with frequent use of parks is worth £34.2 Billion per year, through the above factors.

John Chapman Thursday 13th September

Kingdom Securities are offering you a No Cost Litter Enforcement Service.

Wow!. How?

Each time that a Fixed Penalty Notice (FPN) is issued, the payment is split, the majority going to Kingdom, the remainder to Council. Immediately this calls into question the priorities, as there is a huge conflict of interest, Profitable rather than effective enforcement.

Quantity rather than quality.

The objective of this contract is supposed to be a reduction in littering offences, however –

As a private company, the Kingdom goal will be maximising income

However, if littering levels fall, Kingdom's revenues fall

Therefore, to maintain income, Kingdom are effectively incentivised to fail

And they will fail, I can find no evidence that any private company handing out fines like confetti has had any positive effect on littering anywhere. In fact the opposite, it creates negativity, and bad feeling, especially when there are perceived Council failings, such as dropped litter by refuse collectors.

Each Officer has a minimum target of 4 FPN's per day. That equates to around 1,000 FPN's **per full time Officer** per year. That's a lot of money draining out of the local economy. A lot of hardship for families already struggling to make ends meet. Also contrary to the proposed draft DEFRA guidelines specifically stating that enforcement should not be target driven

The law - I have sent you all a copy of S87 of the EPA, so you know that accidental littering is NOT an offence, and that an offence only occurs once intentionally dropped litter is left.

This is from the Kingdom website -

“Crucially, section 87 of the EPA states that it is a criminal offence to drop, throw down, leave or deposit litter in a public place”

No it doesn't!

Do the law enforcers not understand the only law they are alleged specialists at enforcing? Just one law, and they get it wrong.

Will the officers be more likely to check the Company website or the actual law?

How will the Council ensure that Kingdom are enforcing the correct law, and following the DEFRA guidelines?

Profit motive, not clear on law, what safeguards are there likely to be?

In a word, None.

In other areas where Kingdom operate, there is

- No independent appeal service.
- All correspondence will be dealt with by Kingdom staff, within Council premises, and using Council headed notepaper.

Kingdom - Judge, jury, executioner, AND masters of disguise.

Kingdom do explain the appeal option -

Everyone issued with an FPN is afforded the right to appeal to a Magistrates court, however if found guilty could result in a criminal conviction.

Aside from being barely literate, it's misleading yet again. Being found guilty of littering will not lead to a criminal conviction, you can only get a criminal conviction for non payment of the fine.

A number of Councils have recently ditched Kingdom for being over-zealous, they are described in Kirklees as rude and aggressive.

So I will ask you – What safeguards will be in place?

This is not supporting littering, it is supporting fair, lawful and proportionate litter enforcement, and adherence to Government guidelines.

Together we can tackle litter.

Use the stick, lose the support of the people.

Council Statement

→ Martin Shields /
Bob Goodman

Lower Common East Allotment Association

My name is Andrew Dickens, I am a tenant on Lower Common East Allotment and a member of the Lower Common East Allotment Association, which was established in September 2017.

In April this year the Council was introduced to the Association and asked to make a routine confirmation that the Association would be treated no less favourably than the other two Allotment Associations already in existence.

In particular, confirmation was sought that the Lower Common East Allotment Association could make use of the Lower Common East allotment site gates and notice board to advertise and promote itself, and could attend the Council's quarterly allotment sub-forum meetings with the other two Allotment Associations where decisions are made that affect Lower Common East Allotment Association members.

The Council has accepted the establishment of the Lower Common East Allotment Association, but has refused to allow it to use the gates and notice board, or attend the sub-forum meetings.

Under current UK and European Law, prior approval from a local authority to form an Allotment Association is not required, nor is a local authority able to interfere with the lawful functions and activities of an Allotment Association, nor treat one Allotment Association less favourably than another.

Whilst the Council's 2015 Allotment Management Plan recognises the possible existence of Allotment Associations it does not take proper account of their rights, and this is reflected in the Council's decision.

A reply from the Secretary of State, when taken into consideration with the Council's decision and the rights of the Lower Common East Allotment Association itself, suggests that this matter needs to be brought to the attention of a full Council meeting and this has now been done.

The Lower Common East Allotment Association is seeking confirmation from the Council that it recognises and accepts the Association's right to be treated no less favourably than any other Allotment Association, recognises and accepts the Association's right to place notices on the site gates and notice board on Lower Common East Allotment which relate to and promote its activities, and recognises and accepts the Association's right to engage with the Council to represent the Association's members where appropriate.

Thank you very much.

13/09/18

This page is intentionally left blank

David Redgewell statement

Cross boundary bus cuts

We are very concerned about proposals to cut public bus services and would welcome the Council retaining supported bus services such as those between Radstock - Frome, Bath - Frome, Cheddar - Street, Shepton Mallet and Frome, Wells - Burnham -On - Sea, Minehead town service/Porlock, Shepton Mallet - Castle Cary station - Yeovil, Castle Cary station - Wincanton - Street.

Over the last two years Somerset CC with BANES and the parish councils have saved many bus routes an example we have given to the Government on rural buses and in fact will be giving to the Transport Select Committee on 22nd September 2018 submissions.

We hope that Somerset CC does not cut bus services or close Taunton Park & Ride which serves Musgrove Park hospital at a time when we are also trying to reopen the Taunton - Bishops Lydeard rail link from Minehead in 2018.

We urge council to lobby Central Government for public transport support and work with the new RTB's (Peninsular and Gateway) for more bus/local rail public transport funding.

DAVID REDGEWELL (SWTN)

This page is intentionally left blank

→ Keith Brown / Bob
Goatman.

Bath and North East Somerset CAZ proposal – a response from the The Pulteney Estate Residents' Association

Professor/Dr. Chrissie Harrington

We fully support the initiative of the Clean Air Zone (CAZ) for Bath, and BANES' aim to create a clean air city that will benefit the whole population of Bath. We also thank BANES' Officers who have worked so hard to advance the project to this point. However, in the current proposal there is a large section of eastern Bath that is by default destined to be the Dirty Air Zone – thus polluting BANES' plan.

We are deeply concerned that the asymmetry of the proposed CAZ boundary results in an illogical and inconsistent exclusion of the area in and around The Pulteney Estate and, for the reasons outlined below, we urge that this omitted area is included in the CAZ as a matter of priority. See Appendix 1 for a map outlining our CAZ extension proposal.

1. Excluding the Pulteney Estates area undermines the objectives of the Clean Air Zone by:

1.1. Excluding the A36

BANES' main aim is to urgently reduce air pollution to improve health. However, the current proposal excludes the A36, the only principal road that is excluded from CAZ, and as the data suggests below, one of the most heavily used and congested roads in Bath. See Appendix 2 of an image taken on 11.09.2018 as an example of polluting traffic on Sydney Place. The polluting effect of the A36 is itself acknowledged in BANES' 2016 Air Quality Annual Status Report (ASR)¹ and again in the report's reference to the benefits of the redesign of Widcombe, away from the A36.

In fact, the decision to exclude the A36 appears to have been made based on inaccurate or absent data. For example, the measurement of 28µg/m³ of nitrogen dioxide shown on the A36 near Widcombe School is wrong and has been confused with data taken from Widcombe Parade. Measurements on the A36, outside the school and during term time exceed 40 ug/m³ of nitrogen dioxide.²

Equally the 2016 report describes Sydney Place on the A36 as a local priority and challenge, and includes an image (see Appendix 3) of Sydney Place complete with sensor. The value reported by BANES exceeded 50 ug/m³ but for some reason was considered irrelevant to the proposed plan.³ This reading should have signalled an urgent need to be addressed.

¹ BANES' 2016 Air Quality Annual Status Report (ASR): "In Bath through-traffic, particularly on the

² 2017 BANES Air Quality Report, page 48 Table A.3; and page 64 in Table B.1. Widcombe Parade is incorrectly identified as "Widcombe High Street" – see Sensor DT18, compared with Sensor DT17 on the A36.

³ 2017 BANES Air Quality Report, page 32, Table D.3 on page 82

There is no further specific mention of measures to be taken to tackle the challenges of the A36 in either of BANES 2017 and 2018 Air Quality Reports.

1.2. Excluding key heritage attractions

Our community is in the Heritage Centre of Bath with its significant Georgian architecture and tourist attractions, including, for example, (Old) Sydney Place (Jane Austin), New Sydney Place (King William 1V and Queen Charlotte), the world famous avenue - Great Pulteney St, and the Holburne Museum with the only remaining eighteenth century Pleasure Gardens in the United Kingdom.

These locations attract significant volumes of visitors throughout the year who will now be even more at risk of poor air quality.

2. Adversely Impacts on the area, including vulnerable people

Excluding The Pulteney Estate and the A36 from the CAZ will inevitably create increased traffic along the city section of the A36, as high emission vehicles will attempt to avoid the CAZ charges. This will also create a rat run along and around the A36, putting at risk children and young people attending the local schools and others who move around the area. The adverse impact of high emission HGVs, coaches, buses and cars, commuting to or through the city, or carrying and depositing tourists - scouting the area for somewhere to park or hover - will put at risk the local residents, which includes a high proportion of older people, children and young people. This contradicts BANES own aim to target the pollutants (only 25% of traffic is from residents of Bath)⁴ and not those at risk. There appears to have been no consideration of the impact on these groups of people.

There is clear evidence of the disastrous impact of toxic emissions on, for example, asthma and bronchitis sufferers⁵ as well as on levels of intelligence and the onset of dementia⁶ that supports your aim. Your current proposal will uniquely threaten the health and well-being of our community, who are left out of your plan. We need and want to be in the **Clean Air Zone**.

⁴ 2017 BANES Air Quality Report

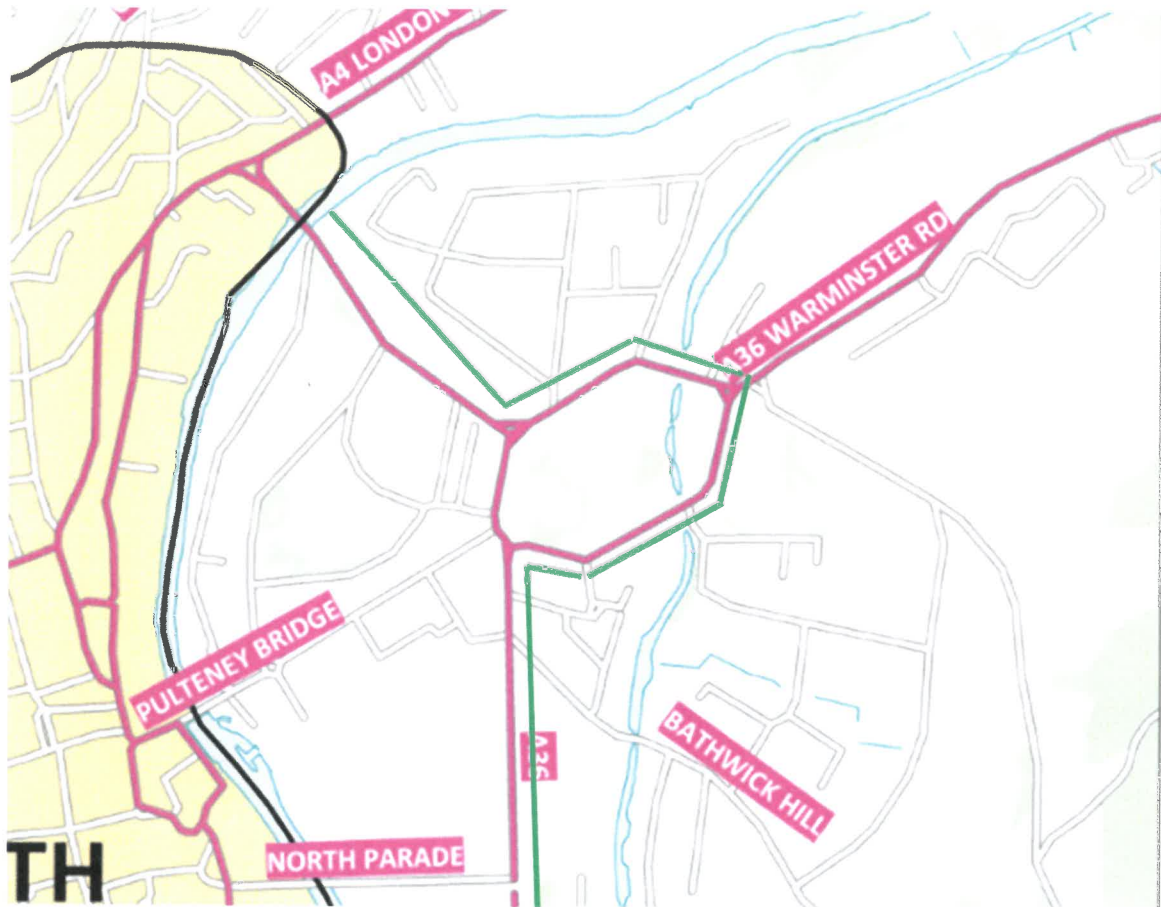
⁵ World Health Organization, 'Review of evidence on health aspects of air pollution – REVIHAAP Project', 2013 www.euro.who.int/__data/assets/pdf_file/0004/193108/REVIHAAP-Final

⁶ Air Pollution Has a Massive Impact on Early Brain Development
<https://futurism.com/air-pollution-massive-impact-early-brain-development/>

This is your brain on air pollution –
<https://arstechnica.com/science/2018/08/this-is-your-brain-on-air-pollution/>

Appendix 1

Proposal (green line) for eastern extension to Clean Air Zone to include heritage area from Pulteney Bridge to Sydney Gardens



Appendix 2

A36 Sydney Place, including Jane Austen's House (4 Sydney Place)

11 September 2018 - afternoon



Appendix 3

Extract from BANES 2017 Air Quality report, page v of Executive Summary

Bath & North East Somerset Council

Local Priorities and Challenges

The priority for the coming year is to renew the Air Quality Action Plan for Bath ⁽⁶⁾. The Council is consulting on generating options for the plan in the winter of 2016, with a view to adopting the plan in 2017. In preparation for this, the Council has enhanced its monitoring capabilities with the purchase of two new lamppost mounted monitors that send live air quality data to the Council. These are being deployed across the district to respond to air quality concerns.



AQMesh Automatic air pollution monitor - Sydney Place, Bath

The challenges for Bath are made greater by its attractiveness and status as a UNESCO World Heritage Site which means that it has a significant amount of tourist traffic, its environmentally sensitive setting and the existence of the Primary Route network on the city streets of the A46 and A36.

COUNCIL 13TH SEPTEMBER 2018

COUNCILLOR Q&A – ITEM 11

M	01	Question from:	Cllr Robin Moss
What is the number of any current disputes where the council believes that a stay will be permanent (& so property value becomes part of the assessment) while the person or family believe the stay will only be temporary?			
Answer from:			Cllr Vic Pritchard
<i>There are no current cases where the Authority believes the client stay is permanent but the family believe the stay is temporary which involve ownership of a property and the inclusion or disregard of this in a financial assessment. In past instances where the client circumstances have changed and they have moved back home the financial assessment is adjusted and properties will be disregarded in accordance with the Care Act charging policy.</i>			
M	02	Question from:	Cllr Robin Moss
A property will be discounted for assessment when a spouse or partner is still residing in the property. A property will also be discounted when another (wider) family member who is either disabled or over 60 is in residence. Are there any current disputes around 'qualifying' residences?			
Answer from:			Cllr Vic Pritchard
<i>There are no current cases in dispute in respect of qualifying residency.</i>			
M	03	Question from	Cllr Robin Moss
Has the circumstance ever occurred where someone would have been able to return 'home' except that the property has had to be sold?			
Answer from:			Cllr Vic Pritchard
<i>There are to our knowledge no cases where the property has been sold and the client has therefore been unable to move out of residential/nursing care as they have no home to go to. Clients with properties have the option to enter into a deferred payment arrangement so mitigates the necessity for sale.</i>			

M	04	Question from:	Cllr Steve Hedges
<p>Which of the public and voluntary organisations currently offering services at the Bath One Stop Shop will continue to offer services at the 'Bath Library and Information Centre'?</p> <p>Specifically, will the Avon and Somerset Police have an Enquiry Desk in the Bath Library and Information Centre?</p>			
Answer from:			Cllr Karen Warrington
<p>The public and voluntary organisations that offer a service from the One Stop Shop continually change, depending on demand and the resources of the organisations. But it is anticipated that organisations such as Citizens Advice, Bristol Credit Union and Reach will continue to offer services in the new Bath Library and Information Centre space when it is complete, but Avon and Somerset Police will not have an Enquiry Desk or a presence in this location.</p>			
M	05	Question from:	Cllr Richard Samuel
<p>How many fixed penalty notices for littering have been issued in the two months since the Council adopted the maximum level of fine and how many notices were issued in the previous twelve months?</p> <p>How many fixed penalty notices for fly tipping have been issued in the last twelve months?</p>			
Answer from:			Cllr Bob Goodman
<p><i>[The below response was provided within 5 working days of the meeting.]</i></p> <p><i>37 fixed penalty notices for littering have been issued in the two months since the Council adopted the maximum level of fine.</i></p> <p><i>6 notices were issued in the previous twelve months.</i></p> <p><i>11 fixed penalty notices for fly tipping have been issued in the last twelve months.</i></p> <p><i>The Council has increased its enforcement capabilities by the use of CCTV and dashcam evidence, hence the increased number of FPN's issued this year.</i></p>			