

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 18th September 2025

Present:- **Councillors** Michael Auton, Alex Beaumont, David Biddleston, Colin Blackburn, Alison Born, Anna Box, Paul Crossley, Chris Dando, Jess David, Sarah Evans, Fiona Gourley, Kevin Guy, Alan Hale, Liz Hardman, Gavin Heathcote, Steve Hedges, Saskia Heijltjes, Oli Henman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Grant Johnson, Samantha Kelly, John Leach, Hal MacFie, Ruth Malloy, Lesley Mansell, Paul May, Matt McCabe, McCombe, Sarah Moore, Robin Moss, Michelle O'Doherty, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Toby Simon, Shaun Stephenson-McGall, George Tomlin, Malcolm Treby, Warren, Tim Warren CBE and Joanna Wright

Apologies for absence: **Councillors** Tim Ball, Mark Elliott, Ian Halsall, David Harding, Dr Eleanor Jackson, George Leach, Ann Morgan, Bharat Pankhania, Andy Wait, Karen Walker and Sarah Warren

25 EMERGENCY EVACUATION PROCEDURE

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

26 DECLARATIONS OF INTEREST

There were no declarations of interest made.

27 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair reminded the meeting that the Council was currently in the pre-election period for the Widcombe & Lyncombe ward, and to bear this in mind for any contributions.

The Chair invited Councillor Colin Blackburn to briefly address the meeting. Councillor Blackburn made the following statement;

“At our last Full Council meeting, a member of the public addressed us about an issue of alterations made to council owned grade listed buildings, without listed buildings consent, which, by definition, is a criminal offence. He addressed the Council Leaders and in my factual question after the statement, I referred directly to the Chief Executive. I acknowledge that in asking that question I treated said officer unfairly and wish to withdraw the question.”*

The Chair then made the customary announcements regarding microphones and phones and announced that the meeting was being webcast. Anyone who did not wish to be filmed should make themselves known to the camera operators.

28 MINUTES - 17TH JULY 2025

The Council considered the minutes of 17th July 2025.

On a motion from Councillor Kevin Guy, seconded by Councillor Paul May, it was

RESOLVED that the amended* minutes of 17th July 2025 be confirmed as a correct record and signed by the Chair.

29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

30 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Clive Humphries addressed the meeting about student HMOs in Bath. A copy of Clive's statement has been placed on the Minute book and added to the online record. Councillor Tim Warren asked Clive if he considered landlords should be paying business rates, to which Clive responded that he didn't. He added that he thought landlords should pay a contribution to the Council that is equitable to rates.

Mark Jerzak made a statement about the Chew Valley community trail, highlighting the benefits of the northern section of the path and calling on the Council to complete the circuit. A full copy of Clive's statement has been placed on the Minute book and added to the online record. Councillor Lucy Hodge asked Mark if he thought it would be helpful for the Council to contact Bristol Water again, and the speakers on this issue meet with her to discuss this. Mark agreed that it would.

Nick Baker, a Parish councillor from Chew Stoke, also spoke in support of completing the Chew Valley recreational trail for the many health, wellbeing and environmental benefits it brings. A full copy of Clive's statement has been placed on the Minute book and added to the online record.

Nicola Wilson, also a Parish Councillor for Chew Stoke, made a statement about the trail, bringing a historical family aspect to the issue as her grandmother had first come up with the idea of a trail around Chew Valley 25 years ago. A full copy of Nicola's statement has been placed on the Minute book and added to the online record. She urged the Council to take steps to press for completion of the trail.

The Chair thanked all the speakers and referred their statements to the relevant Cabinet Members.

31 APPOINTMENT OF DIRECTOR OF FINANCE (SECTION 151 OFFICER)

The Council considered a recommendation from its Restructuring Implementation Committee regarding this appointment.

On a motion from Councillor Kevin Guy, seconded by Councillor Robin Moss, it was unanimously

RESOLVED to agree the appointment of a new Director of Finance (Section 151 Officer), Mr Stuart Donnelly, from 5th January 2026 (*final date confirmed*).

32 POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT 2024-2025

The Council considered the Policy Development & Scrutiny annual report.

On a motion from Councillor Dine Romero, seconded by Councillor Robin Moss, it was unanimously

RESOLVED to note the contents of the Policy Development and Scrutiny Annual Report 2024-2025.

33 ANNUAL REPORT ON THE USE OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) & INVESTIGATORY POWERS ACT (IPA) 2016

The Council considered a report updating them on the use of Regulation of Investigatory Powers Act and Investigatory Powers Act, Policies, and Procedures.

On a motion from Councillor Manda Rigby, seconded by Councillor Robin Moss, it was unanimously

RESOLVED

1. To note the summary of statistics on the use of Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 (RIPA/IPA) by the Council (Appendix 1);
2. To note the RIPA & IPA training module (link para 3.4 of the report); and
3. To note and approve the Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 (link at para 3.5 of the report) which has been unchanged since the report to Council in 2024.

34 STANDARDS COMMITTEE ANNUAL REPORT

The Council considered the annual report of its Standards Committee.

On a motion from Councillor Toby Simon, seconded by Councillor Tim Warren, it was unanimously

RESOLVED to note the work of the Standards Committee, as set out in the annual report.

35 LIBERAL DEMOCRAT MOTION - HOUSES IN MULTIPLE OCCUPATION

The Council considered a motion from the Liberal Democrat group.

Councillor Alan Hale raised a point of order, although the specific procedural rule which he considered had been breached was not specified. His query, supported by

various other councillors, was whether it was appropriate to have this motion on the agenda in a pre-election period. Councillor Hardman explained that advice had been sought from the Chief Executive (and Returning Officer) and Monitoring Officer and that her decision had been to permit the motion, the core element of which was requesting additional powers from Government

On a motion from Councillor Sarah Moore, seconded by Councillor Jess David, it was then

RESOLVED that

Council believes:

1. HMOs are an essential part of the local housing market, particularly within Bath, providing affordable accommodation not only for students, but also for professionals, key workers, lower-income workers and temporary workers among others.
2. Students are an important part of the fabric of life here in Bath and North East Somerset; that the universities and colleges are vital strategic partners; and that both bring important social, community, cultural and economic benefits to our area.

Council notes that:

3. 'House in Multiple Occupation' (HMO) and 'large House in Multiple Occupation' are defined terms under housing legislation.
4. Council tax exemptions applied to those HMOs solely occupied by students represent a reduction in potential income to the local authority and in funds available to support the vital public services on which all residents rely.
5. Government no longer compensates local authorities for this reduced tax income via grant funding.
6. More widely, overall grant funding awarded to B&NES has been reduced by central government from £31 million in 2013/14 to just £1.3 million in 2025/26, a reduction of over 95%.
7. Government has indicated willingness to recognise the impact of mandatory discounts and exemptions in the Fair Funding Review.
8. B&NES faces a housing affordability crisis which is exacerbated by new HMO conversions reducing the supply of affordable family homes.
9. B&NES Council has previously adopted planning policies to support the aim of maintaining an appropriately balanced housing mix in the city of Bath.
10. The forthcoming Local Plan Options consultation represents an opportunity to consult on new potential policy approaches to HMOs.

Council therefore:

11. Calls on government to recognise the challenges faced by university cities in the Fair Funding Review formula proposals.
12. Highlights the opportunity for B&NES residents to participate in the Local Plan Options consultation, from 3 October to 13 November 2025.
13. Invites the Council Leader and local MPs to press central government to acknowledge the impact of student HMOs on local authority finances and to address it with a Fair Funding formula that compensates local authorities in full.

[Notes;

1. *The above resolution was carried with the votes set out below;*

For (36) – Councillors Michael Auton, Alex Beaumont, David Biddleston, Alison Born, Anna Box, Paul Crossley, Chris Dando, Jess David, Fiona Gourley, Kevin Guy, Liz Hardman, Steve Hedges, Oli Henman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Grant Johnson, Samantha Kelly, Hal MacFie, John Leach, Sarah Moore, Ruth Malloy, Lesley Mansell, Paul May, Matt McCabe, Simon McCombe, Robin Moss, Michelle O'Doherty, Manda Rigby, Dine Romero, Paul Roper, Onkar Saini, Toby Simon, Shaun Stephenson-McGall, George Tomlin, Malcolm Treby

Abstain (11) – Councillors Colin Blackburn, Sarah Evans, Alan Hale, Gavin Heathcote, Saskia Heijltjes, Shaun Hughes, Sam Ross, June Player, Chris Warren, Tim Warren, Joanna Wright]

36 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

The Chair made reference to the Q&A document that had been circulated to the meeting.

The meeting ended at 7.46 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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COUNCIL MEETING 18TH SEPTEMBER 2025

STATEMENTS FROM PUBLIC

Public (item 7)

- | | |
|--------------------|------------------------------------------------------|
| 1. Clive Humphries | Student HMOs in Bath (<i>statement circulated</i>) |
| 2. Mark Jerzak | Chew Valley Community trail |
| 3. Nicola Wilson | Recreational trail at Chew Valley lake |
| 4. Nick Baker | Recreational trail at Chew Valley lake |

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Clive Humphries statement

Having students in Bath is beneficial as they bring youth, vitality and income to the city. Therefore making Bath a more diverse and welcoming City to live in which is healthy for all.

However each time a house is converted to a HMO it reduces the housing stock that is available for people, families to buy or rent in Bath. This then pushes up the cost of buying or renting houses so pushing people out of Bath. This will increase housing demands in BANES, and will increase travelling to and from Bath, so increasing the vehicle volumes therefore extra pollution and parking needs.

The key reason why houses are converted is to generate income for the landlord as it is easy money with very little issues once the HMO is in place together with the council having virtually no powers to intervene with issues that may be caused. The landlords in my immediate area do not look after their gardens, they are just left to become over grown. An HMO rule states the gardens should be tidy well they are not!!

Parking in residential areas become challenging just within 100yards of where I live there are 11 students so when they and their friends or family visit parking can become a bun fight. Parking on the pavement is normal.

From figures I have obtained there are 2600 student HMO's in Bath and non of these pay council tax and nor does the landlord. So the council loses income of around £5.2M of revenue. This loss of revenue must increase the amount the rate payers in Bath pay and restrict the council on projects for the City.

The universities are in financial debt and are increasing student numbers to resolve this, however students need somewhere to live!

Students take over local supermarkets and coffee shops which push out the resident and tourists.

Bath is a world heritage site and we need to look after it!

Action is required:-

- No more HMO's in Bath!
- All HMO's to be licenced regardless of the student numbers living there.
- Each HMO to have a holding bond that the council can access.
- Charge the landlords an annual fee which is capped so the extra cost cannot be passed onto the students.
- Stop universities from building any more student accommodation in Bath unless its on there own campus.
- Have our MP put a private members bill into parliament to have these powers granted.
- So action is required to be seen to be done, as I don't wish to be deafened by silence or inactivity because its difficult for the council.

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Mark Jerzak statement

I'm speaking tonight as both a local business owner and a daily user of the existing northern section of the Chew Valley Lake community path.

I run a consultancy business based in Bishop Sutton, where sustainable transport is a core part of our environmental policy. We actively encourage our staff to choose active travel options for their commute. As a consultant on the Bath & NES framework, we work extensively with the council on renewable energy projects across the county – including this very building I was surveying earlier today.

This path project aligns perfectly with the council's own climate commitments. When Bath & NES declared a climate emergency in 2019, you committed to achieving carbon neutrality across the district by 2030. Your key strategies include improving energy efficiency and crucially, shifting to active travel. The southern section of this path is essential to delivering on that commitment.

I cycle the existing northern section daily as part of my commute, and I can tell you it has been transformational. Every morning and evening, I see the path buzzing with activity – joggers, dog walkers, cyclists, families with children, women's running groups. It's become a vital community asset that brings people together while promoting healthy, sustainable transport.

I also use the path regularly with my young children for family cycling trips. But here's the problem: families and residents living south of the lake are effectively cut off from this resource. They face the daunting prospect of cycling on the A368 – the main arterial route between Bath and Weston-super-Mare. This road carries heavy traffic and frankly, it's not safe for community cycling, especially with children.

The northern section proved the concept works. Now we need to complete the circuit so the entire Chew Valley community can benefit equally. This isn't just about recreation – it's about delivering on your climate commitments, promoting public health, and ensuring equitable access to sustainable transport options for all residents.

I urge you to approve the southern section tonight. Complete what you started, and give the whole community the safe, sustainable transport link they deserve.

Statement to highlight the opportunity and benefits of the further development of the Chew Vally Recreational Trail – BANES Council meeting 18/09/25

My name is Nick Baker. I am a parish councillor from Chew Stoke.

I would like to highlight the opportunity and benefits of the further development of the Chew Vally Recreational Trail.

The northern section of the Recreational Trail around the lake was completed in May 2022 providing an accessible, all weather, traffic free trail path suitable for walking, cycling and access with buggies and wheelchairs.

The aspiration now is to complete the full perimeter trail path around the lake involving construction of a new accessible path on land predominantly owned by Bristol Water.

The current status of the project is that BANES officers are continuing an open and positive dialogue with Bristol Water. The Council has retained feasibility funding to work on this.

The current developed recreational trail is considered a great asset by the Chew Valley community providing a valuable opportunity for walkers and cyclist of all ages and abilities to enjoy traffic-free activity in a safe and beautiful environment.

The completion of the full perimeter path offers opportunities for developing connecting paths to the communities around the lake. This could promote active travel between villages for school children, commuters and general everyday use.

Chew Valley Lake is also a regional asset and is enjoyed by visitors from the wider West Country.

Completion of the recreational trail could offer opportunities to develop and enhance visitor-led commercial and recreational amenities around the lake and its surrounding villages. The location also offers great educational opportunities for learning about the environment and active travel.

I believe that the continuing promotion and completion of the trail could be used as a good example to showcase the region's commitment to promoting active travel, developing sustainable rural communities as well as developing regional tourism in the local economy.

I would like to encourage BANES councillors to continue to commit to maintaining a dialogue with Bristol Water to progress next steps for reviewing funding and feasibility for this scheme.

Nick Baker – Chew Stoke Parish Council

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Good evening. My name is Nicola Wilson, and I am a Parish Councillor for Chew Stoke.

I have lived in the Chew Valley for most of my life, on a farm overlooking Chew Valley Lake. Over 25 years ago, when I was at primary school with my three sisters, my grandmother, Margaret Wilson, first raised the idea of creating a path around the lake. The vision was simple but powerful: to use disused roads to create a safe route, separated from traffic, where families could walk and cycle freely, and our villages could be properly connected.

This idea led to the formation of the Chew Valley Recreational Trail Association, which made real progress. And while some sections now exist, the loop has never been completed. My grandmother's hope was that we, as children, could cycle safely to visit our other grandparents in Hinton Blewett. Today, the same applies to my nephews wanting to visit their aunt—and this is the shared experience of so many families in our community. I share this not to talk about myself, but to show you the lived reality of residents, and the frustration of waiting decades for such a basic need to be met.

It is remarkable that in today's society we still do not have something as essential as a safe, connected path. Such a route would give young people safe independence to visit friends or travel to school, allow residents to cycle to work, and give older people the chance to enjoy the outdoors without fear of traffic. It would transform daily life—helping people connect, move safely between villages, and enjoy everything the valley has to offer.

Traffic has risen sharply in recent years. Airport expansion, higher speeds, and antisocial driving have made our roads increasingly dangerous. The absence of a path between the Harptrees and Bishop Sutton is particularly hazardous. My own family knows this pain all too well: my grandfather was killed on this very stretch of road 20 years ago. More recently, another fatal crash around the lake has underlined the urgent need for a safe, sustainable alternative for people of all ages.

Beyond safety, the benefits are wide-reaching. A completed path would support the local economy, attract visitors, promote active travel, and provide opportunities for people to connect with and learn about the natural environment.

It is my sincere hope that you, as BANES councillors, will recognise this long-standing community need and make it a priority within your active travel and sustainability plans. By working with Bristol Water, you have the chance to help deliver a vision that began over 25 years ago—so that not only my children and my sisters' children, but the whole community, can finally enjoy a safe, sustainable, and connected way to access the Chew Valley.

Cheers

COUNCIL MEETING 18TH SEPTEMBER 2025

QUESTIONS AND ANSWERS - COUNCILLORS

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M	01	Question from:	Cllr Joanna Wright
<p>The Recreation Ground site was conveyed to the Mayor, Aldermen and citizens of Bath in 1956 with strict covenants attached to preserving it as a green space for the community to enjoy for recreation. The terms of the Conveyance state it is not just for one particular sport, and certainly not professional sport. The Recreation Ground was a publicly-owned site with a clear mandate to be a green space for all amateur sporting activities. This agreement was signed under seal and it would appear that the only way to repeal it after many decades would be through Parliament. The Council has never asked for this agreement to be repealed. Various Trusts and Ltd Companies have been set up to manage the site since the 2002 High Court decision.</p> <p>Further B&NES Council issued a lease to Bath Rugby to host professional rugby at the Recreation Ground. This appears to be in direct opposition to the 1956 agreement, because that agreement stated that the use would not favour any particular sport, club or body and would only be for amateur sport.</p> <p>Please can you provide the legal advice to show that the Agreement signed under seal has been repealed?</p>			
Answer from:			Cllr Kevin Guy
<p>The statements upon which your questions are based are incorrect. The 1956 Conveyance did not impose a covenant preserving the Recreation Ground (RG) as a green space for the community to enjoy for recreation. The High Court Judgement in 2002 confirmed that the proposed sale agreement which had contained such a covenant did not make it into the final conveyance but that instead its wording should be tagged onto the wording of the trusts (see para 11. https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Ch/2002/1623.html&query=(.2002.)+AND+(EWHC)+AND+(1623)+AND+((Ch))). Although the 1922 covenants are referred to in the 1956 conveyance the Court of Appeal judgement https://www.bailii.org/ew/cases/EWCA/Civ/2021/1927.html confirmed that the benefit of the covenants did not annex to adjoining land and that there were no beneficiaries that could enforce the benefit</p>			

of the 1922 covenants. The supreme court subsequently refused permission to appeal.

It is for the Charitable Trustee(s) for the Trust to comply with the terms of the trust as set out in its objects and act in compliance with any scheme of arrangement for the management of the charitable Trust. The scheme of arrangement has been amended over time, but past scheme arrangements have permitted the Lease of part of the trust land to Bath Rugby Ltd for the purpose of a stadium. The Council is no longer a trustee or landowner of the Recreation Ground. Any responsibilities it had in either capacity were transferred when the Trust transferred to an independent body. That independent body subsequently incorporated as Bath Recreation Limited and the land transferred to the Official Custodian of Charities for the benefit of the Trust. Consequently, the Council has never had any need to seek any legal advice on repeal as referred to by you.

M	02	Question from:	Cllr Joanna Wright
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In 2014 B&NES Council made a policy in their Core Strategy 1B (8) B, and Placemaking Plan – Policy SB2, which says that the Council is content to have a stadium on the Recreation Ground, subject to the resolution of the unique legal issues which relate to the 1956 agreement. The complex legal framework set up by B&NES over decades appears to fail to deal with the primary situation that the Council finds itself in, namely that under the 1956 covenant it is still responsible to ensure that this green site is preserved for the community to enjoy for recreation, not just for one particular sport, and certainly not professional sport.

Can you confirm that all these unique legal issues have now been resolved?

Answer from:	Cllr Kevin Guy
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See the answer to MO1 regarding the position on the so called “1956 covenant” and the responsibility of the Council to enforce it. In respect of the “unique legal issues”, these are, in the Council’s view, resolved. Please see the court of appeal decision referred to above.

M	03	Question from:	Cllr Joanna Wright
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The Officer employed to oversee the Planning Application 23/03558/EFUL is a consultant. How much is B&NES spending to pay for a consultant to oversee this application?

Answer from:	Cllr Kevin Guy
<p>The planning consultant costs are offset in this case by the applicant entering into a planning performance agreement (PPA). This is a discretionary service paid for by applicants in addition to the standard planning application fee to enable additional external resources to be procured. The PPA fee is based on an estimated cost to the service of the consultant's fee. As this case is ongoing the final costs cannot be provided.</p>	

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