

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 18th January 2007

PRESENT -: **Councillors:** Hattie Ajderian, John Bailey, Tim Ball, Sharon Ball, Brian Barrett, Colin Barrett, David Bellotti, Sarah Bevan, Marie Brewer, Loraine Morgan-Brinkhurst, Tim Bullamore, Bryan Chalker, Gail Coleshill, Chris Cray, Paul Crossley, Gerry Curran, , Matt Davis, Sally Davis, Gitte Dawson, Ian Dewey, David Dixon, Peter Edwards, Hilary Fraser, Andy Furse, Phyllis Gay, Jonathan Gay, Charles Gerrish, Ruth Griffiths, Francine Haeberling, Malcolm Hanney, David Hawkins, Steve Hedges, Lynda Hedges, Adrian Inker, Sir Elgar Jenkins OBE, Mike Kelleher, Les Kew, Keith Kirwan, Jane Lewis, Shaun McGall, , Peter Metcalfe, Bryan Organ, , Betty Perry, Vic Pritchard, Michael Ringham, Caroline Roberts, Nigel Roberts, Dine Romero, Shirley Steel, Roger Symonds, Rosemary Todd, Martin Veal, Tim Warren, Chris Watt, Sarah Webb, Brian Webber, Stephen Willcox, Leila Wishart and Gordon Wood

Apologies for absence: Councillors Tony Cox, Chris Dando, Marian McNeir, Nicole O`Flaherty and Carol Paradise

75 EMERGENCY EVACUATION PROCEDURE

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

76 ANNOUNCEMENT FROM THE CHAIRMAN OF THE COUNCIL

The Chairman asked Councillors to note that, after consultation with the Group Leaders, she had agreed to vary the printed order of business to deal first with the items in which young people were participating. The informal session to consider the manifestos of candidates from Bath and North East Somerset standing in the UK Youth Parliament Elections on 25th January would begin immediately after these announcements. The Council Meeting would then be reconvened and consider first the Statement from the Member Champion for Human Rights (item 8A). After that the presentation of the Award to the Play Rangers would take place as part of further Chairman`s Announcements. The remainder of agenda would then proceed as printed except that, after item 8 (Councillor submissions), the meeting would consider items 10 (motion on renewable energy) and 13 (review of licensing policy) before the remaining business. The Council agreed that during the three items in which young people were participating the Procedural Rules would be waived to enable photographs to be taken during these proceedings.

(The Chairman adjourned the Council Meeting at 6.35pm to enable Members to consider the manifestos of candidates from Bath and

North East Somerset standing in the 2007 UK Youth Parliament Elections on 25th January. Stefano Iacono, 2006 Member of UK Youth Parliament for Bath and North East Somerset gave an account of his work. After the informal session the Chairman reconvened the Council Meeting at 6.55pm.)

77 STATEMENTS FROM COUNCILLORS (Report 8A)

Councillor Sarah Bevan submitted a [statement](#) on her role as Member Champion for Human Rights, a copy of which had been circulated to all Councillors. She introduced five students and their teacher from Chew Valley School who spoke about the work they had done with Councillor Bevan on human rights issues. In response to a question from Councillor Paul Crossley, the students indicated that among the issues covered which they felt they had learnt a lot more about were fair trade and its impact on human rights. In response to a question from Councillor Matt Davis as to why she had chosen to work with Chew Valley School, Councillor Bevan indicated that it was because they had taken up the opportunity she had offered to all senior schools and she had a programme of visits to other schools arranged. In response to a question from Councillor Phyllis Gay as to whether she would be visiting junior schools as well, Councillor Bevan indicated that although she did some work with junior schools she had decided to concentrate at the present time on working with students in senior schools. Councillor Bevan, the students and teacher from Chew Valley School were thanked for their statements which were received and noted and referred for consideration as appropriate by the Executive Member for Children`s Services and the Leader of the Council.

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

The Chairman welcomed the Manager of the Wansdyke Play Association and three young people who made statements about the benefits of the Play Rangers Scheme. In response to a question from Councillor Paul Crossley, the young people indicated that they would like to see the scheme expanded to be able to use it daily. In response to a question from Councillor Matt Davis, the manager indicated that in seeking to maintain and expand resources the Play Association worked closely with the Council`s Strategic Development Officer for Play and that they had submitted a bid for lottery funding. In response to a question from Councillor Jonathan Gay, the young people indicated that when extra funding had been made available during the year for the scheme in their area they had participated in choosing how it would be spent. The manager and the young people were thanked for their statements which were received and noted. The Chairman then presented the National Award to the Community Play Rangers which was received on their behalf by Ms Shiva Page and Mr Jeremy Dymond.

The Chairman asked Councillors to note that:

- (1) All Councillors were invited to the Holocaust Memorial Commemoration taking place at 6pm on Thursday 25 January in the Brunswick Room, Guildhall.
- (2) Among her recent civic duties she had attended the opening of the Sure Start Nursery at St Martin`s Gardens, Odd Down on 12 January.
- (3) The first of the Chairman`s fundraising events to benefit smaller local charities would be a fashion show taking place on 24th February.
- (4) She had arranged for greetings to be sent to Councillor Nicole O`Flaherty on behalf of all Members wishing her a speedy recovery.
- (5) The agenda item timings on the briefing paper and the process for keeping to them had been agreed with the Group Leaders and the Chairman asked for the co-operation of all Councillors in this.
- (6) The Leaders of the two largest Political Groups had decided not to hold any 10 minute debate on matters brought forward under agenda items 7 and 8, given the subject matter of the submissions and the volume of other agenda business.
- (7) There would be a 10 minute recess for a comfort break at approximately 8.00pm.

79 MINUTES

RESOLVED that the minutes of the meeting held on Thursday 23rd November 2006 be confirmed as a correct record and be signed by the Chairman.

80 DECLARATIONS OF INTEREST

Councillor Malcolm Hanney - Personal non-prejudicial interest as Chairman of the Bath and North East Somerset Primary Care Trust and as company secretary of Magna Law Ltd. and spouse of company director who specialises in licensing law in the Review of the New Licensing Regime including Consideration of the Need for a Cumulative Impact Policy for Bath ([report 13](#) minute 85). Councillor Hanney did not vote on that item.

Councillor Charles Gerrish - Personal prejudicial interest as a carer in the Member Champion statement from Councillor Gordon Wood ([report 8C](#) minute 83). Councillor Gerrish took no part in the discussion or voting on that item.

81 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There were no items of urgent business for this meeting.

82 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM THE PUBLIC

There was one question from a member of the public as listed in [Appendix 1](#) to these minutes. The [question asked and answer](#) circulated at the meeting are held on file in the minute book and published on the Council's website.

(A) A [statement](#) was submitted on behalf of Transport 2000 South West about overcrowding on local trains and the need to restore services on key routes. The Council received the statement and noted that Mr David Redgewell was unable to present it as he was unwell and wished him a speedy recovery. The statement was referred for consideration and response to the Executive Member for Transport and Highways who indicated to Council that the four local unitary authorities had recently repeated their request for an urgent meeting with the Minister on train services in the area. The Executive Member also indicated that he would discuss with Planning Services the issues raised in the statement about facilities at the temporary bus/coach station in Avon Street which would be used during the Southgate redevelopment.

(B) Mr Patrick Antekell-Jones made a statement on behalf of the [Camden Residents Association](#) about traffic calming and the 20mph zone in Camden Road, Bath urging that the speed cushions be reinstated.

In response to a question from Councillor David Dixon, Mr Antekell-Jones said that the Association represented 115 households and of those they had contacted 98% were in favour of the traffic calming measures being retained. In response to a question from Councillor Sir Elgar Jenkins, Mr Antekell-Jones said that of the 11 speed cushions 7 had been removed. In response to a question from Councillor Matt Davis, Mr Antekell-Jones said that he understood that cost was not a factor in the decision to remove them.

The Council thanked Mr Antekell-Jones for his statement which was referred for consideration and response to the Executive Member for Transport and Highways.

(C) Mrs Tammy Prescott presented a petition with 300 signatures requesting that improvements be made to road safety in the Penn Hill Road area close to St Mary's Primary School, Weston, Bath

In response to a question from Councillor Tim Bullamore, Mrs Prescott confirmed that she was aware that there were plans to extend the pavement and instal a crossing outside the School but that she did not know when the work was scheduled to take place. In response to a

question from Councillor Sir Elgar Jenkins, Mrs Prescott welcomed the assurance that an answer would be provided shortly on the timing of these works within the highways programme.

The Council thanked Mrs Prescott for her statement and received the petition which was referred for consideration and response to the Executive Member for Transport and Highways.

(D) Mr Terry Gazzard, chairman of the Pulteney Estates Residents Association, made a statement urging that a saturation licensing policy be adopted for Bath. In response to a question from Councillor David Bellotti, Mr Gazzard indicated that he was not aware that over the past 3 years there had been a 19% reduction in alcohol-related crime in the Abbey and Kingsmead Wards but he was aware of how the Residents Association viewed the behaviour in the streets. In response to a question from Councillor Betty Perry, Mr Gazzard indicated that he was not aware that a national newspaper was particularly interested in alcohol-related incidents in Bath.

The Council thanked Mr Gazzard for his statement which was referred for consideration during agenda item 13 (minute 85).

83 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM COUNCILLORS (Reports 8B and 8C)

There were ten questions from Members of the Council as listed in [Appendix 2](#) to these minutes. All the [questions asked and answers](#) given at the meeting are held on file in the minute book and published on the Council's website.

(A) Councillor Colin Barrett submitted a statement on his role as Member Champion for Procurement, a copy of which had been circulated to all Councillors. In response to a question from Councillor Roger Symonds, Councillor Barrett indicated that the procurement programme included environmentally friendly proposals and that he would send Councillor Symonds a copy. He urged Councillors to contact the procurement team with suggestions about such issues where relevant. In response to a question from Councillor Matt Davis, Councillor Barrett indicated that whilst achieving economies of scale and consequent savings was an essential element of the procurement strategy it also took into account factors such as fair trade practices and the position of local traders. In response to a question from Councillor Betty Perry, Councillor Barrett indicated that this Council co-operated with the three other neighbouring unitary authorities, Wiltshire County and West Wiltshire District Councils on procurement. Councillor Barrett was thanked for his statement which was received and noted and referred for consideration as appropriate by the Leader of the Council and the Executive Member for Resources.

(B) Councillor Gordon Wood submitted a [statement](#) on his role as Member Champion for Vulnerable People, a copy of which had been circulated to all Councillors. In response to a question from Councillor Paul Crossley, Councillor Wood indicated that whilst he had concentrated on the role of older carers he had done some work on young carers and that the impact of caring on their education and other aspects of life was considerable and the Council sought to provide as much support to them as possible. In response to a question from Councillor Francine Haeberling, Councillor Wood indicated that the estimate of 16,000 carers in Bath and North East Somerset was based on information from the census, Council records and data from organisations such as the Care Network and it was possible that the true figure was even higher. In response to a question from Councillor Adrian Inker, Councillor Wood indicated that he himself did voluntary work in the community and consulted with many carers who were reasonably happy with the support they received. He acknowledged that the Council was often asked to provide a level of service for which the funding was not made available centrally. In response to a question from Councillor Betty Perry, Councillor Wood accepted that the £500 threshold on equipment did limit the purchase of more expensive items but indicated that demand was so high that expenditure had to be prioritised and he was confident that officers did their best to allocate the resources available wisely. Councillor Wood was thanked for his statement which was received and noted and referred for consideration as appropriate by the Executive Member for Social Services.

84 RENEWABLE ENERGY ([Report 10](#))

On a motion from Councillor Gail Coleshill seconded by Councillor Dine Romero it was **RESOLVED** that:

This Council notes:

1. That the Government has set a target for 10% of UK electricity to be generated from renewable sources by 2010 and 20% by 2020 as part of the drive to reduce carbon dioxide emissions and combat climate change and wants all new homes to be carbon-neutral by 2017.
2. That 2005 figures show that only approximately 3% of the South West region's electricity requirements are generated from renewable sources.
3. That in recent years a number of Councils across the country have adopted planning policy provisions in line with the government's Planning Policy Statement 22 which states that "*Local Planning authorities may include policies in local development documents that require a percentage of the energy to be used in new residential, commercial or industrial developments to come from on-site renewable energy developments*".
4. That the draft Regional Spatial Strategy for South West England, which will strongly influence the future Local Development Framework for Bath and

North East Somerset, incorporates a policy (RE.5) stipulating that larger-scale developments will be expected to incorporate "*sufficient on-site renewable energy to reduce CO² emissions from energy use by users of the buildings constructed by 10%*" and that this already has some limited weight in assessing planning decisions in our area.

5. That Bath and North East Somerset has already adopted positive references to on-site renewable energy provision through Policy ES.1 of the emerging Bath and North East Somerset Local Plan, and the Supplementary Planning Guidance for the Bath Western Riverside site.

This Council therefore resolves:

1. To seek further opportunities to encourage and facilitate renewable energy projects initiated by individuals or communities and to encourage community groups to develop local carbon-reducing and energy efficiency projects; to ask our Planning Services actively to encourage applicants and agents for new build projects in our area to incorporate energy-saving technologies, sustainable build methods and possibly renewable energy generation in their proposals and to progress the development of an advice note for applicants and agents including information and advice on renewable energy technologies and methods of sustainable building.

2. To include a policy addressing renewable energy targets in the LDF Core Strategy, on which work is scheduled to start in March this year, requiring a figure that may possibly be greater than the 10% figure generally quoted under the Merton Rule (2003), where this would be appropriate and feasible.

(Note: An amendment from Councillor Malcolm Hanney seconded by Councillor Vic Pritchard to delete the second paragraph 2. above was not carried. The wording underlined in that paragraph was added on an amendment from Councillor Jonathan Gay which was accepted by the mover and seconder of the motion.)

85 REVIEW OF THE IMPACT OF THE NEW LICENSING REGIME INCLUDING CONSIDERATION OF THE NEED FOR A CUMULATIVE IMPACT POLICY FOR BATH (Report 13).

Mr Ian Thorn made a [statement](#) and presented an opinion survey of Abbey Ward residents in which the majority of the respondents expressed the view that a saturation licensing policy be adopted to include the whole of the Abbey Ward. He urged the Council to consult with residents across Bath before deciding on the boundaries of the proposed zone. In response to a question from Councillor Paul Crossley, Mr Thorn indicated that 65 residents had responded to the survey. In response to a question from Councillor Matt Davis, Mr Thorn indicated that the majority of residents who had responded to the survey lived outside the zone currently proposed for consultation. In response to a question from Councillor Betty Perry, Mr Thorn indicated that the high number of licensed premises in the Abbey Ward was an

important consideration in this matter. The Council thanked Mr Thorn for his statement which was referred for consideration during this agenda item.

The Council considered a report on the recommendation of the Licensing Act 2003 Committee that formal consultation be undertaken on the inclusion in the Council's Statement of Licensing Policy of a cumulative impact (saturation) policy for the centre of Bath, following requests from the Police and the Primary Care Trust. An update report setting out in full the recommendations of the Licensing Act 2003 Committee was circulated at the meeting.

On a motion from Councillor Tim Warren seconded by Councillor Sarah Webb it was **RESOLVED**

This Council notes:

- (1) That the Police and the Responsible Authorities Group consider that a cumulative impact policy is needed in the centre of Bath.
- (2) The recommendation of the Licensing Act 2003 Committee on December 13th 2006 to consult formally in accordance with the procedures in the 2003 Act on the inclusion in the Council's Statement of Licensing Policy of a cumulative impact policy for the centre of Bath, as delineated in Annex B, page 28.

This Council resolves:

- (3) That it considers a cumulative impact policy necessary and therefore to undertake the aforesaid consultation and consider the results at the earliest practicable meeting of Council after May 2007.
- (4) That all interested parties inside the cumulative impact zone, the rest of Abbey Ward and adjacent Wards be included in the consultation.

(Notes: 1. The Solicitor to the Council advised the meeting that the area covered by any provision for a cumulative impact policy as part of the revised licensing policy would need to be considered in the light of both the available evidence and the consultation results. 2. The wording in paragraph (4) was added on an amendment from Councillor Tim Ball seconded by Councillor Andrew Furse which was accepted by the mover and seconder of the motion. 3. Councillor David Bellotti moved an amendment seconded by Councillor Andrew Furse the effect of which would have been to consult, after the Government had published its proposed revisions to the licensing guidelines, on a number of possible changes to the licensing policy including a cumulative impact policy for the whole or part of Bath and North East Somerset. That amendment was not carried 30 Members voting against, 24 Members voting in favour and 1 Member abstaining from

voting. 4. The above resolution was carried by the majority voting in favour, with 4 Members voting against and 6 abstentions. 5. Councillor Malcolm Hanney asked for it to be recorded that he did not vote on this item.)

86 USE OF CAPITAL RECEIPTS (Report 9)

Councillor Keith Kirwan asked that the motion submitted in his name under agenda item 9 be withdrawn from consideration at this meeting.

On a motion from Councillor Tim Bullamore seconded by Councillor Chris Watt it was **RESOLVED** that the Council agrees not to consider this motion at this meeting.

(Note: The Solicitor to the Council advised the meeting that because the motion had not been considered the six month rule would not apply if a fresh motion on this matter was submitted for consideration at a future meeting within that time period.)

87 COUNCIL EXECUTIVE REPORT (Report 14).

The Council considered a report on the main items of business dealt with by the Council Executive during the period to 18th January 2007.

On a motion from Councillor Paul Crossley seconded by Councillor Francine Haeberling it was **RESOLVED** that the report be noted.

88 OVERVIEW AND SCRUTINY REVIEW OF MEMBER ENGAGEMENT WITH OUTSIDE BODIES (Report 12).

The Council considered a report on the findings of the Corporate Issues and Partnerships Overview and Scrutiny Panel on its Review of Member Engagement with Outside Bodies.

On a motion from Councillor Chris Watt seconded by Councillor Tim Bullamore it was **RESOLVED** that the report be received and approved.

The meeting ended at 9.55pm

Chair(person)

Date Confirmed and Signed Prepared by Democratic Services