

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Thursday, 8th November, 2012

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

Apology for absence: Councillor Brian Simmons

### **54 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the emergency evacuation procedure as set out on the Agenda

### **55 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Brian Simmons

### **56 DECLARATIONS OF INTEREST**

The Senior Democratic Services Officer stated that notice of a declaration of "other" interest had been given by Councillor Eleanor Jackson regarding Report 13 Public Health Contracts as she was a representative on Sirona Care and Health Community Interest Company. Councillors Vic Pritchard and Sally Davis also declared the same interests in this regard. Councillor Loraine Morgan-Brinkhurst MBE declared an "other" interest as Board Member of Sirona Care and Health Community Interest Company. Councillors Nigel Roberts declared an "other" interest in Report 13 as he was an employee of the Royal United Hospital. Councillor Caroline Roberts declared an "other" interest by association, ie his wife, in the same Report.

### **57 MINUTES - 13TH SEPTEMBER 2012**

**RESOLVED** that, subject to the name of Simon Douglas in Minute No 45 being spelt Simon Douglass, the minutes of the meeting of 13<sup>th</sup> September 2012 be approved as a correct record and signed by the Chairman

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

The Chairman made the following announcements:

1. He asked everyone to turn their phones to off/silent and reminded members of the public that some Councillors were accessing their meeting papers on their iPads.
2. He referred to the agenda timings and asked everyone to keep contributions relevant and not to repeat comments already made.
3. He referred to the recent death of Honorary Alderman and former Chair of the Council, Councillor Betty Perry and gave details of the Memorial Service to be held. At the Chairman's request, the Council stood in silence as a mark of respect.
4. He indicated that he proposed to waive Council Rule 37 (for the last time if recommendations in Report 15 were agreed by Council this evening) so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
5. He stated that he would announce a comfort break between 8pm and 9pm if the meeting did not appear to be near its conclusion by then.
6. He referred to a programme of events to be held to fund Chairman's causes; a Charity Ball to be held in March which needed to be promoted; the British Empire Medal being awarded to Councillor Sally Davies in the recent Honours List (which was greeted with applause by Members); and an impending Awards Ceremony for Volunteers.

With the agreement of the Chairman, the Leader of the Council gave details of the refurbishment at Haycombe Crematorium including the design of the Cross which would be hung in the window and only removed if required.

## **59 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business

## **60 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements to the meeting were made by the following people;

- Mark Owen, Managing Director of HorseWorld, Whitchurch, made a statement highlighting the work of the charity and their plans for a brand new visitor centre. Councillor Cherry Beath enquired as to the benefits to the community from Horseworld. Mr Owen replied that it was a major attraction in the area and therefore boosted the economy by bringing visitors from both

Britain and abroad. The statement was referred to the Cabinet Member for Homes and Planning. (A copy of the statement has been retained in the Minute Book and added to the electronic record).

- Mr Peter Marsh, Campaign Co-ordinator in Kingsmead for Bath Labour Action Team, made a statement regarding the proposal to close the GP-led Health Centre in James Street West, Bath (aka Riverside Walk-in Centre). Councillor John Bull enquired as to what actual and projected monies would be saved from the move from Riverside to the RUH. Mr Marsh replied that the Clinical Commissioning Group had said that there would be a saving of £1.3M; however, the cost of the alternative provision at the RUH would give a best guess figure of up to £650k which was only 0.22% of the total. Plans had not been finalised and therefore figures could change. The statement was referred to the appropriate Cabinet Member. (A copy of the statement has been retained in the Minute Book and added to the electronic record).

A Question had been received from Mr Rae Harris. The response had been circulated to Councillors and at the meeting. (A copy of the Question and Answer is available in the Council's Minute book and on the website.)

## 61 THE LOCAL COUNCIL TAX SUPPORT SCHEME

The Council considered a report outlining proposals for a new Local Council Tax Scheme which will replace the existing system of Council Tax Benefit on 1<sup>st</sup> April 2013.

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

### RESOLVED

1. To delegate authority to the Section 151 Officer, in consultation with the Cabinet Member for Community Resources, to implement recommendations of this report as soon as practicably possible, following the Royal Assent of the Local Government Finance Bill 2012, subject to no major changes to those already prescribed by the Department for Communities and Local Government;
2. To approve the new Section 13a *Local Government Finance Act 1992* Policy for Bath & North East Somerset Council as set out in Appendix 1 to the report, with the key changes to the previous Council Tax Benefit scheme set out in paragraph 5.6 of the Report but with an amendment that entitlement will now cease for claimants with capital/assets **over £10k** (and not over £6k as proposed);
3. To agree that any changes resulting from consideration of the final requirements are approved as set out in Resolution 1 above;
4. To agree the vulnerable requirements of the scheme as detailed in paragraph 5.4 of the report;

5. To agree not to apply for additional voluntary discretionary grant funding for the reasons described at paragraphs 5.8 – 5.13 of the report; and
6. To thank the Officers for their hard work and endeavours in producing this report.

*(Notes: The amendments in Resolution 2 above, proposed by Councillor Charles Gerrish, seconded by Councillor Brian Webber, were accepted by the proposer and seconder of the motion.*

*There was a further amendment by Councillor John Bull, seconded by Councillor Robin Moss, expressing concern regarding insufficient detail and testing; concerns about the Parish Precept and the impact on affected residents; the lack of appropriate information in advance of the meeting; and calling for the decision to be deferred until a Working Group of Members and Officers could report back to Council before the end of January 2013 with options on this and the proposal contained in Agenda Item 9 "Council Tax Technical Changes for Discounts and Exemptions". The motion was lost, 8 Members voting in favour, 40 against and 10 abstaining.)*

## **62 COUNCIL TAX TECHNICAL CHANGES FOR DISCOUNTS AND EXEMPTIONS**

The Council considered a report describing options for adopting new discretionary powers for setting discounts and exemptions to Council Tax against a range of changes proposed by the Local Government Finance Bill/Act 2012, due to come into effect from April 2013.

It was moved by Councillor David Bellotti, seconded by Councillor Paul Crossley, to approve the Recommendations 2.1 – 2.3 set out in the report.

There were various amendments and a lot of debate regarding the motion and amendments. The meetings adjourned for 15 minutes for Officers to recommend some wording for one of the amendments. After substantial debate, Councillor Dave Dixon moved Rule 43 ie "that the Question be now put" which the Chairman put to the vote and was agreed. Accordingly, the motion was put to the vote and it was:

### **RESOLVED**

1. To delegate authority to the Section 151 Officer to make such technical changes and minor adjustment to these proposals as may be required as a result of current, unresolved Communities and Local Government consultations and any further Government or legislative activity;
2. To adopt the full range of technical changes to Council Tax as set out in Appendix 1 to the report;
3. That the Financial Implications be factored into the proposed budget for 2013/14 to be considered by Council in February 2013, **and that the Cabinet be recommended to consider the allocation of additional sums collected from the technical changes, to supplement the Social Fund which is being delegated to Local Authorities, with particular reference to**

**vulnerable groups adversely affected by the Council Tax Support changes;**

- 4. To create a scheme to assist landlords where tenants have left properties in a state not enabling the property to be immediately re-let and where other demonstrable cause of hardship occur; and**
- 5. That a time limit of 3 months be applied to cases which are considered eligible for support in the above Scheme (Resolution 4 immediately above).**

*(Note: The Resolutions in bold above were accepted by the proposer and seconder of the motion as amendments, appropriately moved and seconded by Members.)*

## **63 COUNCIL TAX BASE 2013-2014**

The Council considered a report describing the calculation of Council Tax Base within an environment of changes proposed by the Local Government Finance Bill/Act 2012, due to come into effect from April 2013. Council is asked to approve calculation of the tax base for the area and the amounts for each Parish.

The Monitoring Officer and Divisional Director, Legal and Democratic Services, recommended additional wording to Recommendation 2.5 in the report.

Councillor David Bellotti moved the approval of the Recommendations in the report, together with the additional wording in 2.5, which was seconded by Councillor Paul Crossley, and it was:

### **RESOLVED**

1. To agree the calculation of the Council's tax base for the year 2013/14 as set out in the report;
2. To note an anticipated surplus of £200,000 on the collection fund at the end of 2012/13;
3. To agree the amount calculated by Bath & North East Somerset Council as its tax base for the whole area for the year 2013/14 shall be 59,137.26 after adjustment for discretionary changes to discounts and exemptions, and the impact of the proposed Local Council Tax Support scheme;
4. To agree that for the parts of the area, for the year 2013/14, the tax base is calculated as shown in Appendix 1, both protected from the impacts of the Council Tax Support scheme and unprotected from its impact, while allowing for a 98.25% collection rate; and
5. To agree that delegated authority be given to the Section 151 Officer to make such technical changes and minor adjustment to the tax base as may be required including as a result of current, unresolved Department of Community and Local Government consultations and any further Government or legislative activity.

**64 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2012)**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2012/13 for the first six months of 2012/13.

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

**RESOLVED**

1. To note the Treasury Management report to 30<sup>th</sup> September 2012, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 30<sup>th</sup> September 2012.

**65 REVIEW OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

The Council considered a report inviting adoption of the draft Statement of Principles ("the Statement") under the Gambling Act 2005 ("the Act") following conclusion of a consultation exercise.

On a motion from Councillor Dave Dixon, seconded by Councillor Sarah Bevan, it was

**RESOLVED** to adopt the Statement of Principles at Annex B to the report.

**66 STATUTORY TRANSFER AND EXTENSION OF PUBLIC HEALTH CONTRACTS**

The Council considered a report which proposed a way of ensuring continuity of services as a range of Public Health functions transfer from the NHS to the Local Authority on 1 April 2013.

On a motion from Councillor Simon Allen, seconded by Councillor Katie Hall, it was:

**RESOLVED**

1. To agree that approval in principle is given to proceed with an extension of relevant current contracts for up to 12 months from 31<sup>st</sup> March 2013 and an endorsement of remaining contracts which have expiry dates beyond 31<sup>st</sup> March 2013 on terms and conditions to be agreed, subject to appropriate officer scrutiny and in the light of confirmation of the relevant ring-fenced national funding allocation; and
2. To authorise the Chief Executive, in consultation with the Monitoring Officer and Chief Financial Officer and following an appropriate officer analysis of risks, to approve specific contractual commitments (including contract extensions as described) from 1<sup>st</sup> April 2013 to ensure continuity of services.

*(Note: Councillor Vic Pritchard moved an amendment, seconded by Councillor Anthony Clarke, to replace Recommendation 2.2 with the following: That the Chief Executive, in consultation with the Monitoring Officer, the Chief Financial Officer and the Chair of the Wellbeing PD&S Panel, and following an appropriate analysis of risks, be authorised to approve specific contractual commitments (including contract extensions as described) from 1 April 2013 to ensure continuity of services. That amendment was lost, 24 voting in favour, 29 against with 3 abstentions.)*

## **67 DESIGNATED PUBLIC PLACES ORDER TO CONTROL STREET DRINKING IN MIDSOMER NORTON**

The Council considered a report describing arrangements proposed to restrict the consumption of alcohol in designated public places in Midsomer Norton to ameliorate the incidence of alcohol related nuisance and antisocial behaviour.

The Recommendations in the Report were moved by Councillor Dave Dixon and seconded by Councillor Michael Evans.

Members debated the motion. It was considered that some of the edges of the boundaries of the designated area needed to be clearly identified and that the adjoining Ward of Midsomer Norton Westfield be included in the consultation. The motion was put to the vote and it was:

### **RESOLVED**

- 1 To agree that Officers should undertake a formal consultation process in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 with a view to the Council designating the area of Midsomer Norton (as shown on the map in Appendix 1 of the report) under the powers given in the Criminal Justice and Police Act 2001 Section 13 (the Act)
- 2 To agree that the following steps should be taken as part of the consultation process:
  - 2.1 A public advertisement inviting comments [The public advertisement should give notice of the public meetings to be held at Midsomer Norton Town Hall where local stakeholders will be advised of the terms and likely impact of the designated Public Places Order (DPPO) and be invited to make their comments];
  - 2.2 A written invitation issued to the following interested parties to give their views: Avon and Somerset Police, Midsomer Norton Town Council, Radstock Town Council, residents living within the proposed area of the DPPO (Designated Public Place Order), representatives of the licensed trade and any other body agreed by the Members;
  - 2.3 Reasonable steps to consult owners/occupiers of the main public buildings and open spaces within the proposed designated area;

- 2.4 The designated area identified for consultation in Resolution 1 should take account of the risk of displacement;
- 2.5 Owners of private premises open to or accessible to the public within the proposed designated area are invited through the consultation process to state whether they are happy for the Police to use the powers within the Act on their property;
- 2.6 The Council reaffirms to the Police their support for the use of these powers only in situations where there is risk of crime, disorder or nuisance occurring;
- 3 That a further report be submitted once consultation has been completed to consider how to proceed; and
- 4 That the Licensing Committee be authorised to act on behalf of Council on matters relating to DPPOs and that its Terms of Reference be amended accordingly.

## **68 CONSTITUTIONAL ISSUES ARISING FROM NEW EXECUTIVE ARRANGEMENTS, AND OTHER MISCELLANEOUS CHANGES**

The Council considered a report setting out various Constitutional amendments required as a result of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which came into effect in September.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

### **RESOLVED**

1. To note the amended provisions regarding private business at Cabinet meetings, as set out in paragraphs 4.3 – 4.7 of the report;
2. To note the arrangements regarding exceptions to advance notice of key decisions (paragraph 4.8 of the report) and agree that specific reference should be made to the relevant Policy Development & Scrutiny Panel Chair being informed;
3. To agree that the frequency for reports to Council from the Leader containing details of all key decisions taken under Special Urgency provisions shall be annually, or at another interval as decided by Council, as set out in paragraph 4.9 of the report;
4. To agree that the power to grant dispensations is delegated to the Monitoring Officer as set out in paragraph 4.11 of the report;
5. To note the additional provisions regarding overview and scrutiny rights to Cabinet documents, as set out in paragraphs 4.12 – 4.14 of the report;



6. To agree to the suggested change to the 'Recording of Meetings' Constitution section (paragraph 4.16 of the report) to enable more citizen blogging;
7. To nominate the Wellbeing Policy Development & Scrutiny Panel as the Council's arrangement for delivering the health scrutiny function from April 2013 (paragraphs 4.18 - 4.20 of the report refer);
8. To agree the amendment to the Constitution regarding Council Rule 37, as set out in paragraph 4.21 of the report, to remove the ability for a Member, when seconding a motion or amendment, to reserve their speech until later in the debate;
9. To agree that all references to the Proper Officer shall be taken as being the Monitoring Officer and Divisional Director, Legal and Democratic Services, for the purposes of the Constitution; and
10. To delegate authority to the Monitoring Officer & Divisional Director, Legal and Democratic Services, to make any necessary changes to the Council's Constitution arising from decisions taken at this meeting and those required by law.

## **69 FUEL POVERTY - AGENDA MOTION FROM THE LIBERAL DEMOCRAT GROUP**

An agenda motion was moved from the Liberal Democrat group regarding Fuel Poverty.

On a motion from Councillor Katie Hall, seconded by David Martin, it was

**RESOLVED** that:

This Council believes that:

1. Fuel poverty is a scourge on our communities; it harms the physical and psychological health, welfare and quality of life of our residents;
2. Local Authorities can play an important role in tackling fuel poverty through, for example, our new public health responsibilities, our strategic role in improving housing and our concern to encourage residents to contribute to the local economy and community.

And this Council therefore resolves to:

1. Work towards eliminating fuel poverty in Bath and North East Somerset;
2. Sign the "Local Authority Fuel Poverty Commitment" published by the End Fuel Poverty Campaign; and
3. Investigate practical schemes which could help residents who live in fuel poverty, such as working with partners to enable collective purchasing schemes for energy.

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

Questions had been received from Councillors Brian Webber and Nathan Hartley. The responses had been circulated to Councillors and made available at the meeting (a copy of the document is retained in the Council’s Minute book and linked online.)

The meeting ended at 9.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**