

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **MINUTES OF COUNCIL MEETING**

Wednesday, 23rd March, 2016

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Jasper Becker, Sarah Bevan, Colin Blackburn, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Matt Cochrane, Paul Crossley, Chris Dando, Fiona Darey, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Andrew Furse, Charles Gerrish, Ian Gilchrist, Bob Goodman, Francine Haerberling, Alan Hale, Liz Hardman, Donal Hassett, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Barry Macrae, Paul May, Shaun McGall, Alison Millar, Robin Moss, Paul Myers, Michael Norton, Lisa O'Brien, Lin Patterson, June Player, Christopher Pearce, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Mark Shelford, Brian Simmons, Peter Turner, David Veale, Martin Veal, Karen Walker, Geoff Ward, Tim Warren and Karen Warrington

Apologies for absence: **Councillors** Jonathan Carr, Michael Evans, Les Kew, Marie Longstaff, Bryan Organ and Chris Watt

#### **92 EMERGENCY EVACUATION PROCEDURE**

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

#### **93 DECLARATIONS OF INTEREST**

Declarations of interest were made by the following Councillors;

Councillor Joe Rayment declared a disclosable pecuniary interest in item 11 on HMOs, as a member of staff at the University of Bath, a member of the University of Bath Court and a resident of an HMO in Westmoreland.

Councillor Shaun McGall declared a disclosable pecuniary interest in items 8 and 11, Placemaking plan and HMOs, as an employee of the University of Bath and a Trustee of the Bath Spa University Students' Union.

Councillor Fiona Darey declared an 'other' interest in item 11 regarding HMOs, as a tutor at the University of Bath.

Councillor Anthony Clarke made an 'other' declaration in item 13 regarding returning veterans, as a life member of the Royal Airforce Association.

Councillor Matt Cochrane declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Colin Barrett declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Peter Turner declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Geoff Ward declared an 'other' interest in item 13 regarding returning veterans, as a serving member of the Armed Forces Reserves.

Councillor Steve Hedges declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Mark Shelford declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

The Monitoring Officer granted dispensation to the above councillors so that they were able to take part in the debate on the relevant items.

#### **94 MINUTES - 16TH FEBRUARY 2016**

On a motion from Councillor Tim Warren, seconded by Councillor Eleanor Jackson, it was

**RESOLVED** that the minutes of the 16<sup>th</sup> February 2016 Council meeting be confirmed as a correct record and signed by the Chairman.

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

The Chairman made a statement regarding a request received from the Labour Group to consider an urgent item. He outlined his reasons for not agreeing to the request.

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

The Chairman made the customary announcements regarding the webcast and mobile phones.

The Chairman reminded Members of forthcoming events;

- Parish & Town Councillors' Reception – 20<sup>th</sup> April
- Queen's birthday tea at St Alphege's Church – 21<sup>st</sup> April
- School Governors' Reception – 6<sup>th</sup> May

He also informed Members that the recent Civic Reception had raised approximately £1300 for charity.

The Chairman asked Council to stand in silence for one minute as a mark of respect, following the recent death of former Councillor Doug Nicol.

The Chairman also agreed, following a request from the floor, to ask Council to stand in silence to remember those affected by the recent terrorist attacks in Brussels and Ankara.

## 97 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

Adam Reynolds made a statement urging the Council to engage with an opportunity at Pines Gate. [A full copy of the statement has been placed on the Council's Minute book and attached to the online minutes.]. In response to a question from Councillor Tim Warren about whether Mr Reynolds was aware that in a time of unprecedented cuts, the Authority was looking to spend nearly £5million of Cycling Ambition funds, Mr Reynolds responded that he was aware of that. In response to a question from Councillor Dine Romero about whether this was also an opportunity for new safer child cycling paths, Mr Reynolds responded that it was indeed, but they needed to be cycle tracks which are segregated from vehicles. In response to a question from Councillor Joe Rayment about whether it would be beneficial to the health of the residents of Twerton to have easier cycling access to the area, Mr Reynolds responded that he had recently got hold of some data sets on cycling showing routes and there were routes through Twerton, but it was important for investment to go to these areas and not always to the river corridor. In response to a question from Councillor Sarah Bevan as to whether data was available to show that dutch style roundabouts enhanced safety for all roundabout users, Mr Reynolds responded that there was, and they were much safer due to cycle users being segregated from the traffic. In response to a question from Councillor Lin Patterson about whether Mr Reynolds had taken the opportunity to consult Council officers prior to submitting this statement, he responded that he had probably emailed them too much, in his attempt to put together a whole strategy that worked and kept cyclists off pavements, but not having to share roads with HGVs. The statement was referred to the Cabinet Member for Transport.

Mary-Lou Elliot presented a petition containing 456 signatures, calling on the Council to take action to prevent future deaths at a dangerous junction in Combe Down. [A copy of the statement supporting the petition has been placed on the Council's Minute book and attached to the online minutes.] In response to a question from Councillor Cherry Beath asking for Ms Elliot's view about a potential increase in traffic on the Bradford Road corridor arising from various new housing developments in the future, she replied that it would inevitably lead to more traffic and could only get worse for the users of the schools, shops, nurseries, supermarkets etc. In response to a question from Councillor Sarah Bevan about whether advice had been sought from the Highways department about whether traffic lights might be better for that point, and easier to achieve, Ms Elliot responded that she hadn't, and anything would be better. In response to a question from Councillor Lin Patterson about whether she had enlisted the help of local Councillors, Ms Elliot responded that she had. The petition was referred to the Cabinet Member for Transport.

Lesley Mansell made a statement about action needed for the A367 Junction with the Bath Road at Peasedown St John . [A copy of the statement has been placed on the Council's Minute book and attached to the online minutes.] In response to a query from Councillor Robin Moss as to whether Ms Mansell was aware of any consultation having taken place by B&NES or the Parish Council on this issue and preferred options expressed, Ms Mansell replied that there had been various meetings, petitions and comments submitted via the Facebook page but no formal

consultation. Councillor Lin Patterson asked whether there had been any accidents or near misses and Ms Mansell responded that there had been 4 serious accidents reported in the last few years and lots of taps and knocks which were unreported. The statement was referred to the Cabinet Member for Transport.

David Redgewell made a statement welcoming the offer of a combined authority and the opportunities it offered for devolved powers for various issues such as local bus services, quality contracts, smart ticketing etc. He urged Councillors to support the principle of a combined transport authority. [A copy of the statement has been placed on the Council's Minute book and attached to the online minutes.] The statement was referred to the Cabinet Member for Transport.

[Notes;

1. *Following conclusion of the statements, a point of order was raised by Councillor Joe Rayment [4A, 31 (d)] to propose a course of action arising from Mr Redgewell's statement on devolution. The Monitoring Officer ruled that raising new business at this point, without proper advance notification of the item in accordance with the Local Government Act 1972 100 (b) 4, and without it being deemed as urgent business was not permissible. The Chairman therefore did not accept this proposal.*
2. *Councillor Robin Moss then raised a point of order [4A, 34) calling for a 10 minute debate on the subject of Mr Redgewell's statement on devolution. The Chairman asked the Leaders of the 2 groups with at least 20% of Council seats for their agreement; Councillor Tim Warren did not agree, Councillor Dine Romero had been minded to agree. As agreement was not given by both Leaders, the debate was not permitted.*

## **Public Statements**

### **98 SUBMISSION OF THE BATH & NORTH EAST SOMERSET PLACEMAKING PLAN FOR PUBLIC EXAMINATION**

The Council considered a report seeking Council approval for submission of the Draft Placemaking Plan to the Secretary of State for independent examination.

On a motion from Councillor Liz Richardson, seconded by Councillor Patrick Anketell Jones, it was

#### **RESOLVED**

1. To agree that the B&NES Draft Placemaking Plan be submitted to the Secretary of State for independent examination;
2. To agree the list of limited changes in Appendix 2 as part of the submitted plan;
3. To authorise the Divisional Director for Development to present the Council's case at examination;
4. To invite the Inspector to recommend any modifications which may be necessary to make the Plan sound; and
5. To agree the Plan for Development Management purposes.

*[Notes;*

- 1. The above resolution was carried with 42 Councillors voting in favour, 0 against and 17 Councillors abstaining.]*

## **99 CREATION OF A CHARITABLE TRUST BOARD TO MANAGE CHARITABLE TRUSTS**

The Council considered a report seeking approval to establish a Charitable Trust Board to ensure clearer separation in future of the Council's interests as sole trustee of a number of charities and the Council's interests as a Local Authority.

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

### **RESOLVED**

1. To establish the Trust Board as a committee of the Council;
2. To approve the proposed Terms of Reference of the Trust Board;
3. To agree that, subject to the Charter Trustees written agreement, and under s.280 of the Charities Act 2011, Bath & North East Somerset Council is the sole corporate trustee of the Alice Park Trust; and
4. To authorise officers to investigate and subsequently report on the enlargement of the Trust Board's Terms of Reference to include the Trusts detailed in paragraph 5.4 of the report (minus 5.4.8 Lansdown Playing Field which should have been removed from the list.)

*[Notes*

- 1. The above resolution was carried with 58 Councillors voting in favour, and 1 abstention.]*

## **100 NOMINATION OF VICE-CHAIRMAN DESIGNATE**

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

**RESOLVED** that Councillor Cherry Beath be designated as Council Vice-Chairman for the Council year 2016/17.

## **101 MOTION FROM THE LIBERAL DEMOCRAT GROUP - HOUSES IN MULTIPLE OCCUPATION**

On a motion from Councillor Cherry Beath, seconded by Councillor Will Sandry, it was

**RESOLVED** that

The Council:

1. Notes: the forthcoming review of Houses in Multiple Occupation (HMOs) in Bath, announced earlier this month; the discussions held at the Planning, Housing and Economic Development PDS Panel of 5 January 2016 and the Bath City Forum meeting of 21 January 2016; policies relating to student accommodation and HMOs in the draft Placemaking Plan for B&NES including the submission report and appendices presented to Council this evening; representations made by the Universities on their growth aspirations; and the Article 4 Direction and Supplementary Planning Document (SPD) on HMOs of 2013.
2. Recognises the importance of the contribution made by Bath's Universities and students to the economy, employment and culture in Bath and the wider area.
3. Notes that the Universities' revised growth plans will bring thousands of additional students to Bath but that there are limited options for purpose-built student accommodation due to planning constraints, the lack of available sites and the need to prioritise the delivery of strategic planning requirements.
4. Council recognises that not all HMOs are occupied by students and that HMO accommodation is an important source of affordable housing, particularly for younger people.
5. Notes that the remit given to the Bath City Forum is narrow and does not cover areas of North East Somerset that may suffer from any knock-on effects of increased HMO's or further restrictions on HMO's in Bath.
6. With regard to the forthcoming review of the growth and standard of HMOs in Bath (including both the Supplementary Planning Document and Licensing regime), and in the interests of maintaining balanced communities, the Council calls for consideration to be given to:
  - a. Whether the threshold after which applications for new HMOs would be refused should be lower than the current 25%;
  - b. Whether the current geographical extent within which the concentration of HMOs is controlled should be extended to include other parts of the city;
  - c. The feasibility, in planning terms, of introducing additional measures which could limit the development of purpose-built student accommodation in areas with already high densities of student accommodation or HMOs.
7. Cabinet is also asked to consider introducing mandatory licensing of landlords across B&NES in order to improve housing standards for tenants in rented accommodation.

*[Notes:*

1. *The wording at point 6 above was proposed by Councillor Bob Goodman and accepted by the mover and seconder of the motion.*
2. *The successful resolution was carried with 53 Councillors voting in favour and 6 Councillors voting against.]*

## 102 MOTION FROM THE LABOUR GROUP - BUDGET SAVINGS

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

### RESOLVED

1. To note the numerous opportunities afforded to Members to have an input into the Council's budget-setting process, including the presentation of Service Plans to the various Scrutiny Panels, five Budget Fair events, two all-member budget briefings, the discussion of the budget proposals at the Resources PD&S Panel and Full Council itself.
2. To note the details provided of the savings proposals contained within the Budget Report, including relevant appendices, in line with the details provided in previous years.
3. That further information can be provided on progress with delivering these savings as required to Policy Development & Scrutiny Panels through the usual process.

*[Notes:*

1. *A motion from the Labour group had been moved by Councillor John Bull, and seconded by Councillor Lisa Brett, as set out in the agenda papers. This motion was replaced by the successful amendment.*
2. *The successful resolution above was carried as an amendment with 32 Councillors voting in favour, 25 Councillors voting against and 2 abstentions and then as the substantive motion with the same voting numbers.]*

## 103 MOTION FROM THE LABOUR GROUP - OFFICER POINT OF CONTACT FOR RETURNING VETERANS

On a motion from Councillor Eleanor Jackson, seconded by Councillor Mark Shelford, it was

**RESOLVED** unanimously that

### The council notes:

- For some military service-leavers, the transition back into civilian life can be distressing and difficult.
- After living an ordered military life, getting to grips with various agencies and accessing services or benefits can be disorientating. Finding work in a new sector can be hard when dealing with the emotional and physical transition into civilian life.
- The difficulties associated with this transition can often result in homelessness, mental illness, alcoholism, post-traumatic stress or unemployment.

- Bath and North East Somerset Council has a good track record of upholding the commitment to the community covenant, which complements the military covenant.
- However, there are still people living locally who have not received sufficient support.

**The Council believes:**

- Veterans face unique challenges and deserve full support on their return after risking their lives to defend our country.

**The Council resolves:**

- To appoint an appropriate existing officer to act as a single point of contact for all service leavers in B&NES. This would include making veterans aware of local service charities and offering advice on issues including employment, housing, healthcare, and benefit entitlements. This officer would have the power to commit the council to actions and would monitor and review the community covenant.

**104 MOTION FROM THE LIBERAL DEMOCRAT GROUP - UK MEMBERSHIP OF THE EUROPEAN UNION**

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

**RESOLVED** that this Council

1. Welcomes the fact that, following David Cameron's renegotiation, the Government has fulfilled its manifesto commitment to hold an 'in/out' referendum on the UK's membership of the European Union, thereby giving the B&NES and British electorate their first chance to have a decisive say on this matter in forty years.
2. Notes that it is for each and every resident of Bath and North East Somerset to make up their own minds on Britain's membership of the European Union based upon the information and arguments presented by both the 'Leave' and 'Remain' campaigns.
3. Believes that it would not therefore be appropriate for the Council to take a corporate view on this matter, which should rightly be left to voters to decide.
4. Urges all those eligible in Bath and North East Somerset to vote in this referendum to do so, recognising the importance of the decision to the future of the country, and to ask that the Council takes steps to encourage those eligible to vote in the referendum ensure they are registered to vote.

*[Notes:*

1. *A motion from the Liberal Democrat group had been moved by Councillor Paul Crossley, and seconded by Councillor Liz Hardman, as set out in the agenda papers. This motion was replaced by the successful amendment.*

2. *The successful resolution above was carried as an amendment with 36 Councillors voting in favour, 20 Councillors voting against and 2 abstentions and then as the substantive motion with 47 Councillors voting in favour, 7 Councillors voting against and 4 abstentions.]*

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

Councillor Alison Millar made a statement regarding the proposed Park & Ride to the East of Bath. She thanked officers and the Chair of the Scrutiny Panel who had hosted the Scrutiny Inquiry day the previous day, and all of the residents who had contributed. She raised concerns however, about the choice of speakers and expressed her view that one day was not enough to address this critical and complex matter. She urged Cabinet to receive a full presentation from the Bathampton Meadows' Alliance. In response to a question from Councillor Martin Veal about whether Councillor Millar was a member of the Alliance or had been asked by them to speak to Council, Councillor Millar replied that a local resident had asked her to ensure that all pertinent evidence was considered. Councillor Millar's statement was referred to the Cabinet Member for Transport.

The meeting ended at 10.00 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**