

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 10th September, 2015

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, Jonathan Carr, Anthony Clarke, Matt Cochrane, Paul Crossley, Chris Dando, Fiona Darey, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Michael Evans, Andrew Furse, Charles Gerrish, Ian Gilchrist, Bob Goodman, Francine Haerberling, Alan Hale, Liz Hardman, Donal Hassett, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Les Kew, 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, Karen Warrington and Chris Watt

Apologies for absence: **Councillors** Steve Jeffries, Marie Longstaff, Barry Macrae and Bryan Organ

35 EMERGENCY EVACUATION PROCEDURE

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

36 DECLARATIONS OF INTEREST

Councillor Geoff Ward declared an 'other' interest in item 13 on Gulls, as the Commercial Chairman for the Chartered Institute of Environmental Health.

Councillor Rob Appleyard declared a disclosable pecuniary interest in item 12 on Housing, as a Director of Curo Housing Association

Councillor Eleanor Jackson declared an 'other' interest in item 12 on Housing, as a member of the Curo Housing Liaison Committee.

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

The Chairman invited Council to note the urgent decision taken by the Chief Executive on 18th August to agree that an application be submitted for a new Enterprise Zone. [Details and rationale for the decision were circulated to all Members.] This decision was deemed as urgent and taken following consultation with Political Group Leaders, the Monitoring Officer and the Section 151 Officer. This was duly noted.

The Chairman made the customary housekeeping announcements regarding the webcast, mobile phones and meeting procedures. He also explained that the Chief Executive needed to leave the meeting around 9.30pm, in order to act as Counting Officer for the Clutton Neighbourhood Plan referendum.

The Chairman reminded Members of the civic event going ahead on 25th October, for which invitations would be issued shortly, and let Members know of a change of date for the charity event from 5th to 6th February.

The Chairman concluded by congratulating HM Queen Elizabeth II as the country's longest serving monarch.

38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business for this meeting.

39 MINUTES - 16TH JULY 2015

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

RESOLVED that the minutes of the Alderman Council meeting of 16th July be approved as a correct record and signed by the Chairman.

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

RESOLVED that the minutes of the Council meeting of 16th July be approved as a correct record and signed by the Chairman.

40 SYRIAN REFUGEES - REPORT ON PROGRESS

Members noted the information provided regarding progress on various actions following the debate at the July Council and set out below;

- A letter was sent to the Home Office as requested. A response has been received recently, setting out requirements for Local Authorities. Officers are considering this and discussing with partners as required by the Home Office, with a view to making recommendations to Cabinet;
- The Chief Executive has been in contact with Citizens UK and will be meeting with them shortly.

Although this item was for noting only, in light of the exceptional circumstances, the Chairman permitted one representative from each Group to make a statement to the meeting so the following Councillors spoke;

Councillor Tim Warren, Councillor Sarah Bevan, Councillor Dine Romero, Councillor Robin Moss and Councillor Lin Patterson.

The information was noted.

41 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Dima Albadra, a student in Bath, addressed the meeting. She explained that she herself was a refugee from Syria, as she had come here 5 years ago before the war started, and was now unable to return. She called on B&NES to accept refugees to the area. She acknowledged that, although they would need support for the first year or so, they would nevertheless be keen to make a positive contribution to society and Dima herself would be happy to assist with the integration process. In response to a question from Councillor Dine Romero about whether Dima considered the Government was doing enough, she responded that, although the Government was contributing through overseas aid, refugees needed more than just their physical requirements met, they needed to establish a full life in a society. In response to a question from Councillor Sarah Bevan about the single most important thing refugees needed, Dima asked for constant support for refugees who have been in a terrible situation. Councillor Jonathan Carr asked Dima for her hopes for life in the UK, she responded that she wanted to contribute to society, until it was safe for her to return home.

Councillor Joe Rayment raised a point of order (rule 4A, 34) to invite the Group Leaders of groups with at least 20% of Council seats to indicate if they required a 10 minute debate on the submission. Agreement was given by Councillors Tim Warren and Dine Romero so the Council was invited to debate the question "What can B&NES best do to support the Syrian refugees?" Councillors Joe Rayment, Shaun McGall, Tim Warren, Lisa Brett, Eleanor Jackson, Jonathan Carr spoke in the debate.

Following the debate, 2 petitions were handed in calling for Bath to offer homes to refugees.

Mrs Lawrence presented a petition regarding a reduction to the 716 bus service, and spoke in support of the petition. [The full statement is attached to the minutes online.] In response to a question from Councillor Tony Clarke querying whether Mrs Lawrence was aware that the Council does not have regulatory authorisation over bus companies, she responded that she was not aware of that, but had been told that the change was made by the Council not the bus company. Councillor Neil Butters asked whether Mrs Lawrence was aware of how many people used the 716 service; she responded that she did not have the numbers, but the ones she used were quite busy by the end of the journey. In response to a question from Councillor Sarah Bevan about whether any consultation had taken place with bus users, Mrs Lawrence replied that there had not been any to her knowledge. Councillor Jonathan Carr enquired whether the area was served by a Dial-a-Ride service or community buses; Mrs Lawrence explained that Dial-a-Ride was available but that it was often too busy to respond. The statement and petition were referred to the Cabinet Member for Transport.

David Redgewell addressed Council about MetroWest which was now moving into the 2nd phase. He stressed the need to ensure that it was future proof in connecting Bath into the wider region. His comments were referred to the Cabinet member for Transport.

42 APPROVAL TO APPLY TO DESIGNATE FIRS FIELD AS A CENTENARY FIELD

The Council considered a report asking for agreement to enter into a legal deed of dedication giving Centenary Field designation to Firs Field. This report had been to Cabinet the previous evening, who had recommended it to Cabinet for approval.

On a motion from Councillor Martin Veal, seconded by Councillor Bob Goodman, it was

RESOLVED (unanimously)

1. To enter into a legal deed of dedication giving Centenary Field designation to Firs Field, subject to discussion with the Charity Commission;
2. To recommend that the Leader of the Council agrees, on behalf of the Council as corporate trustee, to include the land held on trust within this designation, on the basis that Centenary Field designation will appropriately serve the aims of the trust created.

43 CORPORATE AUDIT COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Corporate Audit Committee, presented by Councillor Brian Simmons, Chair of the Committee, who thanked the officers for their excellent work.

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.

44 AMENDMENTS REQUIRED TO THE CONSTITUTION

The Council considered a report outlining various amendments required to the Constitution to ensure that it reflects current best practice.

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

RESOLVED to approve the amendments as set out in Appendix 1 and 2 of the report.

45 MOTION FROM THE LIBERAL DEMOCRAT GROUP - HOUSING

An officer briefing note on this subject had been circulated to Members.

On a motion from Councillor Liz Richardson, seconded by Councillor Michael Evans, it was

RESOLVED that

This Council:

- Recognises and supports the aspiration of home ownership as a general principle which is the right of hard-working local residents.
- Notes that, under existing legislation, Housing Association tenants already have a 'Right to Acquire' their home at a discount, it is simply that this discount is currently less than that under the Right to Buy policy.
- Notes the Government proposal to extend the Right to Buy to Housing Association tenants, meaning that that 1.3 million tenants nationally will be entitled to the same rights already enjoyed by Council Housing tenants.
- Notes that 5,918 households are currently listed on the housing waiting register in B&NES – highlighting the need for more social rented homes to be made available.
- Notes that the sale receipts from the new Right to Buy policy will be put toward new affordable homes, which along with government funding will allow one for one replacement in the area – thereby increasing the supply of affordable local homes.
- Notes that when a home is bought under 'Right to Buy' the home is not 'lost', it is simply that ownership is transferred from the landlord to the occupier.
- Notes that the extension of Right to Buy is one part of the Government's wider package of measures to increase the supply of affordable homes and help more people onto the housing ladder, including plans to deliver 200,000 new Starter Homes at a 20% discount to first-time buyers, a new register of brownfield land that will also help fast-track the construction of new homes on previously-used sites, an extension of the Help to Buy Equity Loan scheme and the creation of a new Help to Buy ISA.
- Welcomes the fact that under the Government's new Right to Buy policy many more families will be able to own their own home who otherwise could not afford to do so.
- Nonetheless believes greater clarity is still needed from Government over how this policy will be funded, including clarification over the requirement of councils to sell their most expensive housing when it falls vacant, as well as current restrictions over rented homes in rural areas and those secured under s106 agreements.

Council resolves:

- To write to Government seeking clarification over the funding of the 'one for one' replacement scheme, in particular the proposed requirement of Councils to sell high-value housing, and asking that Government consult carefully with local authorities and housing associations before removing any exemptions and restrictions currently in place, such as those relating to homes in rural communities and built under s106 agreements.

[Notes:

1. *Opening the debate, a motion was moved by Councillor Cherry Beath, and seconded by Councillor Tim Ball, as set out with the agenda papers. This motion was replaced by the successful amendment.*
2. *The Conservative amendment was carried with 32 Councillors voting in favour, 25 against and 3 abstentions, thus becoming the substantive motion.*
3. *The substantive motion was carried with 32 Councillors voting in favour, 25 against and 3 abstentions.*
4. *During the debate, various procedural points were raised and addressed.]*

46 MOTION FROM THE GREEN GROUP - GULLS & WASTE

An officer briefing note on this subject had been circulated to Members.

On a motion from Councillor Jonathan Carr, seconded by Councillor Chris Pearce, it was

RESOLVED that

The Council Notes that:-

1. The gull population in Bath has increased substantially over the past decade to over 2,000. While current actions have reduced the rate at which the population is increasing, the population continues to increase and will not decrease to more tolerable levels without further action.
2. Studies of bird culls (Murton et al. 1972, Haag 1984, Kautz 1985, 1990, Kautz & Malecki 1990, Sol & Senar 1995, Schnitzler 1999) which have found that bird populations quickly return to or exceed previous levels after a cull, as culled birds are replaced by younger, healthier birds. Studies of use of egg removal (Rösener 1999) and chemical contraceptives (Elder 1964, Neubauer 1994) have shown these measures alone to be ineffective at causing substantial decreases in bird populations.
3. Reducing the food available to gulls was the first recommendation of the Planning, Transport and Environment PDS report on Urban Gulls in November 2013.
4. Waste is a major source of food for gulls in Bath, and that gulls tear open bags and strew waste across streets while trying to extract edible waste.
5. The Current waste collection contracts must be renewed by October 2017.
6. This renewal presents a key opportunity to create a permanent decrease in the gull population by renegotiating waste collection to reduce the amount of food available to the gulls from waste.
7. The council notes that separation of waste into different categories and minimising the amount of general waste will reduce the food available to gulls.
8. The council accepts the above scientific findings and that bird populations are controlled most effectively by limiting the availability of food.

The Council resolves to:

9. Use humane methods of population controls and to avoid culling.

10. Undertake what measures are available to it within the scope of existing contracts to reduce the food available to gulls through waste.
11. Give priority when renegotiating waste collection contracts to;
 - Reducing the quantity of edible waste accessible by gulls and other scavengers.
 - Maximising the proportion of waste that is recycled, reused or composted and minimising the proportion of waste, particularly food waste, that is sent to landfill.
 - Minimising the impact of waste collection arrangements on the neighbourhood environment
12. The council will work with neighbouring authorities to reduce gulls' access to food in the region outside BANES.
13. In order to provide a long-term action plan to address this issue, Council asks the Cabinet and relevant Officers to produce and implement a Gulls Strategy that takes account of the resolutions above and contains measures to support the three core principles of:
 - deterring the gull population from settling and breeding in B&NES;
 - reducing access to food sources, including street waste; and
 - communicating with the public to garner the support of residents, businesses and visitors in tackling this problem.

[Notes:

1. *The wording in resolution 13 above was proposed by Councillor Geoff Ward and accepted into the body of the motion by Councillors Jonathan Carr and Chris Pearce.*
2. *During debate, Councillor Eleanor Jackson moved an amendment which was subsequently withdrawn, in accordance with Part 4A, rule 39, with the agreement of the seconder and the meeting;*
3. *During debate, an amendment was moved by Councillor Shaun McGall, and seconded by Councillor Dine Romero, to remove the words 'and to avoid culling' from recommendation 9. This was lost, with 15 Councillors voting in favour, 41 against and 1 abstention.*
4. *The substantive motion was carried with 58 Councillors voting in favour, 0 against and 2 abstentions.*
5. *During the debate, various procedural points were raised and addressed.]*

47 MOTION FROM THE CONSERVATIVE GROUP - DORCHESTER STREET BUS GATE

On a motion from Councillor Matt Cochrane, seconded by Councillor Jasper Becker, it was

RESOLVED that

Council notes:

- That between January and May of 2014 the Council operated an 'experimental' Bus Gate on the eastbound carriage of Dorchester Street.
- That the experiment was ended early after confusion among motorists resulted in more than £220,000 worth of fines having to be refunded to drivers caught passing through the Bus Gate.

- That at the time the trial concluded, the Council stated that it would analyse the data gathered during the experiment and assess the impact of the Bus Gate before taking a final decision over its permanent future, but that this decision may not be taken until after the completion of the Rossiter Road/Widcombe Parade diversion project.
- That during the 15 week period of the Bus Gate's operation, 7,225 motorists were issued with Penalty Charge Notices – meaning an average of 69 vehicles were caught breaching the Bus Gate each day. However, no specific data was gathered on the number of vehicles displaced onto alternative routes such as Rossiter Road, Pulteney Road and North Parade.

Council believes:

- That with the two-way system on Rossiter Road now in operation, now is the right time to take a decision on the future of the Dorchester Street Bus Gate.
- That, whilst the Council is supportive of measures to encourage bus usage, including bus priority measures where appropriate, the problems caused by the Bus Gate in terms confusion amongst motorists and reputational damage to the Council and city mean its reintroduction would not be sensible or justified.
- That further work is nonetheless required to assess whether any steps can be taken to improve the flow of traffic on Dorchester Street to reduce congestion for the benefit of all traffic, including buses, and ensure a safe environment for all road users and pedestrians.

Council resolves:

1. To express its view that the Dorchester Street Bus Gate should not be reinstated and put this as a recommendation to the Cabinet Member.
2. To request that the Cabinet Member for Transport ask officers to undertake a study of Dorchester Street to determine whether any measures could be introduced to improve the flow of traffic whilst ensuring a safe environment for all road users and pedestrians.

[Notes:

1. *An unsuccessful amendment was moved by Councillor Neil Butters, seconded by Councillor Nigel Roberts, to introduce measures to recognise air pollution and climate change aspects. This was not carried, with 23 Councillors voting in favour, and 35 against.*
2. *During debate, a motion to extend the meeting to 10:20 was not carried, although a subsequent motion to extend to 10:10 was successful, with a majority of Councillors voting in favour.*
3. *The substantive motion was carried, with 35 Councillors voting in favour, and 23 against.*
4. *During the debate, various procedural points were raised and addressed.]*

48 MOTION FROM LIBERAL DEMOCRAT GROUP - FRACKING

An officer briefing note on this subject had been circulated to Members.

On a motion from Councillor Tim Warren, seconded by Councillor Patrick Anketell-Jones, it was

RESOLVED that

Council:

- Notes the resolution on fracking adopted by Council on 11 July 2013.
- Reiterates its serious concerns about the potential impact of unconventional gas exploration and extraction, as well as geothermal exploitation, within Bath and North East Somerset, in particular relating to:
 - a. The vulnerability of the hot springs which supply Bath's spa water and the potential risk to the supply of hot spring water and to the water table overall.
 - b. Its potential impact in an area significantly covered by Green Belt, Areas of Outstanding Natural Beauty and a World Heritage Site.
 - c. The importance of protecting the reservoir water supply in the Chew Valley.

Council resolves:

- To request that the Leader of Council and Chief Executive once again formally register the concerns of Council relating to unconventional gas exploration and extraction and geothermal exploitation within Bath and North East Somerset and neighbouring areas with the Department for Energy & Climate Change.
- To request an update to Council from Officers and the Cabinet on this issue with regard to the Placemaking Plan and measures available to the Council to control, and if appropriate prevent, the use of unconventional gas exploration and extraction and geothermal exploitation within B&NES.
- To request that the Leader conveys Council's concerns to the Members of Parliament for Bath and North East Somerset.
- To continue to work with Somerset County Council and other neighbouring authorities, and national Government, to examine the technical and environmental issues involved in unconventional gas exploration and extraction and geothermal exploitation.
- To continue to support the development of renewable energy systems and improved energy efficiency in Bath and North East Somerset as set out in the draft Core Strategy in order to help achieve the transition from fossil fuels to sustainable sources of energy.

[Notes:

1. *Opening the debate, Councillor Dine Romero moved an updated motion from that circulated with the agenda, emphasising their serious concerns associated with fracking. This motion was replaced with the successful Conservative amendment, which then became the substantive motion on a vote of 31 Councillors in favour and 26 against.*
2. *The substantive motion was carried, with 31 Councillors voting in favour, and 26 against.*
3. *During debate, there was a successful motion to move to the vote.*

4. *During the debate, various procedural points were raised and addressed.]*

49 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items from Councillors.

The meeting ended at 10.10 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services