

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 12th May, 2016

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

Apologies for absence: **Councillors** Cherry Beath, Chris Dando, Sally Davis, Francine Haeberling and Chris Watt

1 EMERGENCY EVACUATION PROCEDURE

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

2 ELECTION OF CHAIRMAN 2016/17

It was proposed by Councillor Tim Warren, seconded by Councillor Dine Romero, and supported by Councillors Robin Moss, Sarah Bevan and Jonathan Carr and

RESOLVED that Councillor Alan Hale be elected Chairman of the Council for the Council year 2016/17.

Councillor Hale made and signed his Declaration of Acceptance of Office, received the Chain of Office from Councillor Ian Gilchrist and presented the Consort's badge to his wife, Jane. Councillor Hale then addressed the Council.

FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR ALAN HALE PRESIDED AT THE MEETING.

3 ELECTION OF VICE-CHAIRMAN 2016/17

It was proposed by Councillor Dine Romero, seconded by Councillor Tim Warren, and

RESOLVED that Councillor Cherry Beath be elected Vice-Chairman of the Council for the Council year 2016/17.

4 DECLARATIONS OF INTEREST

Councillor Tim Ball declared an 'other' interest in item 7 – Statements from the Public – as a Special Guardian, which was the subject of a petition being presented to Council.

5 MINUTES - 23RD MARCH 2016

On a motion from Councillor Tim Warren, seconded by Councillor Steve Hedges, it was

RESOLVED that the minutes of 23rd March 2016 be confirmed as a correct record and signed by the Chairman.

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

Councillor Alan Hale presented Councillor Ian Gilchrist with his past Chairman's badge.

It was proposed by Councillor Dine Romero, seconded by Councillor Tim Warren and supported by Councillors Robin Moss, Sarah Bevan and Jonathan Carr and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Ian Gilchrist in the office of Chairman of the Council for 2015/16.

Councillor Gilchrist then addressed the Council and, in so doing, thanked Members and officers for their support during his year in office. He mentioned some highlights of his year and thanked Members for supporting his chosen charities. He concluded by wishing the new Chairman well for his year in office.

The Chairman then;

1. Asked everyone to turn off their mobile phone or switch to silent to avoid disrupting the meeting, and explained that some Councillors were accessing their meeting papers via iPads;
2. Announced that the meeting was being webcast and invited anyone who did not wish to be filmed to make themselves known to the camera operators.

7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

8 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

Donna Smith presented a petition of over 500 signatures calling for Special Guardians to be treated the same as Foster Carers. She explained that they faced

the same issues but without the necessary support or funding to assist. In response to a question from Councillor Tim Ball about what the Local Authority could do better to support Special Guardians, Mrs Smith said it would be useful if more support groups could be arranged so Guardians could help one another. Councillor Robin Moss asked if it would be helpful if he raised this at the next meeting of the Fostering Panel to which Mrs Smith agreed it would. Councillor Sarah Bevan asked whether they had been offered training to undertake this role, Mrs Smith replied that they had had not anything, although she understood that training was now being offered. She added her view that it should be compulsory. Councillor Lin Patterson asked for clarification of SGO – Special Guardianship Order – and whether she could access more information about this online. The Chairman thanked Mrs Smith for her statement and explained that a copy of her petition would be passed to the Cabinet Member for Children’s Services.

William Gaskell made a statement about wellbeing in Bath. [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 Sarah Bevan enquiring whether Mr Gaskell had been the victim of violence, he responded that he had, both here and in London. The Chairman thanked Mr Gaskell for his statement which was referred to the Cabinet Member for Adult Social Care and Health.

Christina Biggs from the Friends of Suburban Bristol Railways made a statement urging Councillors to carefully consider the devolution deal and transport opportunities it could offer, and to negotiate for what the area needed. [A full copy of the statement and railway map has been placed on the Council’s Minute book and attached to the online minutes.] In response to a question from Councillor Joe Rayment about whether Ms Biggs was aware that a majority decision under devolution had to include the vote of the Mayor, Ms Biggs referred to Section 5 of the deal which she didn’t see as presenting a problem. Councillor Jonathan Carr referred to the railway map and asked about potential stations in rural B&NES; to which Ms Biggs responded that a service from Weston Super Mare to Chippenham could stop at all stations in between. The Chairman thanked Ms Biggs for her statement which would be referred to the relevant Cabinet Members.

Colin Skellett made a statement on the business perspective of the devolution deal, urging Councillors to recognise the significant challenges the Authority faced and the opportunity the deal would bring with investment and additional powers. [A full copy of the statement can be accessed via the online minutes and on the Council’s Minute book.] In response to a question from Councillor Tim Ball about whether an offer from Government that a charring arrangement for the Combined Authority via the Leaders Board and West of England Partnership would be a better deal, Mr Skellett replied that unfortunately that wasn’t an option. It was written into the legislation and if you want the powers, you need to have a Mayor. The deal that was being negotiated did have safeguards, plus the four Authorities had a history of working well together. Councillor Robin Moss asked whether Mr Skellett thought it was right for the Council and partners to ask Government to think again on the Metro Mayor; he responded that this wasn’t an option. He added that Cornwall have a deal without a Mayor, but also without the investment. In response to a question from Councillor Sarah Bevan about the potential improvement to rural broadband that the devolution deal might offer, Mr Skellett responded that the extra power and money would enable broadband to be improved and that currently some rural businesses were

unable to use it. Councillor Jonathan Carr asked whether Mr Skellett was not concerned that a Metro Mayor would have veto over the other Authorities, and also that further executive powers could be devolved to the Metro Mayor without the agreement of the other Authorities; Mr Skellett responded that he had seen the four Authorities working well together so this would just be building on that, and that any further devolution of powers would need to be agreed by all parties. The Chairman thanked Mr Skellett for his statement which would be referred to the Leader and relevant Cabinet Member.

Matt Atkinson, Principal of Bath College, made a statement in support of the devolution of the adult education budget to the West of England, which would create a unique opportunity for an adult education system which would better meet local needs. He explained the current position that, as money is directed to meet national priorities, some local money has to be spent in other areas of the country as those priorities are not relevant in this area. Councillor Tim Warren clarified that money had to be given away and Mr Atkinson confirmed that was the case. Councillor Tim Ball asked for Mr Atkinson's view of the democratic implications of having a Metro Mayor, after the area had turned down an elected Mayor; however, Mr Atkinson felt it was not his place to respond to a political question. In response to a question from Councillor Liz Hardman about whether money devolved through the deal could create more apprenticeships, Mr Atkinson said that it definitely would. Councillor Sarah Bevan asked about the impact on the new North East Somerset campus of the deal, to which Mr Atkinson responded that more flexibility over spending would enable them to better meet the specific needs of the Somer Valley. The Chairman thanked Mr Atkinson for his statement.

David Redgewell, from South West Transport Network and speaking on behalf of the four transport unions, made a statement regarding the public transport implications of the devolution deal and urging Councillors to take up this once in a lifetime deal. He outlined the benefits of devolved transport powers for the sub-region and concluded by calling on the Council to encourage North Somerset Council to vote for the deal on 7th June. In response to a question from Councillor Robin Moss about whether the devolved money would stretch to meet the business, education and transport needs outlined, Mr Redgewell responded that, once a Combined Authority was established, it then had a negotiating position for further investment opportunities. Councillor Jonathan Carr asked how the Council could influence North Somerset to vote for the deal, to which Mr Redgewell responded that they could be reminded that if they wanted electrification to extend to Weston-super-Mare, they would need the devolution deal. The Chairman thanked Mr Redgewell for his statement.

9 APPOINTMENT OF COMMITTEES AND PANELS, & OTHER ANNUAL BUSINESS

The Council considered a report regarding the non-executive and regulatory committee arrangements for the Council year 2016/17 and proposing various changes to the Constitution. In introducing this report, Councillor Tim Warren announced that he had appointed Councillor Paul Myers to a new Cabinet portfolio for one year - Policy, Localism & Partnerships.

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

RESOLVED

1. To approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and identified in its current form in the report at Appendix 1;
2. To note that there has been a change to the political group numbers, and agree that the status quo on proportionality will remain until confirmation of future group numbers has been achieved, when a review will be brought to a future Council meeting;
3. To approve the terms of reference for Committees and Panels etc as set out in Appendix 1 to the report and constitute those bodies accordingly;
4. To appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
5. To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;
6. To determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
7. To authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as out lined in paragraph 6.1;
8. To note that an Independent Panel to consider members' allowances has been established and that it will report its recommendations to the next convenient Council meeting;
9. To instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
10. To note that the Monitoring Officer has made an amendment to the Constitution as set out in paragraph 7.2;
11. To approve the amendments to the Council's Constitution as set out in Appendix 2 to the report, subject to an addition to row 2 of Appendix 2 to the report relating to Constitutional rule 4A, 36 & 38 to enable the member who raised the original motion in debate to have an opportunity to respond to points made in the debate, even if the original motion has been successfully

amended, before the right of reply goes to the mover of the substantive motion;

12. To agree changes to the Public Rights of Way delegation scheme as described in section 7.3;
13. To note the position regarding the frequency of meetings (as set out in Section 8) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis; and
14. To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

[Notes:

1. *The underlined section in resolution 11 comprises wording suggested by Councillor Dine Romero and accepted into the substantive motion by the mover and seconder as a minor adjustment to the wording.*
2. *During debate, an unsuccessful amendment was moved by the Liberal Democrats to the effect of removing those proposed changes to the Constitution which set limits on the public speaking scheme. This was lost, with 19 Councillors voting in favour and 40 against. Councillor Nigel Roberts wished his vote in favour of this amendment to be recorded.*
3. *The successful resolution was carried with 45 Councillor voting in favour, 13 Councillors voting against and 1 abstention.]*

10 WEST OF ENGLAND DEVOLUTION AGREEMENT

The Council considered a report noting the latest position on the devolution deal and inviting comments in advance of the formal deal being put to Council in June.

On a motion from Councillor Paul Myers, seconded by Councillor Lisa O'Brien, it was

RESOLVED

1. To welcome the principle of devolving funding and powers down from Government to the local area.
2. To welcome in particular the aspects of the deal relating to devolved infrastructure funding, multi-year transport funding, devolved further education budget, and the additional powers over public transport, further education, skills and development.
3. To seek greater certainty from Government that this funding can be guaranteed over the next 30 years;
4. To note that these proposals represent the best financial deal per capita of any devolution deal in the country.

5. To note the safeguards contained within the proposals protecting the autonomy of each constituent Council, in particular the protection of all Council assets and services, as well as the veto over strategic planning.
6. To voice objection to the aspect of the proposals relating to the creation of a West of England Mayor.
7. To ask that the Leader and relevant officers work alongside the other authorities involved in the devolution proposal to undertake further discussions with Government seeking to remove the aspect of the proposals relating to the creation of a Mayor, and that as part of these discussions a preference is stated for an alternative Governance model based upon a Chairman chosen from the existing Members of the Strategic Leaders Board by a vote of those Members, appointed for a term of up to four years (or until that person is subject to re-election within their own authority).
8. To report back to Council the outcome of the above discussions as part of Council's considerations on the devolution proposals, and, should Council approve any devolution arrangements in principle, agree that a full consultation is undertaken with the residents of Bath and North East Somerset prior to any new arrangements being implemented.

[Notes:

1. *Wording for resolution 3 above was proposed by Councillor Vic Pritchard and accepted into the substantive motion by the mover and seconder, as a minor adjustment to the wording.*
2. *During debate, an amendment was moved by Councillor Robin Moss and seconded by Councillor Joe Rayment to the effect that, if agreement was not reached on the Metro Mayor, Council would call for a referendum on 23rd June. This was lost on a named vote (20 for, 39 against);*

Councillors voting in favour: - Councillors Rob Appleyard, Tim Ball, Lisa Brett, John Bull, Jonathan Carr, Paul Crossley, Andy Furse, Ian Gilchrist, Liz Hardman, Steve Hedges, Eleanor Jackson, Alison Millar, Robin Moss, Lin Patterson, Joe Rayment, Nigel Roberts, Caroline Roberts, Dine Romero, Will Sandry, Shaun Stephenson-McGall.

Councillors voting against: - Councillors Patrick Anketell-Jones, Colin Barrett, Jasper Becker, Sarah Bevan, Colin Blackburn, Anthony Clarke, Matt Cochrane, Fiona Darey, Matthew Davies, Doug Deacon, Emma Dixon, Michael Evans, Charles Gerrish, Bob Goodman, Alan Hale, Donal Hassett, Deirdre Horstmann, Steve Jefferies, Les Kew, Marie Longstaff, Barry Macrae, Paul May, Paul Myers, Michael Norton, Lisa O'Brien, Bryan Organ, Chris Pearce, June Player, Vic Pritchard, Liz Richardson, Mark Shelford, Brian Simmons, Peter Turner, Martin Veal, David Veale, Karen Walker, Geoff Ward, Tim Warren, Karen Warrington.

3. *During debate, an amendment was moved by Councillor Dine Romero and seconded by Councillor Paul Crossley to seek government support for a local referendum on whether B&NES residents wanted a Metro Mayor as part of the devolution package. This was lost on a named vote (19 for, 39 against, 1 abstention);*

Councillors voting in favour: - Councillors Rob Appleyard, Tim Ball, Lisa Brett, John Bull, Jonathan Carr, Paul Crossley, Andy Furse, Ian Gilchrist, Liz Hardman, Steve Hedges, Eleanor Jackson, Alison Millar, Robin Moss, Joe Rayment, Nigel Roberts, Caroline Roberts, Dine Romero, Will Sandry, Shaun Stephenson-McGall.

Councillors voting against: - Councillors Patrick Anketell-Jones, Colin Barrett, Jasper Becker, Sarah Bevan, Colin Blackburn, Anthony Clarke, Matt Cochrane, Fiona Darey, Matthew Davies, Doug Deacon, Emma Dixon, Michael Evans, Charles Gerrish, Bob Goodman, Alan

Hale, Donal Hassett, Deirdre Horstmann, Steve Jefferies, Les Kew, Marie Longstaff, Barry Macrae, Paul May, Paul Myers, Michael Norton, Lisa O'Brien, Bryan Organ, Chris Pearce, June Player, Vic Pritchard, Liz Richardson, Mark Shelford, Brian Simmons, Peter Turner, Martin Veal, David Veale, Karen Walker, Geoff Ward, Tim Warren, Karen Warrington.

Councillors abstaining: - Councillor Lin Patterson

4. *The successful resolution was passed with 57 Councillors voting in favour, and 2 Councillors abstaining.]*

11 REVIEW OF THE B&NES CORE STRATEGY

The Council considered a report outlining the scope and basis of the forthcoming partial review of the B&NES Core Strategy and updating the B&NES Local Development Scheme.

In introducing the report, Councillor Liz Richardson, corrected a couple of errors in the report as set out below;

- *Recommendation 2.1a) of the report should refer to paragraph 5.11, not 5.14*
- *Attachment 1 of the report (Revised Local Development Scheme) Penultimate line of the chart – Houses of Multiple Occupancy SDP -should have the "O" (options consultation) against Sept/Oct/Nov 2016; and "A" (adoption) in May 2017
[These amendments are in line with the version agreed at Council in December.]*

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

RESOLVED

1. To authorise the Strategic Director for Place to make arrangements to commence the revision of the B&NES Core Strategy, in accordance with the scope set out in para 5.11 of the report and the timetable set out in the revised Local Development Scheme in Attachment 1 to the report (*subject to the corrections listed above*);
2. To agree amendments to LDS as set out in Attachment 1 and agree that it will have effect from 20th May 2016; and
3. To approve allocation of reserves within the financial planning reserve of £30k for 2017/18 to fund the additional staffing requirement.

[Note:

1. *The resolution above was carried with 56 Councillors voting in favour, 1 Councillor voting against and 2 abstentions. Councillor Steve Hedges requested his vote against be recorded.]*

12 YOUTH JUSTICE PLAN 2016-17

The Council considered the annual Youth Justice Plan produced in consultation with key partner agencies Health, Police and Probation. The plan was recommended to Council from Cabinet.

On a motion from Councillor Michael Evans, seconded by Councillor Lisa Brett, it was (unanimously)

RESOLVED

1. To agree that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board for England and Wales;
2. To adopt the Youth Justice Plan as part of the Council's Policy & Budget framework and can be accommodated within the Council budget; and
3. That the Children & Young People's Policy Development & Scrutiny Panel be asked to oversee progress and performance.

13 REQUEST BY WHITCHURCH PARISH COUNCIL TO CHANGE ITS NAME TO WHITCHURCH VILLAGE COUNCIL

The Council considered a report regarding a name change for Whitchurch Parish Council.

On a motion from Councillor Paul May, seconded by Councillor Les Kew, it was

RESOLVED (unanimously)

1. To note the receipt of the request from Whitchurch Parish Council to change its name; and
2. To agree to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Whitchurch Parish Council to Whitchurch Village Council.

The meeting ended at 9.50 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services