

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 13th September, 2018

Present:- **Councillors** Cherry Beath, Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Jasper Becker, Sarah Bevan, Colin Blackburn, John Bull, Neil Butters, Anthony Clarke, Matt Cochrane, Sue Craig, Paul Crossley, Chris Dando, Matthew Davies, Sally Davis, Douglas Deacon, Michael Evans, Andrew Furse, Charles Gerrish, Lizzie Gladwyn, Bob Goodman, Francine Haerberling, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Les Kew, Barry Macrae, Paul May, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Lin Patterson, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Dine Romero, Richard Samuel, 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** Emma Dixon, Ian Gilchrist, Alan Hale, Michael Norton, Bryan Organ and Nigel Roberts

30 EMERGENCY EVACUATION PROCEDURE

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

31 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for all Councillors with an interest in item 9 - the Avon Pension Fund Annual report, to enable them to take part in the debate and vote.

The Monitoring Officer issued a further general dispensation for all Councillors with a personal interest in item 16 – Autism Awareness, to enable them to take part in the debate and vote.

In addition to the Councillors covered by the above dispensations, these further declarations were made;

Item 11 – Council Company Annual Accounts

Councillor Charles Gerrish declared an 'other' interest as Chairman of Aequus Developments Ltd (ADL) and announced he had been given a dispensation to speak on this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 14 – Establishment of Joint Venture Partnerships

Councillor Charles Gerrish declared an 'other' interest as Chairman of ADL and left the Chamber for the duration of this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 15 – Labour Motion Shale Gas Exploration and Production etc..

Councillor Paul Myers declared an 'other' interest having attended Frack Free Somer Valley meetings.

Councillor Karen Warrington declared an 'other' interest having attended Frack Free Chew Valley meetings.

32 MINUTES - 12TH JULY 2018

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

RESOLVED that the minutes of the meeting of 12th July 2018 be confirmed as a correct record and signed by the Chair.

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

The Chair made the customary announcements regarding practical meeting arrangements.

She invited Councillors and staff to join her for a Macmillan coffee morning on 28th September between 10:30 and 12:30 in the Chairman's room.

The Chair then informed Members of the recent death of Liz Everitt, wife of the former Chief Executive John Everitt, and asked for Council's sympathies to be sent to the family.

34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

35 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Chair made reference to the Q&A document which had been circulated at the meeting and is attached to the online minutes.

Statements to the meeting were made by the following members of the public;

Joe Scofield presented a petition of over 600 names – "Address the Crisis of Student Housing in Bath". In his statement, Joe called for measures to address the problems caused by over 24,000 students needing housing in Bath. The full copy of Joe's statement has been placed on the Council's Minute book and is available online.

Councillor Bob Goodman asked Joe if he was aware of the recent positive reduction in HMO concentration to 10%, to which Joe responded that he was aware but that he didn't feel the 10% cap was adequate and called for further measures such as ring fencing areas for family housing around schools. Councillor Will Sandry asked Joe if he thought there was more the Council and the University could do to help the situation, to which Joe responded that a message needed to be sent to the University that they couldn't continue to use green belt land allocated for housing for extra teaching blocks to accommodate more students. Councillor Colin Blackburn asked Joe if he thought the restriction should be placed across the whole B&NES area to which Joe responded that he certainly did think so, and that every community should have the same level of protection. The Chair thanked Joe for his statement and petition which would be referred to the Cabinet Member.

Tony Mitchell made a statement on behalf of Transition Keynsham. Tony referred to the questions he had submitted concerning the impact of budget cuts on the provision of Council services and asked if the Council had been robust enough in putting its case to Government. A full copy of Tony's statement is available on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Joe Rayment about whether Tony was asking the Council to be firmer in making their case to Government about the impact of austerity, Tony confirmed that he was. Councillor Sarah Bevan asked about the impact of budget cuts on the work that Transition Keynsham carried out, to which Tony responded that they wouldn't have access to the same level of equipment. The Chair thanked Tony for his statement which would be referred to the Cabinet Member.

Jackie Albrow made a statement calling on the Council to complete the application for a Fields in Trust 'Deed of Dedication' for Moorland Park. Councillor Shaun Stephenson McGall asked if it would now be useful to have a meeting with all the relevant parties to progress this, as the process was started in September 2017, to which Jackie replied that the Council had been supportive but something further was needed to move this along and a meeting would be an excellent idea. The full text of Jackie's statement is available on the Council's Minute book and attached to the online minutes. The Chair thanked Jackie for her statement which would be referred to the Cabinet Member.

John Chapman made a statement about the Kingdom contract for a litter enforcement service. He outlined a number of concerns about such contracts and called for fair and proportionate litter enforcement measures which were within DEFRA guidelines and not target driven. A full copy of John's statement is available on the Council's Minute book and attached to the online minutes. Councillor Tim Warren asked if John was aware that the Council had not entered into a contract with Kingdom, to which John responded that he was aware but the companies were all much the same. Councillor Richard Samuel asked if John was aware that the Liberal Democrats had called in the Council decision, which would be considered by the Communities, Transport and Environment Policy Development & Scrutiny Panel on 27th September and asked what clarifications the Panel should be seeking at that meeting. John suggested they should be seeking assurances that any company would be complying with the law. The Chair thanked John for his statement which would be referred to the Cabinet Member.

Andrew Dickens addressed the Council as a member of the Lower Common East Allotment Association (LCEAA) and outlined his concerns about how the Association had been treated thus far, with regard to use of noticeboards and attendance at quarterly allotment sub-forum meetings. He called for the Council to recognise and accept the Association's rights to be treated no less favourably than any other allotment association. A full copy of Andrew's statement can be viewed on the Council's Minute book and is attached to the online minutes. Councillor Tim Warren offered to meet Andrew to discuss this further; Andrew said he would consider the offer. Councillor Andy Furse asked Andrew to confirm that all they were asking for was for the LCEAA to be treated the same as the other local allotment associations. Andrew confirmed that that was correct and they were simply asking for their existing rights to be respected. Councillor Robin Moss sought clarity on the nature of the problem they had encountered with the Cabinet Member, to which Andrew replied that they had been told it wasn't appropriate to form an alternative association, which he added was contrary to their right to assembly in Article 11 of the Human Rights Act. The Chair thanked Andrew for his statement which would be referred to the Cabinet Member.

David Redgewell made a statement to Members about bus services through parts of B&NES and Somerset County Council. He explained that Somerset had just started a bus services review and called for proper consultation to take place with those parts of B&NES that would be affected by this. David stated that the Government were asking for a single south west voice to contribute to the Transport Select Committee, currently covered by the two Sub-national Transport bodies (SNTB) – South West Peninsula Board and the Western Gateway Board. A copy of David's statement is available on the Council's Minute book and attached to the online minutes. Councillor Mark Shelford asked if David was aware that he was very supportive of David's comments and would be speaking to the relevant people, to which David replied that he was. Councillor Neil Butters asked if David was aware how bus budgets were being impacted in Somerset, to which he responded that the budget was being massively curtailed and he was proud of the work done in B&NES and they needed to echo that. Councillor John Bull asked for a little more information about the SNTBs that David had mentioned, so he explained the areas they covered and reiterated that a single voice was needed into Government. The Chair thanked David for his statement which would be referred to the Cabinet Member.

Dr Chrissie Harrington made a statement on behalf of the Pulteney Estate Residents' Association calling on Councillors to include the Pulteney estate in the Bath Clean Air Zone (CAZ). She outlined the reasons why they considered its omission from the CAZ to be illogical and detrimental to the community, and set out their concerns about the impact this would have. A full copy of Chrissie's statement has been placed on the Council's Minute book and attached to the online minutes. Councillor Bob Goodman asked Chrissie to confirm that they did meet last week with a view to reviewing the situation, which she did. Councillor Richard Samuel asked for Chrissie to clarify her understanding of the Council's position regarding the zone and through traffic on Cleveland place and the A36 Warminster Road. Chrissie explained that they were concerned that traffic from the south and east would end up dropping off, and circulating in their area to avoid the zone, thereby making the congestion there even worse. Councillor Sarah Bevan asked if Chrissie had been informed as to why that area had been excluded, to which she responded that she understood the idea

was to start small, but Bath is already a small city and they didn't think this omission from the zone made sense. The Chair thanked Chrissie for her statement which would be referred to the Cabinet Member

36 POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT 2017-18

The Council considered the annual report of the work undertaken by the 4 Policy Development & Scrutiny Panels and the Select Committee.

On a motion from Councillor Will Sandry, seconded by Councillor John Bull, it was unanimously

RESOLVED to note the work of the Policy Development & Scrutiny Panels and Health Select Committee, as set out in the Annual Report attached at Appendix 1 to the report.

37 AVON PENSION FUND COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Avon Pension Fund Committee on the work it has undertaken in the previous twelve months, up to 31 March 2018.

On a motion from Councillor David Veale, seconded by Councillor Shaun Stephenson McGall, it was

RESOLVED

1. To note the report; and
2. To approve the amended Terms of Reference for the Avon Pension Fund Committee.

[Notes;

- 1. The above resolution was carried with 56 Councillors voting in favour and 1 abstention.]*

38 CORPORATE AUDIT COMMITTEE - ANNUAL REPORT

The Council considered the annual report of the Corporate Audit Committee.

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.

39 COUNCIL COMPANY ANNUAL ACCOUNTS

The Council considered a report presenting the annual accounts of ADL, ACL and BTP.

In seconding the report, Councillor Paul Myers regretted that the final accounts had not been available from the Auditors and gave a commitment to Councillors that as soon as they were completed and approved, they would be circulated to all

Councillors and submitted for a future meeting of the Resources Policy Development & Scrutiny Panel and Council.

During debate, Councillor Sarah Bevan, Chair of the Resources Policy Development & Scrutiny Panel, read out the resolutions from the Panel's consideration of this item at their meeting the previous day. [Details available in the Panel's minutes.]

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

RESOLVED

1. Note the ADL 2017/18 year end audited accounts, as set out in Appendix 1 to the report;
2. Note the ACL 2017/18 year end audited accounts, as set out in Appendix 2 to the report;
3. Note the BTP 2017/18 year end audited accounts, as set out in Appendix 3 to the report.

40 UPDATED FINANCIAL REGULATIONS AND BUDGET MANAGEMENT SCHEME

The Council considered a report presenting the updated Financial Regulations and Budget Management Scheme.

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

RESOLVED

1. To approve the updated Financial Regulations and Budget Management Scheme attached as Appendix A to the report;
2. To agree that the Key Decision financial threshold be set at £500k;
3. To give delegated authority be given to the S151 Officer in consultation with the Chief Auditor to make any updates or changes to the regulations of a non-material nature; and
4. That the Corporate Audit Committee overview any further changes to the regulations in line with their terms of reference.

[Notes;

1. *During debate, an amendment was moved by Councillor Robin Moss, and seconded by Councillor Joe Rayment, to postpone the change to the Key Decision financial threshold change until proper scrutiny could take place. This was lost with 7 Councillors voting in favour, 47 Councillors voting against and 1 Councillor abstaining.]*
2. *The above successful resolution was carried with 48 Councillors voting in favour, 2 Councillors voting against and 2 Councillors abstaining.]*

41 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2018 FINAL TIMETABLE

The Council considered a report seeking approval for the final timetable for the implementation of the review of polling districts, places and stations, following the publication on 7th August 2018 of the Local Government Boundary Commission for England's final recommendations on the electoral review of B&NES ward boundaries.

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

RESOLVED to approve the final timetable for the implementation of the review.

[Notes;

- 1. The above successful resolution was carried with 56 Councillors voting in favour and 1 Councillor abstaining.]*

42 ESTABLISHMENT OF JOINT VENTURE PARTNERSHIPS

The Council considered a report seeking agreement for the establishment of Joint Venture Partnership(s) with other public bodies for the purpose of delivering local housing developments, subject to specific business cases being developed for each joint venture.

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was

RESOLVED

1. To agree the principle of the establishment of Joint Venture Partnership(s) with other public bodies for the delivery of local housing developments both inside and outside the Council area;
2. To agree that decisions to enter into Joint Venture Partnerships shall be taken by the Cabinet, subject to business case and establishment of appropriate governance arrangements in line with those agreed for Council companies. Implementation of the approved Joint Ventures and administrative functions to be delegated to the appropriate officer(s); and
3. To agree the allocation of up to £10k from the Transformation Revenue Reserve to meet Council legal costs for the setup of the Joint Venture.

[Notes;

- 1. The above successful resolution was carried with 50 Councillors voting in favour, 3 Councillors voting against and 4 Councillors abstaining.]*

43 MOTION FROM THE LABOUR GROUP - PERMITTED DEVELOPMENT FOR SHALE GAS EXPLORATION & INCLUSION OF SHALE GAS PRODUCTION IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REGIME

On a motion from Councillor John Bull, seconded by Councillor Robin Moss, it was

RESOLVED as set out below;

Council notes that:

1. Currently fracking companies are required to apply for planning permission from the local authority to drill or sample a well. They also have to apply for planning permission from the local authority to undertake shale gas production.
2. The Ministry of Housing, Communities and Local Government is consulting on whether proposals for non-hydraulic shale gas exploration should be granted planning permission through a permitted development right.
3. The Ministry of Housing, Communities and Local Government is also consulting on whether to include major shale gas production projects in the Nationally Significant Infrastructure Project regime. This would mean that the Secretary of State would automatically become the decision maker for determining an application for future shale gas production projects meeting certain criteria.
4. The Council previously adopted resolutions on fracking on 11th July 2013 and 10th September 2015.
5. On the 6th August, 2018 the Leader of Council wrote to the Secretary of State, Greg Clark, objecting to these proposals.
6. The Council has responded to the consultation opposing permitted development rights for shale gas exploration and the inclusion of major shale gas production projects in the Nationally Significant Infrastructure Project regime.
7. The potential impact of fracking and its capacity to divert water flows could be catastrophic for the World Heritage City of Bath.

Council believes that:

8. The local planning process is one of the main ways in which communities can express their views about what happens in their area. Permitted development significantly reduces the potential for local people to comment on a development.
9. It is important that local councils have a say in whether shale gas exploration goes ahead as this activity could result in significant local impacts such as increased traffic, noise and lighting as well as damage to the ecology and visual landscape of an area.
10. Shale gas production is highly controversial with the potential to significantly impact on local communities. Decisions about these developments should continue to be made by democratically accountable local planning authorities and not as part of the Nationally Significant Infrastructure Project regime.

Council agrees to ask the Leader of Council to:

11. Write to;
 - a. our local MPs asking for their support in opposing these proposals;
 - b. all authorities which border Bath & North East Somerset, to ask them to support us in our opposition to fracking in our region;
 - c. the appropriate Minister requesting that the Avon Act is extended across the whole Avon catchment area in B&NES.
12. In the event that permitted development rights for shale gas exploration are introduced, to explore the potential for an Article 4 Direction to remove these permitted development rights from shale gas exploration in this area.
13. To work with all planning authorities in the catchment area defined by the carboniferous limestone bowl in which the hot springs sit to introduce Article 4 Directions.
14. Request that our Avon Pension Fund Committee members investigate options to continue diverting investment from companies specialising in fossil fuel energy production to companies specialising in environmentally responsible energy production.

[Notes;

1. *The above successful resolution was carried with 54 Councillors voting in favour, and 3 Councillors abstaining.]*

44 MOTION FROM THE LIBERAL DEMOCRAT GROUP - AUTISM AWARENESS

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

RESOLVED unanimously as set out below;

Council notes:

1. Around 700,000 people in the UK are on the autism spectrum. That is more than 1 in 100. If you include families, autism is part of daily life for 2.8 million people. In addition, many are still undiagnosed.
2. Autism is a hidden disability – you cannot always tell if someone is autistic. The right support at the right time can make an enormous difference to people's lives. 17% of autistic children have been suspended from school. 70% of adults say they are not getting the help they need from social services and that with more support they would feel less isolated. At least one in three experiences severe mental health difficulties due to lack of support. Only 32% are in some kind of paid work.
3. Public awareness of autism is growing but many people are unaware of the challenges faced by people on the autism spectrum and their families.

4. Thousands of children are undiagnosed until later in life, and many adults have suffered from lack of diagnosis and the right understanding and support for much of their life. Many end up in our prison systems or are homeless. Many have never had the right support or opportunity to be employed. Children need to be assessed early and, if autism is suspected, get the right support in a timely way. This currently does not happen, leaving families unable to get the help and support required to enable the young people to understand their condition and reach their potential and for families and teachers to make the necessary adaptations to support them.
5. The efforts made by local organisations and businesses, such as the Roman Baths, which has been recognised by the Autism Society, and the introduction of 'quiet shopping hours' in supermarkets are welcomed. But it should go much further.
6. The excellent work the Council already achieves in providing high quality service for autistic people in Bath and North East Somerset but we recognise we may need to do more to meet the needs of the growing numbers being diagnosed.

Council resolves to:

7. Request that the Leader of the Council writes to the Minister concerned to ensure that Autism is recognised in our criminal justice system.
8. Recognise its position as a community leader in promoting inclusive practice across all partners including schools to ensure that children with autism or similar special educational needs and disabilities are given the appropriate support to learn and fulfil their potential.
9. Recognise its responsibility as a public service provider, to ensure that as far as possible within available resources, all public-facing Council services are aware of the ways in which they can best enable people with an autistic spectrum disorder to access the facilities they offer.
10. Refer this issue to the Health and Wellbeing Board which brings together a range of relevant partners, and is therefore the appropriate forum to consider what more they can do to raise awareness including with local businesses.
11. Consider supporting the 'Too Much Information' Autism Hour in its own premises (6 – 13th October 2018).

[Notes;

1. *The above successful resolution contains wording proposed by Councillor Paul May and accepted into the substantive motion by the mover and seconder, namely paragraphs 6, 8, 9 & 10.]*

45 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Alison Millar made a statement to Council about litter enforcement and advised caution when considering any private contractor undertaking this role. She expressed concern that this would target vulnerable groups and highlighted examples of private contractors being sacked across the country. She described this as a huge concern and reminded Councillors and the public of the call-in Policy Development & Scrutiny Panel which would consider this issue on Thursday 27th September.

The Chair thanked Councillor Millar for her statement which was referred to the relevant Cabinet Member.

The meeting ended at 9.38 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services