

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 23rd March, 2017

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Jasper Becker, Sarah Bevan, Colin Blackburn, John Bull, Neil Butters, 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, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Les Kew, Barry Macrae, Paul May, Shaun Stephenson-McGall, 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, 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** Donal Hassett, Steve Hedges, Marie Longstaff and Will Sandry

76 EMERGENCY EVACUATION PROCEDURE

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

77 DECLARATIONS OF INTEREST

Councillors Liz Hardman, Eleanor Jackson, Robin Moss and Joe Rayment all declared an 'other' interest in item 13 on EU Nationals due to family or personal reasons of non-British status.

78 MINUTES - 14TH FEBRUARY 2017

On a motion from Councillor Tim Warren, seconded by Councillor Vic Pritchard, it was

RESOLVED that the minutes of the meeting of 14th February 2017 be approved as a correct record and signed by the Chairman.

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

Earlier in the meeting, following the announcement of the emergency evacuation procedure, the Chairman had made a statement about the tragic incident in London the previous day, expressing support for all those affected and praising the work of the emergency services. He invited the Council to stand for a minute's silence.

The Chairman then made the customary announcements regarding mobile phones, webcasting, Councillors accessing their meeting papers via iPads and a comfort break. At the Chairman's request, the Council's Monitoring Officer made a brief

statement reminding Councillors that the Council was currently in the pre-election period for the Walcot ward and, for that reason, item 15, and several speakers, had been deferred to the July meeting.

80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

81 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

John Branston made a statement concerning the impact of HMOs in Oldfield Park. He explained the threat to the social balance and detrimental impact on the community and commented that the Article 4 Direction of 2013 had been too little too late. He cited examples from other areas of the country where measures had been taken to address this, and reminded Councillors of their Corporate Strategy priority of putting residents first in everything the Council does. The Chairman thanked John for his statement which was referred to the relevant Cabinet Member.

David Redgewell made a statement regarding transport issues in the South West. He welcomed more subsidy for bus services as a result of the West of England Combined Authority (WECA) but also urged the Council to work with Wiltshire, Gloucester and North Somerset. Further details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Shaun Stephenson-McGall asked for David's view of the effect of not implementing the half hourly service he recommended through Oldfield Park; to which David responded that he thought there could be severe overcrowding for passengers coming in from West Wiltshire and Frome, and also difficulty moving students into Bristol and Bath. Councillor Liz Hardman asked David if, as he was aware that there was no bus service from the Paulton area to Bristol on a Sunday, whether David felt this could be remedied, to which David responded that he hoped that the WECA transport review would enable working with the constituent authorities to restore some of the links. Councillor Sarah Bevan sought clarity from David about his reference to the 179 bus service. The Chairman thanked David for his statement which was referred to the relevant Cabinet Member.

Graham Thomas Widger, Chair of Broadmoor Lane Residents Association Weston, made a statement seeking the Council's support to secure the future of their open space and playground, which was currently uncertain. Further details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Tim Warren, Graham confirmed that the current owner of the land was Redcliffe Homes. Councillor Dine Romero asked Graham if he knew why this open space had not been adopted by the Council, to which Graham responded that recently they had been told there were financial reasons, but added that they had been trying to secure this for 10-12 years which was why they were bringing it to Council now. Councillor Eleanor Jackson asked if the Group were in a position to form an Association to lease and maintain the land, to which Graham responded that they probably could, but at this stage they were just trying to achieve clarity over the status of the land and a response to their

proposals. The Chairman thanked Graham for his statement which was referred to the relevant Cabinet Member.

Alice Murphy, a 12 year old resident of Broadmoor Lane, presented a petition (approximately 500 signatures) on behalf of the Broadmoor Lane Park Action group entitled "We want to save our park at Broadmoor Lane and want B&NES Council to work with us to save the park from closure!" She explained that she had been visiting the park since she was 3 years old. Further details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Tim Warren offered to put the Group in touch with some Parish Councils who had found themselves in a similar situation, which was welcomed. Councillor Dine Romero asked if there was a similar idyllic location close by, to which Alice responded that there was another park about 2 miles away. The Chairman thanked Alice for her statement which was referred to the relevant Cabinet Member.

Bob Hollingdale, Chair of the Bath Taxi Association, made a statement calling for Uber's operating licence to be withdrawn. He set out his many concerns with how Uber operate and cited examples from other parts of the UK where their licences had been removed. In response to a query from Councillor Tim Warren, Bob clarified that Uber had been operating for 18 months. Councillor Eleanor Jackson asked if Uber took disabled people, to which Bob responded that they did not. The Chairman thanked Bob for his statement which was referred to the relevant Cabinet Member.

At the end of the above statement, Councillor Caroline Roberts called for a 10 minute debate on this issue, which had the agreement of the qualifying Group Leaders, in accordance with Part 4A, rule 34 of the Constitution. The Chairman agreed to take this debate at the end of the public speaking item.

Robert Kirkwood made a statement on the same issue. He explained how the city had been swamped and the detrimental effect this was having on his livelihood and that of local taxi businesses. He outlined his concerns over safety and related an incident when he had been physically threatened by an Uber driver, which he had reported but no action had been taken. Councillor Tim Warren asked if it was the case that Uber, like other private hire companies, were not permitted to pick up passengers from the street; Robert responded that this was correct but recounted an incident where he had seen this happening. Councillor Caroline Roberts asked if Robert considered that he had gone through a rigorous process to test if he was a fit and proper person to be a taxi driver, to which he responded that he certainly agreed and was proud that it was a rigorous process and that drivers wanted to be accountable. Councillor Robin Moss asked why Enforcement officers had not been able to take action following his report of the assault, to which Robert explained that he had not had proof. Councillor June Player asked if Robert had considered leaving the profession due to difficulties he had experienced, to which he replied that he wasn't thinking of it personally, but did consider there needed to be a level playing field. The Chairman thanked Robert for his statement which was referred to the relevant Cabinet Member.

Sarah Harrington made a statement on the same subject. She described many examples of how her local knowledge had enabled her to enhance her customers' experience by advising on local facilities or going the extra mile carrying in shopping for an elderly person. Drivers from outside the area could not offer this same level of

service. Councillor Robin Moss asked if Sarah felt a London style Knowledge test would be a good idea, to which she responded that local drivers certainly knew all the shortcuts so were able to deliver a faster and cheaper service, something which Uber drivers from outside the area could not provide. In response to a question from Councillor June Player about how safe Sarah felt in the job, she replied that she had an emergency button so personally felt safe, but would be concerned for young people. The Chairman thanked Sarah for her statement which was referred to the relevant Cabinet Member.

Paul Roles made a statement on the same subject, explaining that he had set up a Facebook site for taxi drivers. He gave some statistics about how taxis from out of town were not able to cater for disabled people. He questioned how drivers from outside the area had been able to get their licences and explained that he didn't think they had a proper office base, displaying their liability insurance. Councillor Caroline Roberts asked when he had been told about Uber's licence being granted, to which Paul responded that they had learnt this from a Council press release on September 22nd, although the licence had been issued on August 10th. Councillor Sarah Bevan asked if Paul knew if Uber allowed guide dogs, to which he cited a recent article in a national newspaper of a man with a guide dog being refused a pick up 13 times by Uber. The Chairman thanked Paul for his statement which was referred to the relevant Cabinet Member.

82 URGENT DEBATE - UBER TAXI LICENCE

The Council had earlier agreed to hold a 10 minute debate arising from the issues raised by the Taxi drivers who had made statements to the meeting.

On a motion from Councillor Caroline Roberts, seconded by Councillor Paul Crossley, it was

RESOLVED unanimously that, in view of;

- the widespread concerns about the lack of transparency over the awarding of a Taxi Operating License to Uber; and
- the impact on taxi and private hire services in our area

Council asks the Cabinet Member for Transport to produce a report for July Council on the issues and options for a way forward on this matter.

83 WEST OF ENGLAND COMBINED AUTHORITY OVERVIEW & SCRUTINY & AUDIT COMMITTEE ARRANGEMENTS & APPOINTMENT OF LOCAL RETURNING OFFICER FOR THE WEST OF ENGLAND COMBINED AUTHORITY MAYORAL ELECTION

The Council considered a report seeking representatives for the West of England Combined Authority Overview and Scrutiny and Audit Committees. The Council was also asked to appoint the Local Returning Officer for the West of England Combined Authority Mayoral Election.

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

RESOLVED

1. To give effect to the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (the Order) and provide nominations to the West of England Combined Authority Overview and Scrutiny and Audit Committees;
2. To agree to the establishment of a voluntary joint scrutiny committee between the Overview and Scrutiny Committee established under the Order referred to in resolution 1 and North Somerset Council; and
3. To appoint the current Returning Officer, Maria Lucas as Local Returning Officer for the Mayoral election in May 2017.

[Notes;

1. *During debate, an unsuccessful amendment was moved by Councillor Joe Rayment and seconded by Councillor Robin Moss which proposed an alternative proportionality calculation based upon population rather than Councillor numbers. This was lost, with 7 Councillors voting in favour, 44 Councillors voting against and 9 Councillors abstaining.*
2. *The substantive motion was carried with 47 Councillors voting in favour, 8 Councillors voting against and 5 Councillors abstaining.]*

84 REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS ALLOWANCES

The Council considered the report of the Independent Remuneration Panel on Members Allowances.

Councillor Tim Warren thanked the Independent Panel for their work.

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

RESOLVED to note the report of the Independent Remuneration Panel on Members Allowances and to agree the following recommendations from the report:

1. That Members use the HMRC-approved Travel and Subsistence rates on the B&NES on-line claims system, bringing Members Travel and Subsistence in line with those of officers and representing a slight reduction against the current rates; and
2. That any uplifts or changes to Members' Allowances be implemented on the same date and by the same amount as officers' salaries are adjusted, and in line with National Joint Conditions.

85 PLANNING APPLICATION FEES - THE GOVERNMENT'S OFFER

The Council considered a report regarding a Government increase in nationally set planning fees which Local Authorities can adopt, within fixed terms. Approval was sought to accept the 20% increase in fees.

On a motion from Councillor Liz Richardson, seconded by Councillor Colin Blackburn, it was unanimously

RESOLVED

1. To accept the increase in planning application fees by 20% from July 2017 by committing to investing this further income within the planning department; and
2. To agree the adjustment to the planning service budget as outlined in Appendix 1 of the report.

86 STANDARDS COMMITTEE ANNUAL REPORT 2016

The Council considered the Annual Report of the Standards Committee for 2016.

On a motion from Councillor Tim Warren, seconded by Councillor Sarah Bevan, it was unanimously

RESOLVED to note the work of the Standards Committee as set out in the Annual Report.

87 AGENDA MOTION FROM THE LABOUR GROUP - GRAMMAR SCHOOLS

The Council considered a motion from the Labour Group opposing the re-introduction of Grammar schools. This was subsequently amended as set out below.

On a motion from Councillor Michael Evans, seconded by Councillor Fiona Darey, it was

RESOLVED that this Council:

1. Notes the high quality and diverse range of school provision in the area which provides some parental choice; enables faith-based and non-faith-based education; single-sex and co-educational schools; and a varied curricular offer including the more vocationally-based Studio School provision.
2. Notes that the Government's education Green Paper 'Schools that Work for Everyone' contained a number of proposals to increase parental choice through the provision of more Good and Outstanding school places, including greater involvement of universities in schools, removing barriers to sponsorship by faith organisations, bringing Independent Schools and their resources to the service of state schools, and expanding the provision of selective places.

3. Notes that there is no intention to re-create the binary system of the fifties, but a desire to expand the variety of provision to meet the needs of different children, provide greater parental choice, and raise standards.
4. Recognises the role that selection and streaming by aptitude and ability plays in providing a good, tailored, education for all children, and notes the government's encouragement of Secondary Schools and Multi Academy Trusts to improve provision for the most academically able pupils.
5. Notes that the Government has stated that any proposals for new selective schools would need to demonstrate support from the community.
6. Notes that, under the Government's proposals, there is no provision for local authorities themselves to establish and run new schools, whether Grammar or other schools, and that all Councillors and members of the public were able to respond to the Green Paper consultation, and that further comments and submissions can be made as and when the White Paper is published.

[Notes:

1. *The original agenda motion, moved by Councillor John Bull and seconded by Councillor Lin Patterson, was replaced by a successful amendment, which was carried on a vote of 35 Councillors voting in favour, 23 Councillors voting against and 1 Councillor abstaining.*
2. *The substantive motion above was carried with 35 Councillors voting in favour, 22 Councillors voting against and 1 Councillor abstaining.]*

88 AGENDA MOTION FROM THE LIBERAL DEMOCRAT GROUP - EU NATIONALS

The Council considered a motion from the Liberal Democrat Group.

On a motion from Councillor Andy Furse, seconded by Councillor Liz Hardman, it was

RESOLVED that this Council:

- Recognises the invaluable contribution made by over 6,000 nationals from other EU countries living and working in Bath and North East Somerset.
- Recognises that their legal situation is uncertain, as is that of UK nationals living in other EU countries, and wishes to see their status resolved at the earliest possible moment.
- Agrees with government that reaching an agreement on reciprocal rights should be a priority for the forthcoming negotiations with the EU.
- Calls on government to simplify the administrative process for nationals from other EU countries already resident in the UK to obtain permanent residency and to ensure that there is no financial bar.
- Requests that these resolutions should be communicated to the MPs for Bath and North East Somerset and to the government.

- Encourages all those eligible to vote, including nationals from other EU countries resident in B&NES, to register to vote in the May 2017 West of England Mayoral election.

[Notes:

- 1. The above resolution was carried with 57 Councillors voting in favour and 1 Councillor abstaining.]*

89 AGENDA MOTION FROM THE LIBERAL DEMOCRAT GROUP - WEST OF ENGLAND MAYOR

The Council considered a motion from the Liberal Democrat group.

On a motion from Councillor Dine Romero, seconded by Councillor Lisa O'Brien, it was

RESOLVED unanimously to;

1. Note the forthcoming West of England Mayoral election; and
2. Call on the new Mayor, in cooperation with the Leaders of the three Councils of the West of England Combined Authority, to ensure that the running costs of the new combined authority are kept to a minimum and that the transparency arrangements of the new combined authority are maximised.

90 PETITION FOR DEBATE - "SAVE OUR 6/7 BUS"

This item was deferred until the July Council meeting.

91 ANNOUNCEMENT OF CHAIR(MAN) DESIGNATE FOR 2017/18

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

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

Council further indicated its support for the proposal from Councillor Sarah Bevan that Councillor Karen Walker be proposed as Vice-Chair at the AGM.

92 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Caroline Roberts presented a petition (76 signatures) on behalf of residents with the following request;

“We the undersigned call on the Council to consider carrying out a further consultation regarding parking within our area of Foxcombe Road, Chelsea Road, Warwick Road, Kennington Road and Park Road.

The initial consultation in August 2016 regarding parking covered too great an area and did not take into account the unique pressures that affect our small area.”

The petition was passed to the relevant Cabinet Member.

The meeting ended at 9.39 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services