

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 13th July, 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, Paul Crossley, Chris Dando, Fiona Darey, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Michael Evans, Andrew Furse, Charles Gerrish, Ian Gilchrist, Lizzie Gladwyn, Bob Goodman, Liz Hardman, Steve Hedges, Deirdre Horstmann, Steve Jeffries, Les Kew, Marie Longstaff, Barry Macrae, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, O'Doherty, Bryan Organ, Lin Patterson, Christopher Pearce, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Samuel, 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** Matt Cochrane, Francine Haerberling, Alan Hale, Eleanor Jackson, Paul May, Michael Norton, Lisa O'Brien, June Player and Chris Watt

13 EMERGENCY EVACUATION PROCEDURE

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

14 DECLARATIONS OF INTEREST

Councillor Joe Rayment declared an 'other' interest in item 8 (Uber) as a member of the GMB union and item 11 (Youth Justice Plan) as an employee of DHL.

15 MINUTES - 18TH MAY 2017

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

RESOLVED that the minutes of 23rd March 2017 be confirmed as a correct record and signed by the Chair.

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

The Chair made the customary announcements concerning mobile phones and webcasting the meeting. She asked Council to stand for a minute's silence in recognition of the recent tragic events in London, and the death last week of Maggie Roper, a prominent Bath philanthropist.

The Chair then thanked the retiring Cabinet Members, congratulated the new Cabinet Members and passed on thanks to William Harding, who has retired after over 40 years of service with the local authority. She concluded announcements by congratulating Children's Services on the outcome of their recent Ofsted inspection

which judged services to be overall “Good” and Adoption Services to be “Outstanding”.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

18 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

Bob Hollindale addressed the Council and referred to a recent Transport for London report on Uber, raising various points of concern. In response to a question from Councillor Caroline Roberts about whether all Local Authorities follow the same procedure for licensing drivers, Bob responded that they did not and explained that B&NES required enhanced DBS checks, but that individuals who have been refused a badge in B&NES, could obtain one in another Authority area with less rigorous requirements and then operate in B&NES.

Geoff Seymour, a taxi driver in Bath since 2003, made a statement to Council outlining his view that Uber did not effectively support disabled customers. A copy of Geoff’s statement has been placed on the Minute book and is linked to the online minutes. Councillor Caroline Roberts asked Geoff if he had heard that Uber would not carry blind people with guide dogs, to which Geoff responded that he had indeed heard that. Councillor Liz Hardman asked Geoff about future taxi provision for disabled people in the area, to which Geoff responded that, if Uber took all the trade then it would be very limited. Councillor Colin Blackburn asked Geoff to clarify the point in the second paragraph of his statement stating that it wasn’t possible to contact Uber, as he had experience of doing so and there was choice about which vehicle to select. Geoff replied that he had meant that you can’t contact an operator.

Darth Speed made a statement against Uber, stressing a number of safety concerns. Councillor Caroline Roberts referred to Darth’s comment about the area being swamped with drivers from elsewhere and asked if that meant there weren’t enough drivers here. Darth replied that that wasn’t the case as the existing licensed drivers were left waiting for business.

Paul Roles made a statement against Uber, highlighting a number of concerns and examples of alleged illegal practices. He countered the term ‘non-contentious’ in the context of issuing the Uber licence and described a series of errors in the accompanying report. Councillor Caroline Roberts asked Paul to explain the term ‘greyball’ to which Paul responded that it was a device that hides a car from detection when it is banned in an area.

Andy Halliday made a statement requesting the Exhibition room at Bath Central Library be re-opened, and setting out a number of reasons to support his request. A copy of Andy’s statement has been placed on the Minute book and is linked to the online minutes. In response to a question from Councillor Dine Romero about any indication of when the room might be re-opened, Andy responded that he has recently been told it will be in the autumn. He added his concern that opportunities

for summer activities such as the Summer Reading challenge were being passed up due to lack of space, which could be made available right now. Councillor John Bull asked if Andy knew the reason for closure and whether he considered it justified; Andy explained the reasons but reiterated that arrangements could be made to open it up immediately. In response to a question from Councillor Sarah Bevan about the organisations that used the Exhibition room, Andy responded that it was used by a wide range of organisations including artists, photographers and charitable organisations.

David Redgewell made a statement calling for clear focus in working with the West of England Combined Authority. A copy of David's statement has been placed on the Minute book and is linked to the online minutes. Councillor Neil Butters asked about smart ticketing and David responded that smart cards were being introduced on the Severn Beach line and then rolled out more widely, but pressure needed to be maintained on First Bus. Councillor Sarah Bevan asked for more information on the Buses Bill so David outlined the powers given to the Combined Authority.

Adam Reynolds addressed the Council about 20mph zones and calling on the new Cabinet Member for Transport and Highways to re-think the Council's policy on this. A copy of Adam's statement has been placed on the Minute book and is linked to the online minutes. Councillor Tim Warren asked if the criticism to which Adam referred was only from the political campaign group, 20's Plenty, to which Adam responded that was the only group who had complained that he knew of. Councillor Neil Butters asked Adam to say a little more about the health and community benefits he had mentioned and so Adam referenced a Bristol City Council report from 2012 which highlighted the increase in people walking and cycling. He also explained that 20mph gave more design freedom to Highways Officers to work within a space. Councillor John Bull asked about the method that had been used to seek the views of Bath residents in 2011, and Adam responded that he wasn't sure, but knew that a consultation had taken place. Councillor Sarah Bevan asked Adam what he considered were the main flaws in the report he had mentioned, to which he responded that it was that inaccurate comparisons were made to support the findings.

Andrew Mercer addressed the Council on behalf of the Bathampton Meadows Alliance and called on the Council to finish what they had started and take steps to safeguard the meadows in perpetuity. He advised that a proper traffic census was needed. Councillor Dine Romero asked Andrew if he thought the Cabinet still felt a Park & Ride was necessary to the east of Bath, to which he responded that the exact nature of the problem needed to be established through a traffic census, before a solution could be devised.

The Chair thanked all the speakers for their statements which would be referred to the relevant Cabinet Members. The Chair informed Councillors that some members of the public had chosen to make their statements later in the meeting when the relevant item was reached.

The Chair made reference to the questions and responses which had been circulated and are linked to the online minutes.

19 UBER TAXI LICENCE - ISSUES AND OPTIONS

The Council considered a report brought forward on a request from Council of 23rd March 2017 considering issues and options concerning Uber's private hire operator's licence.

During debate, the Chief Executive in his role as Head of Paid Service acknowledged the strength of feeling regarding this issue, but clarified that the term 'contentious' which had been mentioned by some of the public speakers, was terminology set out within Licensing regulations and when this application had been dealt with under delegated authority, the term 'non-contentious' had been used correctly within that context.

On a motion from Councillor Martin Veal, seconded by Councillor Colin Blackburn, it was

RESOLVED

1. To note the contents of the report;
2. To note that a new Government Working Group has been created to examine the employment practices of companies like Uber;
3. To note that the Transport Minister has said that local authorities may be unaware of the extent of their powers and their ability to use them and that there are problems with different local authorities interpreting their powers in different ways; and
4. To note that the guidance and advice given to local authorities by Government is to be clarified and therefore;
5. To remit to Licensing Committee to consider a further report on this issue in light of any new advice referred to above.

[Notes;

1. *The underlined wording in the resolution above was proposed by Councillor Joe Rayment and accepted into the substantive motion by the mover and seconder.*
2. *During debate, an unsuccessful amendment was moved by Councillor Caroline Roberts and seconded by Councillor Tim Ball to ask the Licensing Committee to carry out a further investigation. This amendment was lost, with 17 Councillors voting in favour, 34 Councillors voting against and 5 abstentions.*
3. *The substantive motion was carried with 55 Councillors voting in favour and 1 Councillor voting against.]*

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

The Council considered an item which had been brought forward, following receipt of a petition entitled "Save our 6/7 Bus" containing approximately 2500 signatures.

Mike Parr addressed the Council and called into question the decision making process that had led to the withdrawal of the 6/7 bus service. He called on the Council not to kick this issue into the WECA long grass. A copy of Mike's statement

has been added to the Minute book and attached to the online minutes. Councillor Sarah Bevan asked for Mike's view of the respective social or commercial values of a bus service, to which he responded that Local Authorities have always provided subsidised services to meet social needs and the case in this instance was fully justified.

Pat Mason made a statement to Council calling into question the validity of the survey which supported the withdrawal of the bus services and calling on the Council to re-consider. A full copy of Pat's statement has been added to the Minute book and attached to the online minutes. In response to a question from Councillor Tim Warren's question about whether Dial-a-Ride was available, Pat replied that it was not.

Councillor Lin Patterson then formally opened the debate and made a statement in support of the petition.

On a motion from Councillor Mark Shelford, seconded by Councillor Jasper Becker, it was

RESOLVED

1. To note the concerns of the petitioners in respect of recent changes to the 6/7 bus service following a review of bus services in Bath undertaken by First Bus;
2. To note that the Bus Services Act gives more tools to local Transport Authorities, particularly Mayoral Combined Authorities, to engage with bus operators to improve bus services, including options such as enhanced partnerships, advanced ticketing and franchising arrangements;
3. To note that the West of England Combined Authority will be conducting a network-wide review of the local bus network to make recommendations on if and where any changes are needed to deliver a better network for the passenger and meet the transport and economic objectives of the West of England; and
4. To ask that, through the Leader, the West of England Combined Authority is requested to examine how services between Fairfield Park and Larkhall can be restored without detriment to the improved service now provided to Camden and improved reliability and rider numbers as part of its wider review of bus service provision throughout the West of England.

[Notes;

1. *During debate, a motion was moved by Councillor Lin Patterson and seconded by Councillor Joe Rayment containing the wording of the petition with a further request to the Cabinet Member for Transport & Highways to review the way in which the decision had been made. This was subsequently successfully amended to the resolution above.*
2. *The underlined wording in the successful resolution above was proposed by Councillor Rob Appleyard and accepted by the mover and seconder of the substantive motion.*
3. *The resolution above was carried with 30 Councillors voting in favour, 8 Councillors voting against and 17 Councillors abstaining.*

4. *The successful resolution above was carried with 55 Councillors voting in favour.]*

21 PLACEMAKING PLAN: COUNCIL TO CONSIDER INSPECTOR'S REPORT & ADOPTION OF THE PLACEMAKING PLAN

The Council considered the Inspector's examination of the B&NES Placemaking plan and a number of recommended modifications.

Robin Kerr, Chairman of the Federation of Bath Resident's Associations, made a statement regarding student housing and transport. A full copy of Robin's statement has been placed on the Council's Minute book and linked to the online minutes. Councillor Bob Goodman asked Robin if he considered the proposed reduction in HMOs from 25% to 10% to be the right decision to re-balance the effects of student housing on the community, to which Robin responded that he did and that it was in line with the national HMO lobby, however; it didn't address purpose built student accommodation, which they had asked to be included. He added that Universities needed to be asked to stop increasing student numbers. Councillor Tim Ball asked if Robin considered this plan to be fit for purpose, in the light of the criticisms he had raised. Robin responded that he had no wish to delay adoption of the Plan but that a rapid Core Strategy review was needed.

On a motion from Councillor Bob Goodman, seconded by Councillor Les Kew, it was

RESOLVED

1. To accept the main modifications listed in attachment 1, which the Inspector considers are needed to make the Plan sound in accordance with section 20 (5) of the Planning and Compulsory Purchase Act 2004 (as amended);
2. To agree the Minor Modifications listed in attachment 2 to the B&NES Placemaking plan, which are needed to ensure clarity, consistency and factual accuracy in the Plan;
3. To adopt the B&NES Placemaking Plan (Local Plan Part 2) as modified in (1) and (2) above, including for the purposes of section 38(6) of the Planning & Compulsory Purchase Act;
4. To agree the B&NES Policies Map is amended in line with (1) and (2) above;
5. To acknowledge that the adopted Supplementary Planning Documents/Guidance listed in attachment 3 should supplement the B&NES Development Plan; and
6. To delegate responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Development, to make minor textual amendments to the Placemaking Plan prior to publication.

[Notes;

1. *The above resolution was carried with 39 Councillors voting in favour, 13 against and 5 abstentions.*

2. Following this item, a five minute adjournment was taken.]

22 YOUTH JUSTICE PLAN 2017 - 2018

The Council considered this annual plan which sets out how youth services are to composed and funded, how they operate and what functions will be carried out to prevent youth offending and re-offending.

On a motion from Councillor Michael Evans, seconded to Councillor Alison Millar, it was

RESOLVED unanimously to agree

1. 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. That the Youth Justice Plan is adopted as part of the Council's Policy and Budget framework and can be accommodated within the Council's budget; and
3. That the relevant Policy Development & Scrutiny Panel oversees progress and performance.

23 2016/17 TREASURY MANAGEMENT OUTTURN REPORT

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2016/17.

On a motion from Councillor Charles Gerrish, seconded by Councillor Brian Simmons, it was unanimously

RESOLVED

1. To note the 2016/17 Treasury Management report to 31st March 2017, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the 2016/17 Treasury Management Indicators.

24 STANDARDS COMMITTEE ANNUAL REPORT 2016 - 2017

The Council considered the Standards Committee Annual report for 2016-17.

On a motion from Councillor Tim Warren, seconded by Councillor Nigel Roberts, it was unanimously

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

25 PROPOSED AMENDMENT TO THE CONSTITUTION

The Council considered a report recommending an amendment to the Members' Planning Code of Conduct to allow Councillors with disclosable pecuniary interests the same rights as members of the public.

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

RESOLVED that the amendments to the Council's Constitution as set out in Appendix 1 to the report be approved.

26 DESIGNATION OF CHIEF FINANCIAL OFFICER (SECTION 151)

The Council considered a report seeking confirmation of the designation of the Strategic Director – Resources (Andrew Pate) as the Council's Section 151 Officer (Chief Financial Officer) with effect from 14th July 2017.

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

RESOLVED to designate the Strategic Director – Resources as the Council's Chief Financial Officer in accordance with section 151 of the Local Government Act with effect from 14th July 2017.

27 AGENDA MOTION FROM LIBERAL DEMOCRAT GROUP - CLEAN AIR FOR BATH

The Council considered an agenda motion from Councillor Richard Samuel, which was debated.

On a motion from Councillor Mark Shelford, seconded by Councillor Tony Clarke it was

RESOLVED unanimously

1. To note that national air quality objectives for nitrogen dioxide are exceeded at several locations within Bath and North East Somerset, particularly along the A4, A36 and A37. This pollution caused by vehicles needs to be reduced;
2. To note the risks to human health posed by traffic pollution in Bath and North East Somerset are of serious concern and action is required to reduce the risk;
3. To approach Central Government to seek to secure a Clean Air Zone for the city and other locations subject to excessive pollutants as part of the revised national air quality plan, so that suitable studies can be undertaken to bring forward concrete action plans to address air pollution;
4. That, in the alternative, the Council shall commit current available funding as part of the 2018-19 budget and seek additional funding, possibly in partnership with the West of England Combined Authority, and any other sources to undertake a comprehensive study to inform a Clean Air Policy and

Plan for Bath and North East Somerset. Such studies would include comprehensive traffic censuses along the main traffic corridors to provide fully up to date data upon which to develop evidence based solutions to reduce traffic levels; and

5. To commit to continuing to work through the West of England on a package of transport improvements such as Clean Air Zones, traffic management measures, bus and rail improvements and key infrastructure projects identified within the Joint Transport Study that could make a particular contribution to reducing traffic and improving air quality on transport corridors where air quality is known to be subject to excessive pollutants.

[Notes;

1. *At the commencement of this item, a motion to suspend constitutional rule 4a, 48 to continue the meeting until 10.10pm was moved by Councillor Tim Warren, seconded by Councillor Dine Romero and unanimously approved.*
2. *Points 1 – 4 of the resolution above formed the original motion from Cllr Richard Samuel, which was subsequently amended with the addition of point 5 and carried with 29 Councillors voting in favour, 24 Councillors voting against and 2 abstentions.*
3. *Councillor John Bull requested the removal of words “such as the A36-A46/A4 link road” which had formed part of Councillor Mark Shelford’s amendment. Their removal was accepted by the mover and seconder of the substantive motion.]*

28 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Chair made reference to the questions and responses which had been circulated and are linked to the online minutes.

The meeting ended at 10.10 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services