

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Tuesday, 21st May, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Sally Davis, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Grant Johnson, Dr Kumar, Hal MacFie, Ruth Malloy, Paul May, Matt McCabe, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Andy Wait, Karen Walker, Sarah Warren, Karen Warrington, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Douglas Deacon, Eleanor Jackson and June Player

### **1 EMERGENCY EVACUATION PROCEDURE**

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

### **2 ELECTION OF CHAIRMAN 2019-20**

It was proposed by Councillor Robin Moss, seconded by Councillor Dine Romero, and supported by Councillors Paul Myers and Sarah Bevan then

**RESOLVED** that Councillor Eleanor Jackson be elected Chair of the Council for the Council year 2019/20.

It was announced that, as the new Chair was unavailable for this meeting, separate arrangements had been made regarding her declaration and acceptance of office.

[By previous agreement from Group Leaders, Councillor Karen Walker continued to chair this meeting until its conclusion.]

### **3 ELECTION OF VICE-CHAIRMAN 2019-20**

It was proposed by Councillor Rob Appleyard, seconded by Councillor Bruce Shearn, and

**RESOLVED** that Councillor Andy Furse be elected Vice-Chairman of the Council for the Council year 2019/20.

Councillor Furse made and signed his Declaration of Acceptance of Office, received the Chain of Office from Councillor Karen Walker and thanked the Council for his appointment.

[Notes;

1. A nomination from Councillor Paul Myers, seconded by Councillor Robin Moss, that Councillor Lisa O'Brien be nominated was lost on a vote of 17 for, 37 against.
2. Following the nomination of Councillor Andy Furse (after Councillor Lisa O'Brien had already been nominated), a debate took place on the merits of this course of action. The Monitoring Officer's view was sought and she confirmed that it was a break from the convention that had operated for the last 12 years (with an agreed chairing rota that listed the next Vice-Chair as a Conservative position), but it was only a convention.

#### **4 DECLARATIONS OF INTEREST**

The Monitoring Officer issued a general dispensation to enable Members with an interest in the Avon Pension Fund to be able to take part in debate and vote on agenda item 11 – Appointment of Committees and Panels.

The Monitoring Officer issued a further general dispensation to enable Members with roles as Parish and Town Councillors to be able to take part in debate and vote on agenda item 12 – Parish Charter Review.

Councillor Steve Hedges declared an 'other' interest in minute item 9 (Portfolio announcements) as his wife works for MENCAP.

Councillor Duncan Hounsell declared an 'other' interest in minute item 11 as a Parish Councillor (this declaration was covered by the earlier general dispensation.)

Councillor Ruth Malloy declared an 'other' interest in minute item 14 as a committee member of Love Weston Library, a volunteer at the RUH and a volunteer at Love Weston Café.

Councillor Joel Hirst declared an 'other' interest in minute items 9 and 10 as an AWP employee.

Councillor Andy Wait declared an interest in all items as his wife works for B&NES.

#### **5 MINUTES - 14TH MARCH 2019**

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

**RESOLVED** that the minutes of 14<sup>th</sup> March 2019 be confirmed as a correct record and signed by the Chair.

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

Councillor Andy Furse presented Councillor Karen Walker with her past Chairman's badge and handed her the badge for the Former Chairman's Consort.

It was proposed by Councillor Dine Romero, seconded by Councillor Paul Myers, supported by Councillors Karen Walker and Robin Moss and

**RESOLVED** that this Council places on record its appreciation of the services performed by Councillor Karen Walker in the office of Chairman of the Council for 2018/19.

The Chair then;

1. Announced that she would make her speech at the end of the meeting;
2. Welcomed and congratulated all newly elected Councillors and invited the Council to place on record its appreciation of the past service given by the Members who retired following the election;
3. Invited the Council to note the appointment of Councillor Dine Romero as Liberal Democrat Group Leader, Councillor Paul Myers as Conservative Group Leader, Councillor Karen Walker as Independent Group Spokesperson and Councillor Robin Moss as Labour Group Leader;
4. Welcomed the Digital Apprentices who were present at the meeting;
5. Reminded everyone to switch off their mobile phone or switch to silent, and explained that some Councillors were accessing their meeting papers via iPads;
6. 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 NOTIFICATION OF MEMBERS ELECTED ON 2ND MAY 2019**

On a motion from Councillor Dine Romero, seconded by Councillor Paul Myers, it was

**RESOLVED** to note the notification of Members elected on 2<sup>nd</sup> May 2019.

## **9 APPOINTMENT OF LEADER**

The Council is required to elect a Councillor to be the Leader of the Council for the 4 year term from May 2019 AGM to May 2023 AGM.

On a motion from Councillor Richard Samuel, seconded by Councillor Paul Myers, it was

**RESOLVED**

1. That Councillor Dine Romero be appointed Leader;
2. That all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, the executive delegation scheme and frequency of

Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

*[Notes;*

- 1. The above resolution was carried with 40 Councillors voting in favour, 1 Councillor voting against and 13 Councillors abstaining.]*

## **10 APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS**

The Council considered a report concerning its non-executive and regulatory committee arrangements for the Council Year May 2019 to May 2020 and associated annual business.

On a motion from Councillor Dine Romero, seconded by Councillor Richard Samuel, it was (unanimously);

### **RESOLVED**

1. To approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and attached at Appendix 1;
2. To approve the terms of reference for Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly including;
  - a. Renaming the Development Management Committee as the 'Planning Committee', to improve public comprehension and transparency;
  - b. Renaming the Climate Change & Sustainability PDS Panel as the 'Climate Emergency & Sustainability' PDS Panel to highlight the urgent need for action;
3. To approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality, as outlined in the revised political proportionality table, and the nominations made by the political groups (whilst affirming the non-proportional basis of operating for the Licensing Sub-Committee as explained in paragraph 5.3);
4. With regard to the Avon Pension Fund Committee, to agree;
  - a. Bath and North East Somerset Council will be represented by 5 members on the Committee;
  - b. The addition of a further Independent Member to the Committee;
  - c. The addition of an Academy Representative to the Committee;
  - d. The establishment of a Brunel Working Group as a sub group of the Committee;

- e. And consequent amendments to the Terms of Reference to incorporate these changes;
5. 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;
6. 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 charring entitlements made at this meeting;
7. 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;
8. 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 outlined in paragraph 6.1;
9. To appoint members to Avon Fire Authority on a proportionality basis to be determined;
10. To approve the allocation of Political Assistants to eligible groups as set out in Section 8, and instruct the Chief Executive, in consultation with Group Leaders, to make provision for support to the remaining groups;
11. To note, in light of the decision taken earlier on the agenda to appoint a Leader, that the Leader will publish in due course, a scheme of delegation of executive functions;
12. To note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 9.2;
13. To note the position regarding the frequency of meetings (as set out in Section 10) 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;
14. To note that an Independent Panel to consider members' allowances will be convened and will report its recommendations in due course;
15. 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;
16. 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.

17. To note that further proposals and practices regarding improving public engagement with residents in Bath and North East Somerset will be brought forward, including:

- a. Measures to improve openness and transparency, making the Council more accessible and accountable;
- b. Consultation on strengthening and improving representation, including a review of the Bath City Forum and measures to involve younger people in consultations, decisions, and scrutiny;
- c. Proposals to improve decision-making, including devolution and piloting new decision-making methods, such as Citizens' Juries, as well as strengthening the involvement of Residents' Associations and Parish and Town Councils.

## **11 PARISH CHARTER REVIEW**

The Council considered a report on the progress made so far on the implementation of the Parish Charter which was adopted by Cabinet in April 2018 and endorsed by Council in May 2018 following a period of consultation with all parishes across the district.

On a motion from Councillor Paul Myers, seconded by Councillor Neil Butters, it was (unanimously)

### **RESOLVED**

1. To note the progress report on the Parish Charter commitments attached in Appendix 1 to the report.
2. That a working group of Council and parish representatives be established to:
  - Review and update the Terms of Reference for Parish Liaison to reflect the new ways of working under the Parish Charter.
  - Report back to Full Council as appropriate with proposals and recommendations.

## **12 PLEDGE TO CHILDREN IN CARE**

The Council considered a report seeking its affirmation of the commitment to the Bath and North East Somerset Council Pledge to Children and Young People in Care and Care Leavers.

Following local elections, the new Council was invited to affirm its commitment to the Pledge;

[https://www.bathnes.gov.uk/sites/default/files/siteimages/Children-and-Young-People/Children-in-Care/the\\_pledge.pdf](https://www.bathnes.gov.uk/sites/default/files/siteimages/Children-and-Young-People/Children-in-Care/the_pledge.pdf)

On a motion from Councillor Kevin Guy, seconded by Councillor Chris Watt, it was (unanimously)

**RESOLVED** to approve the Bath and North East Somerset Council Pledge to Children and Young People in Care and Care Leavers.

### **13 CODE OF CONDUCT - AMENDMENTS REGARDING COUNCILLOR ROLE DESCRIPTIONS AND GIFTS & HOSPITALITY GUIDANCE**

The Council considered a report regarding the Standards Committee recommendation that the Code of Conduct be amended to reference the Councillor Role Descriptions and that Council adopt the updated Councillors' Gifts and Hospitality Guidance (Appendix A).

On a motion from Councillor Dine Romero, seconded by Councillor Sarah Bevan, it was (unanimously)

#### **RESOLVED**

1. That, on a recommendation from the Standards Committee, the Code of Conduct be amended to include the following paragraph;

“Members should have regard to the Role Descriptions that have been adopted. Any Councillor complaints considered by the Standards Committee may use these as information;”

2. That Council adopt the Councillors' Gifts and Hospitality Guidance as part of the Code of Conduct as recommended by the Standards Committee.

### **14 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following members of public;

Andrew Dickens from the Lower Common East Allotment Association made a statement regarding the Association's rights, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked if Andrew would like to meet with a view to resolving this ongoing issue, to which Andrew responded that he wanted to be co-operative. Councillor Sarah Bevan asked if Andrew had received a letter from the previous Leader to which he replied that he had not.

Luke Emmett made a statement regarding public engagement with the Council, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Luke how their offer of more inclusive decision making had been received; to which he replied that it had been received very well and was considered a very positive first step.

Vishaka Robinson made a statement regarding plans for Parkside Children's Centre, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Kevin Guy noted Vishaka's questions and asked if she would like to meet with him and the relevant officer, to which she replied that she would. Councillor Paul May asked if Vishaka was aware that the Centre was being re-located due to repair problems, to which she responded that she was aware but that it was being moved to a smaller location with less outdoor space. Councillor Liz Hardman asked if Vishaka considered that moving it to a smaller site would result in fewer parents accessing its services, to which she responded that there were definitely concerns as the current centre was so well used, and some current users live in flats so outdoor space was very important.

Jane Middleton made a statement calling on Councillors to make a Food Poverty Action plan, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked Jane what else she considered the Council could do to add to the excellent work already being undertaken by the voluntary sector. Jane replied that there was already a heavy burden on the voluntary sector and it was not right to leave this all to charity which was a patchwork solution. She suggested the Council could get in touch with other Councils who have already adopted a Food Poverty Action plan. Councillor Alan Hale asked if Jane was aware that meetings had been taking place for the last 3-4 years between the Welfare team and Bath, Somer Valley and Keynsham foodbanks. Jane replied that she had not been aware, but that it should not just be left to charity. Councillor Colin Blackburn made reference to the 4500 emergency parcels and asked if Jane was aware of how many children were affected by food poverty across B&NES. Jane replied that she didn't have the exact number as there was no measurement of food poverty but that 1300 parcels were issued to families with children. It was vital though to establish the scale of the problem. Councillor Liz Hardman thanked Jane for her suggestions and asked if Jane considered they should be concentrating on poverty in general, rather than just food poverty. Jane agreed that all poverty should be addressed but that food poverty was the extreme manifestation of poverty and needed a separate strategy.

Dave Searby made a statement as a member of the Bath Extinction Rebellion group, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Sarah Warren referred to the Liberal Democrat intention to establish a Citizen's Panel on this issue and asked what Dave anticipated would be the advantages to B&NES of this approach. Dave responded that he considered this would move the issue from being a special interest topic to giving ownership to the public, enabling it to be taken forward.

The Chair thanked all the speakers and referred their statements to the relevant Cabinet Members.

## **15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

There were none.

The meeting ended at 8.16 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**