

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 11th July, 2019

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

Apologies for absence: **Councillors** Sarah Bevan, Gerry Curran, Alan Hale, Dr Kumar and Vic Pritchard

19 EMERGENCY EVACUATION PROCEDURE

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

20 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for all Councillors with regards to housing and buses in relation to agenda items 12 (Social Housing Update report) and 15 (The Future of First Bus), so they could take part in the debate and vote.

The Monitoring Officer issued a specific dispensation for all Members and Reserve Members on the Planning Committee in relation to agenda item 11 (Amendments to the Constitution), so they could take part in the debate and vote. [This dispensation was issued when the item was reached.]

The Monitoring Officer issued a further specific dispensation for all Councillors who had registered their name with her as having an interest in rental property in relation to agenda item 13 (Ending Unfair Evictions), so they could take part in the debate and vote.

The Monitoring Officer issued a further specific dispensation for Councillor Paul Myers in relation to agenda item 18 (Maintaining our Heritage), so he could take part in debate and vote.

Councillor Joel Hirst declared an 'other' interest in agenda item 9 (Youth Justice Plan) as an employee of AWP. [Following advice from the Monitoring Officer, this was amended to a 'pecuniary' interest and Councillor Hirst exited the Chamber for the duration of this item.]

Councillor Joel Hirst declared an ‘other’ interest in agenda item 14 (Food Poverty) as an occasional volunteer for St Alphege’s soup run.

Councillor Eleanor Jackson declared an ‘other’ interest in agenda item 14 (Food Poverty) as her sister runs a food bank in Leeds. [This declaration was made at the item.]

Councillor Brian Simmons declared an ‘other’ interest in agenda item 17 (B&NES Transport Options between Bristol and Bath) as Chair of the Keynsham & District Dial-a-Ride service.

21 MINUTES - 13TH JUNE 2019

On a motion from Councillor Dine Romero, seconded by Councillor Shaun Stephenson McGall, it was

RESOLVED

That the minutes of 13th June 2019 be approved as a correct record and signed by the Chair.

[Notes:

1. *Following an objection raised by Councillor Chris Watt, and some debate about the accuracy of the minutes of 21st May 2019, it was agreed they would be further amended and brought back for approval at a future meeting. During the discussion Councillor Appleyard retracted his comments about the role of the Chair and acknowledged that these were incorrect.]*

22 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair made the customary housekeeping announcements regarding mobile phones, webcasting and using the microphones.

The Chair informed Council that she wished to be addressed as Madame Chair, she reminded Councillors that all comments should be directed through the Chair and requested that surnames and titles should be used. She also asked Councillors to introduce themselves and their ward before speaking.

The Chair reminded Councillors of the forthcoming Civic Service on 21st July at Trinity Methodist church in Radstock.

The Chair had had the privilege of being in attendance when Princess Anne visited the Save the Children charity shop to present certificates to long serving volunteers. She was struck by the fact that the Council and the community owe an enormous debt to all the volunteers in the many different forms that their service takes.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

24 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Bob Hollingdale, Chair of Bath Taxis Association, made a statement about Uber. He explained that they had not kept promises from a few years ago about mainly using locally licensed cars and were not abiding by other regulations and insurance requirements, thereby making little contribution to the city. Restrictions resulting from the Clean Air Zone (CAZ) could have a major positive impact. Councillor Paul Crossley asked Mr Hollingdale if he was aware of any other cities having introduced restrictions being subject to legal challenge. Mr Hollingdale responded that he was not aware of that, and had information where this had been introduced in Southampton, Cardiff, and Swindon. He would be able to supply a list, which was welcomed.

Paul Roles made a statement presenting photographic and press evidence of problems caused by Uber drivers and the impact this had on the city's licensed taxi trade. Councillor Manda Rigby, Chair of the Licensing Committee, asked if Mr Roles and Mr Hollingdale would like to meet with her and officers to discuss these issues; to which they replied that they would.

Andrew Pattie made a statement regarding the Clean Air Zone, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked if Mr Pattie agreed that the CAZ as approved would result in traffic displacement into Lansdown ward which was undesirable, to which Mr Pattie agreed. Councillor Paul Myers asked if vague statements from the Liberal Democrat administration about the CAZ had caused undue anxiety, to which Mr Pattie agreed that they had. Councillor Karen Walker asked if Mr Pattie was aware that the Climate Emergency & Sustainability Policy Development & Scrutiny Panel would be looking at this at their meeting on 22nd July 2019, to which he replied that he had not been aware, but now was.

Martin Grixoni made a statement calling for clarity from the new Administration on their direction for the CAZ and traffic management issues. Councillor Dine Romero asked if Mr Grixoni was aware that they had never planned to charge private cars in Bath. Mr Grixoni responded that he was aware but was concerned by the Administration's comments that the proposals 'do not go far enough' and wondered what else was proposed. Councillor Paul Myers asked if Mr Grixoni agreed that this had been an important lesson in the merit of providing information sooner rather than later, to which Mr Grixoni agreed that it was, and they were just seeking clarity. Councillor Robin Moss asked Mr Grixoni if he welcomed that there was now clarity over the issue of charging private cars in Bath, to which he confirmed that he did.

Mark MacDonnell made a statement regarding the Clean Air Zone, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Mr MacDonnell if he was aware that the independent review that the Administration are requesting is not intended to introduce a charge for private cars, to which he replied that he had not been aware. Councillor Paul Myers asked whether Mr MacDonnell considered spending £100K on the independent review was an effective use of public money, to which he responded that he did not.

Gemma Killick made a statement regarding the Clean Air Zone on behalf of Moorland & Oldfield Clean Air group and specifically the effect on Junction Road (B3111) which is a narrow road and unsuitable for the volume and heavy traffic currently using it, now further exacerbated by the effect of nearby residents' parking zones. She set out a range of requests which would help address the situation. Councillor Shaun Stephenson McGall referred to a recent meeting Ms Killick had had with the Cabinet Member and asked if she was reassured that this issue would be investigated, with a report back in September 2019. Ms Gillick replied that she was. Councillor Paul Myers asked if any Traffic Highways Engineers had been to visit and offer any solutions. Ms Killick replied that she wasn't aware that they had.

Jane Middleton made a statement regarding food poverty, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked Ms Middleton if she agreed that the most appropriate route for formulating a food poverty action plan was to take this to the Children, Health & Wellbeing Policy Development & Scrutiny Panel prior to coming to Cabinet and Council for adoption. Ms Middleton agreed and added that it needed to be in co-operation with local organisations and experts. Councillor Liz Hardman asked Ms Middleton if she had seen a copy of the Labour amendment proposed for the later item on the agenda, and if so, whether she considered this would achieve the aspirations contained within this and her last statement to Council. Ms Middleton agreed that it would, and added that the Council had a responsibility to accept this if they were serious about addressing this issue.

Celia McCarthy made a statement regarding the roll out of 5G, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked that, as this was an issue covered by national planning, was Ms McCarthy aware of any campaigns or actions challenging this at government level. Ms McCarthy replied that she was not, although she was aware of various petitions on this subject. Councillor Grant Johnson asked if there was any concrete evidence about physical harm, to which Ms McCarthy responded that was part of the problem as the research was being conducted by mobile networks and therefore not independent.

Emma Shaw made a statement regarding 5G, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Emma if she agreed that, when proposals do come to the Council, advice should be sought from the relevant regulatory and advisory services to ensure the safety of residents and visitors. Ms Shaw agreed.

Jamie Hughes made a statement regarding pollution levels in Bath and proposing car free sundays, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Sarah Warren asked whether Mr Hughes was aware that the new Cabinet was hoping to put in place additional more forward looking and practical alternatives to the car. Mr Hughes replied that he wasn't sure extra traffic lights would be sufficient. Councillor Paul Myers asked whether charging cars would have a disproportionate effect on the less well off. Mr Hughes replied that his point was not that all cars should be charged but that it was for the Council to decide how to tackle this issue. Councillor Colin Blackburn asked Mr Hughes if he was aware of an apparent change of position of Councillor Richard Samuel from

October 2018 to now, regarding the inclusion of high polluting cars in CAZ proposals. Mr Hughes replied that, going forward, the public would be monitoring progress.

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

25 UPDATE REPORT ON ESTABLISHING JOINT VENTURE PARTNERSHIPS

The Council considered an update report on the establishment of joint venture (JV) LLP partnerships with other local authorities for the purpose of delivering local housing developments and maintaining a pipeline of sites for development by the Council's housing development company (ADL).

On a motion from Councillor Richard Samuel, seconded by Councillor Dine Romero, it was

RESOLVED

1. To note the latest legal advice; and
2. To approve the proposed change to the original JV partnership arrangements to clarify both the legal power being used and its purpose for entering into JV LLP arrangements with neighbouring councils.

[Notes:

1. *The above resolution was carried with 45 Councillors voting in favour and 9 Councillors abstaining.]*

26 YOUTH JUSTICE PLAN 2019-20

The Council considered a report presenting the Youth Justice Plan 2019 – 20 setting out how services are organised and funded to prevent youth offending and re-offending across Bath and North East Somerset.

On a motion from Councillor Kevin Guy, seconded by Councillor Karen Walker, 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 and Budget framework that can be accommodated within the Council budget; and
3. Note that the Youth Offending Service Management Board is responsible for ensuring delivery and ask the relevant Development and Scrutiny Panel to oversee performance.

27 TREASURY MANAGEMENT OUTTURN REPORT 2018/19

The Council considered this report which gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2018/19.

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

RESOLVED

1. To note the Treasury Management report to 31st March 2019, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 31st March 2019.

28 AMENDMENTS TO THE CONSTITUTION

The Council considered a report setting out various proposed amendments to the Constitution arising from the size of the Council dropping from 65 to 59 Members, and changes needed to the Planning delegation scheme.

On a motion from Councillor Richard Samuel, seconded by Councillor Matt McCabe, it was unanimously

RESOLVED

1. To agree the amendments to various constitution sections as a result of the reduced Council size as set out in Appendix 1, with the number for the required 20% of Council seats (part 4A, rules 32, 33 and 34) being rounded down to 11;
2. To agree the revised Planning Delegation scheme for adoption.

29 THE DELIVERY OF SOCIAL HOUSING - UPDATE TO MARCH RESOLUTION

The Council considered a report updating the position following the Council resolution of 14th March 2019 to bring a report to this meeting on options and implications covering policy, budget and Council operations regarding social housing, recovery of empty properties and further regulation of the private rented sector.

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

RESOLVED to note that, given the importance of the topic, Cabinet have requested;

1. Further investigative work on the options relating to the building of Council housing, with a report being presented to Cabinet later in the year;
2. Furthermore, that this topic is taken forward for discussion and development at the Climate Emergency and Sustainability Panel for cross party discussion before coming back to Council; and

3. That this work (at resolutions 1 and 2 above) is undertaken in the context of an agreement by this Council that, in principle, it wishes to start building Council housing again.

[Notes:

1. *The above resolution 3 was proposed by Councillor Robin Moss, seconded by Councillor Liz Hardman, and accepted into the substantive motion by the mover and seconder.*
2. *The successful resolution was carried, with 43 Councillors voting in favour and 9 Councillors voting against.*
3. *During debate, the Monitoring Officer was asked to advise whether bringing the report back in this form breached any constitutional rules. She responded that the March resolution requested a report to this meeting, and that had happened.]*

30 MOTION FROM THE LIBERAL DEMOCRAT GROUP - ENDING UNFAIR EVICTIONS

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Alison Born, it was

RESOLVED unanimously that Council

1. Welcomes the campaign by the “End Unfair Evictions Coalition”, calling for Section 21 of the Housing Act 1988 to be scrapped;
2. Notes that Section 21 brought in “no fault evictions”, allowing private landlords to evict tenants with just two months’ notice, once the initial term of a tenancy has expired;
3. Notes that fear of “revenge eviction” may discourage renters from complaining about maintenance issues;
4. Notes that housing insecurity can contribute to anxiety and mental health issues, lead to problems with debt, and make it harder for private renters to access services and establish community ties;
5. Acknowledges research published by “Generation Rent” showing the link between Section 21 evictions and rising homelessness in England; and research showing that as many as 80% of private-sector evictions fall under Section 21;
6. Notes that in 2017 the Scottish Government adopted the Private Housing (Tenancies) (Scotland) Act, effectively creating open ended tenancies and banning no-fault evictions, whilst still providing safeguards for landlords;

and therefore:

7. Supports the “End Unfair Evictions” campaign;
8. Welcomes the recent announcement that government intends to scrap “no fault” evictions;

9. Requests that the Leader write to relevant Ministers and local MPs expressing this Council's support for abolishing Section 21, noting the need for fair safeguards for landlords, and calling for the consultation and legislation to be brought forward without delay;
10. Requests that officers work with the relevant cabinet member to prepare a response to the consultation; and
11. Asks the Cabinet Member for Housing, Planning, and Economic Development to consider options for actions the Council could take to improve standards of rental accommodation in B&NES.

31 MOTION FROM THE LIBERAL DEMOCRAT GROUP - FOOD POVERTY

On a motion from Councillor Ruth Malloy, seconded by Councillor Andy Wait, it was

RESOLVED that

Council notes:

1. The Department of Health and Social Care definition of food poverty as "the inability to access or afford food to make up a healthy diet";
2. That food poverty is a complex issue with many causes; that it can affect anyone, including many people who work and many families, even in an apparently well off area such as ours;
3. There is a growing problem of food insecurity in the UK, affecting as many as 8.4 million people, of which increasing reliance on food banks is one symptom;
4. That food banks in Bath and North East Somerset supply thousands of food parcels each year to local people;
5. Efforts by the Council to raise awareness of families' eligibility for free school meals, and by extension the pupil premium, locally;
6. The importance of local food systems and education in ensuring access to affordable, sustainable and healthy food options;
7. The Council has previously adopted a Local Food Strategy for Bath and North East Somerset;
8. Addressing food poverty may contribute to improving the health, wellbeing, education and independence of local residents; supporting the local food economy; and reducing environmental impacts.

Council therefore:

9. Commends the invaluable work done by local charities, churches and food banks in Bath and North East Somerset to support people facing food poverty and crisis;
10. Requests the Children, Health & Wellbeing Policy Development and Scrutiny Panel to work with local organisations and develop recommendations for a Food Poverty Action Plan for Bath and North East Somerset; and
11. Requests that the Cabinet investigate refreshing the Local Food Strategy for Bath and North East Somerset.

[Notes:

1. *During debate, an unsuccessful amendment was moved by Councillor Liz Hardman, and seconded by Councillor Robin Moss, to take the recommendations a stage further with specific areas for the Action plan to include. This was lost, on a vote of 8 Councillors voting in favour, 40 Councillors voting against and 2 Councillors abstaining.*
2. *The substantive motion was then carried unanimously.]*

32 MOTION FROM THE LABOUR GROUP - THE FUTURE OF FIRST BUS

On a motion from Councillor Jo Wright, seconded by Councillor Joel Hirst, it was

RESOLVED

Council notes that:

1. FirstGroup, which operates First Bus along with GWR Franchise, is considering a sale of its UK businesses;
2. FirstGroup has confirmed that it intends to divest itself of First Bus;
3. The completion of the Bus Strategy by the West of England Combined Authority (WECA) Mayor is progressing slowly and the options available through WECA are to pursue 'Advanced Quality Partnerships', 'Enhanced Partnerships' or franchising, with the greatest opportunities for control, as well as the greatest financial challenges, being through franchising.

This Council believes that:

4. Bus services are a vital component of our transport system. Excellent bus services help to encourage bus usage, create sustainable growth, reduce social isolation and support people to get out of their cars. This in turn has a positive impact on pollution, congestion and climate change;
5. It is in the interests of all residents that Councils and WECA have more influence over the routes, timetables, fares and vehicle emissions related to bus services;
6. First operates 90% of the bus services in Bath and North East Somerset, and any change to the management of First Bus must not be at the expense of local bus services;

7. First Bus is a significant local employer and uncertainty about the future of the company must be resolved in the interests of its employees.

Council resolves to:

8. Call upon the WECA Mayor to complete the Bus Strategy without delay and ask the Leader to use her position on the West of England Combined Authority Committee to press for improved bus services across B&NES and the swift completion of the Bus Strategy, these improvements should include considering:
 - a. using the new powers in the Bus Services Act 2017 to bring about change;
 - b. Moving from a de-regulated bus system to a system where Council and users have more control, which works better for users and Local Authorities;
 - c. Devoting sufficient resources to the Bus Strategy to ensure that it covers rural bus services, school bus services and other services with social value;
 - d. Improving public transport so that it becomes an attractive alternative to driving in both urban and rural settings;
 - e. Ensuring that all buses run on ultra-low-emission or zero-emission fuels by January 2021;
 - f. Creating a new dynamic partnership with bus operators to increase bus usage;
 - g. the opportunities of working with non-profit providers.
9. Ask the Leader to communicate this position to the WECA Mayor and local MPs.

[Notes:

1. *The original motion included with the agenda, moved by Councillor Robin Moss, and seconded by Councillor Chris Dando, was subsequently replaced by the successful amendment above with 36 Councillors voting in favour, and 13 Councillors voting against.*
2. *The vote on the substantive motion was then carried with 44 Councillors voting in favour and 5 Councillors abstaining.]*

33 MOTION FROM THE LABOUR GROUP - CLEAN UP BATH & NORTH EAST SOMERSET

On a motion from Councillor Grant Johnson, seconded by Councillor Robin Moss, it was

RESOLVED unanimously that

Council notes that:

1. Bath Live and the Bath Chronicle have launched a campaign to Clean Up Bath;

2. The actions of the Council's contractors, 3GS, in fining a resident £150 for feeding pigeons have resulted in national interest in the way in which this Council addresses the problem of litter;
3. There is widespread concern about litter among communities not only in Bath but also in North East Somerset and that residents would like to see action taken.

This Council believes that:

4. The Clean Up Bath campaign is to be welcomed. Responsibility for keeping our streets, playgrounds and parks clean rests with us all. However, this Council must accept that it has a lead role in addressing littering;
5. Any action taken to tackle littering must be proportionate.

Council resolves therefore:

6. To ask the Climate Change and Sustainability Policy Development and Scrutiny to undertake a full review into littering in Bath and North East Somerset This review should assess the scale of the problem and identify a range of measures that could help to eliminate litter from our area including:
 - a. Working with businesses to ensure that they are not encouraging the feeding of gulls;
 - b. Investigating ways of reducing littering in parks, whether by providing more recycling and waste facilities or encouraging visitors to our parks to be more responsible with their litter;
 - c. Promoting the Green Flag award which sets the benchmark standard for the management of recreational outdoor spaces;
 - d. Promoting the formation of Friends of Parks to help improve public opens spaces in the context of diminishing Council resources;
 - e. Investigating what more the Council can do to support and encourage existing and new community anti-litter groups;
 - f. Investigating the potential for a competition to identify the cleanest street, park and playground in Bath and North East Somerset; and
 - g. Continuing to review the working of 3GS to ensure that it is meeting the requirements of its contract with Bath and North East Somerset Council and that its enforcement action is proportionate and is focused on the issues of greatest concern to the public.

[Notes:

1. *The successful resolution above contains wording changes proposed as an amendment by Councillor David Wood, seconded by Councillor Sue Craig, which was accepted into the substantive by the mover and seconder.]*

34 MOTION FROM THE CONSERVATIVE GROUP - B&NES TRANSPORT OPTIONS BETWEEN BRISTOL AND BATH

This item was carried over to the next regular meeting of Council.

35 MOTION FROM THE CONSERVATIVE GROUP - MAINTAINING OUR HERITAGE

This item was carried over to the next regular meeting of Council.

36 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 9.55 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services