

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 23rd July, 2020

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Michelle O'Doherty, Bharat Pankhania, Vic Pritchard, 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** June Player

14 DECLARATIONS OF INTEREST

Councillor Dine Romero declared an 'other' interest in item 10 regarding the amendments to the Planning Delegation scheme as a shareholder of Aequis Developments Limited. [This declaration was made at the start of item 10, after which Councillor Romero withdrew from the meeting for the duration of the item].

The Monitoring Officer granted a dispensation for all Members of the Planning Committee to enable them to debate and vote on item 10 concerning the Planning Delegation scheme.

15 MINUTES - 26TH MAY 2020 AND 16TH JUNE 2020

On a motion from Councillor Dine Romero, seconded by Councillor Karen Walker, it was

RESOLVED that the minutes of the meetings of 26th May 2020 and 16th June 2020 are confirmed as a correct record. [These will be signed by the Chair in due course.]

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

The Chairman informed Councillors that the Council had been shortlisted for a prestigious award by the Municipal Journal for providing 'Leadership in responding to the Climate Emergency' and offered his congratulations to all those involved, and the Cabinet Member leading this work.

The Chairman invited the Leader of the Council to update Councillors on the latest Covid related issues and government funding. Councillor Dine Romero gave an update on 4 issues; finances and compensation schemes (details yet to be confirmed), plans in the event of a local outbreak (the Local Outbreak Management

plan) and the potential role of ward Councillors in this, the use of Local Authority powers (with no additional funding) and economic recovery and renewal.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

18 URGENT DECISION TO NOTE - AEQUUS LOAN AUTHORISATION

The Council noted that the Council Leader had made an urgent Shareholder decision on 28th May 2020 to authorise an Aequus Bounce Back Business Loan. This decision was made under Part 4G, rule 4 of the Constitution which requires that, following the decision, it will be reported to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Further details can be accessed here;

<https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1397>

19 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

David Redgewell made a statement to Council about transport issues in the South West (a copy of which is attached to the online minutes). David highlighted the need to recover bus services (a WECA function with the involvement of the Cabinet Members), transport funding, cleaning and covid safety on transport infrastructure. Councillor Neil Butters asked David if he was aware of the update from WECA today discussing changes from 2nd August, to which David responded that he was, and he was grateful for the pressure being applied on WECA in this area. The statement was referred to the relevant Cabinet Members.

Mark MacDonnell made a statement to Councillors expressing his concern about the Council's finances and the vulnerable position B&NES finds itself in due to its particular income streams. He called upon the Council to look further ahead in its financial planning. He also expressed concern that the Guildhall remained closed when he felt the Council should be showing leadership and courage to the community. In response to a question from Councillor Richard Samuel asking if Mark was aware that the Financial Recovery plan approved earlier in July was only intended to stabilise the Council's Finances in this financial year and that longer term financial plans would be coming forward in the autumn, Mark responded that he was very glad to hear that. Councillor Paul Myers asked if, as a resident, Mark would feel more reassured if the Council got on with preparing a longer term Covid recovery plan now, to which he replied that he absolutely would. Councillor Karen Walker asked if Mark felt that a 5 year financial plan was needed, to which he replied that he did. Councillor Robin Moss asked Mark if he was aware that Public Health advice was currently to work from home if possible, to which Mark responded that he was aware but felt that the Council should set an example and show that the city is open by opening up the Guildhall.

Emilio Pimentel-Reid made a statement (a copy of which is attached to the online minutes) as a concerned Bath resident about the future of Bath as a tourism destination. He questioned what measures the Council was taking to attract tourists to visit Bath and called upon the Council to give more support to the independent shops that make Bath unique. He asked for an alternative plan in the light of the Christmas market not going ahead and for further information to be made available about other measures the Council was taking for attracting tourism. Councillor Paul Myers asked if Emilio considered if the new arrangement for tourism (Visit Bath and Destination Bristol combining) would serve the interests of Bath and North East Somerset, to which Emilio responded that he doubted attractions in Radstock and Midsomer Norton would be a priority. The statement was referred to the relevant Cabinet Members.

20 PETITION - STOP 5G IN BATH

Statements were made by the following members of the public at this item;

Fiona Williams, lead petitioner, addressed the Council. She called upon Councillors to halt the rollout of 5G in Bath and North East Somerset. She explained that many of those who had signed had queried the need for the technology in the first place and wondered why there had been no consultation or risk assessments about the rollout. She mentioned Bath being involved in a smart test site, using a frequency which is known to be harmful to bees. Fiona described 5G problems being experienced by phone users in South Korea leading them to revert to 4G and expressed her view that 5G was really about collecting data providing companies with highly detailed and lucrative marketing profiles. This is part of a wider agenda threatening the right to freedom and to privacy. She discredited the claims that 5G provides no danger to health. Surely a precautionary approach is warranted in the Council's duty of care to its residents and she called upon the Council to pause the rollout while investigation takes place on all relevant aspects.

Vanessa Williams-Grey made a statement to Council about the health impacts of 5G, a copy of which is linked to the online minutes. Vanessa called for precautionary measures to be taken, particularly for vulnerable groups. She mentioned a number of studies citing links between health problems and exposure to wireless radiation. The Council has a duty of care to its citizens and must investigate this further.

Sarah Greensides had submitted a statement to Council about wildlife and the environmental aspects of 5G. As Sarah was unable to join the meeting, the Council noted her statement which had been circulated. A copy of which is also linked to the online minutes.

Samantha Davies made a statement to Council about the insurance, liability and risk aspects of 5G, a copy of which is linked to the online minutes. Samantha mentioned the risk of non-ionising radiation exposure and how the insurance industry now did not provide cover for this and are re-writing contracts to reduce their liability. Samantha called upon the Council to prepare contingency plans against future claims from exposure to radiation exposure.

Paul McLachlan made a statement to Council about the personal effect of 5G on his family's health, a copy of which is linked to the online minutes. Paul described the steps he had taken to establish his electro hyper-sensitivity and asked what effect this will have on the wider population.

Karen Churchill made the closing statement to Council on this issue, a copy of which is linked to the online minutes. Karen described peer review science showing harm, so careful consideration was needed before adding 5G. We are currently relying on telecoms companies self-certifying and there is insufficient regulation. Karen called upon the Council to apply the precautionary principle as described in the petition, risk assess appropriately and establish a working group with them to address this.

Under procedure rule 34, the Chair asked if the Leaders of the 2 larger groups required a 10 minute debate on this issue.

Councillor Dine Romero thanked the petitioners and explained that they would not be able to debate this issue as it was an issue for national government. She recommended the petitioners make contact with their local MPs. She proposed that the petition be passed to the relevant Cabinet Members to respond to the points raised in the petition. Councillor Paul Myers supported this course of action.

21 TREASURY MANAGEMENT OUTTURN REPORT 2019/20

The Council considered the Treasury Management Outturn report 2019/20.

On a motion from Councillor Richard Samuel, seconded by Councillor Mark Elliott, it was

RESOLVED unanimously

1. To note the Treasury Management Report to 31st March 2020, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 31st March 2020.

22 AMENDMENTS TO THE CONSTITUTION

The Council considered a report seeking amendments to the Constitution regarding the Planning Delegation scheme.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Myers, it was

RESOLVED unanimously

1. To agree the revised Planning Delegation scheme for adoption (attached at Appendix 1 of the report) in relation to the points as described in section 3.1 – 3.3, with the addition of the words “and Vice Chair”, so that the scheme reads as follows “7. *Any applications for which the Council or ADL (Aequus Developments Limited) is the applicant, involving more than two properties, will be reported to the Planning Committee unless the Chair and Vice Chair of*

the Planning Committee deem them too trivial, in which case they will be dealt with under officer delegation”; and agree that this revision will apply to all Council and ADL applications pending consideration.

[Notes;

1. *During debate, an amendment was moved by Councillor Grant Johnson and seconded by Councillor Robin Moss to add wording expressing regret that this change had not come early enough to prevent the building of gas generators. This was lost on a vote of 4 Councillors in favour, 1 abstention and 52 Councillors voting against.*
2. *Council noted that the Advice note on Bullying & Harassment had already been adopted by Council on 10 October 2019 so no decision was needed.]*

23 MOTION FROM THE LIBERAL DEMOCRAT GROUP - ECOLOGICAL EMERGENCY

On a motion from Councillor Jess David, seconded by Councillor Paul May, it was

RESOLVED unanimously that

Council acknowledges that:

1. On 10 October 2019, the Council's Climate Emergency Progress Report recognised the ecological emergency, noting specifically: species extinction, loss of habitat and the connectivity of habitats, decline in the pollinators that are crucial to food supply, and the loss of and decline in the health and quantity of soil. The Council recognised that the climate and ecological emergencies are both the result of over-exploitation of the earth's resources and poor land management.
2. The report recognised the long and strong history of work on biodiversity, landscape and ecology in Bath and North East Somerset, including a range of strategies, partnerships and projects, both at local and West of England level that are delivering action related to the ecological emergency.
3. In late 2018, the UN's Intergovernmental Panel on Climate Change (IPCC) issued their special report raising the alarm and calling for much more radical and rapid action to reduce carbon emissions from the burning of fossil fuels to avert climate catastrophe, which inspired the School Strikes 4 Climate and Extinction Rebellion and has resulted in over two thirds of UK local authorities declaring a Climate Emergency.
4. In May 2019, the UN's Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) similarly raised the alarm about the urgent ecological emergency the world also faces. The UK's State of Nature 2019 report also highlights the critical decline in biodiversity in the UK.
5. The survival of our society and economy depends absolutely on the health of the natural environment and ecosystems, providing, for example, clean water and air, food, timber, flood protection, mental and physical health and well-being and, as is now being recognised, carbon sequestration.

6. In terms of the relationship between the climate and ecological emergencies, both the IPCC and the UK's Climate Change Committee make clear that whilst reducing carbon from fossil fuels is the top priority for tackling the climate emergency, it is also necessary to find ways to increase carbon absorption, or sequestration, by the natural environment, by, for example, tree planting, peatland restoration, different methods of land management and improved agricultural practices that enable carbon to be drawn down into the soil on a large scale.
7. The October Council report recognised Bath and North East Somerset has an opportunity to increase the sequestration of carbon by trees, grassland and soil, and that further work would be needed, involving a range of stakeholders in order to balance this complex set of natural environment issues:
 - a. Increasing biodiversity and protection of habitats and species, including key pollinators and other insects;
 - b. Increasing carbon sequestration;
 - c. Increasing soil quality and quantity, reducing chemical fertilisers and pesticides and preventing soil erosion;
 - d. Increasing local food production, utilising local productive capacity, through less intensive agricultural methods, as a number of local farmers already do;
 - e. Increasing flood defence, natural flood mitigation measures, natural shading as the climate change;
 - f. Protecting our natural landscape and enhancing the natural capital and ecosystem services it provides, whilst enabling sensitive renewable energy development and enabling more people to benefit from time spent in nature.
8. The Government's Climate Change Committee has set a target of doubling tree cover in the UK by 2050. As part of the West of England Nature Partnership, through its Nature Recovery Network, Bath and North East Somerset has an ambition of doing so by 2060. Work is currently underway to produce a West of England Tree and Woodland Plan on how this could be brought forward, taking into account loss of trees through ash die-back.
9. Through the Bathscape Partnership, led by the Council, work is underway to look at the best ways of managing and increasing tree cover in the Bathscape area and the Council will be producing a Tree and Woodland Strategy during 2020-21, for the whole of Bath and North East Somerset.
10. The Government's new Environment Bill will mandate a requirement for 10% biodiversity net gain (BNG), building on the existing National Planning Policy requirement for new development.
11. The West of England Joint Green Infrastructure Strategy 2020-2030 work programme has produced West of England BNG Guidance and work is now underway to produce a road map for implementation. This work will integrate with delivery of the West of England Nature Recovery Network.

12. There are major opportunities for enhancing nature through regional and local strategies and plans, including spatial policies and strategy for the West of England, the Joint Local Transport Plans and the Bath and North East Somerset's Local Plan Partial Review as well as the West of England Nature Recovery Network and West of England Joint Green Infrastructure Strategy.
13. In February 2020, the Bath and North East Somerset Council Corporate Strategy 2020-24 was approved by Council and contains the new core policy 'tackling the climate and nature emergency', noting that this, alongside the other new core policy of 'giving people a bigger say', 'will shape everything we do'.

Therefore, alongside the work already underway, this Council formally declares an ecological emergency and will:

14. Promote its existing core policy of 'tackling the climate and nature emergency' as stated in the B&NES Corporate Strategy and ensure that this policy drives what the Council does.
15. Work with partners locally and regionally in the West of England to drive coordinated leadership and collaborative action on 'tackling the climate and nature emergency'.
16. Ensure the delivery of biodiversity and environmental enrichment and resist destruction of habitats through planning policy and development management.
17. Review the Bath and North East Somerset Green Infrastructure Strategy during 2020-21 and use it as the nature emergency delivery framework and to increase local targets, whilst ensuring these are promoted through local and regional partnerships and embedded in local natural environment delivery projects such as Bathscape and Waterspace and management and connectivity of parks and green spaces and water spaces.
18. Through the Bath and North East Somerset Local Plan Partial Review (2020), consider the potential to increase the percentage of biodiversity net gain beyond that required by the new Environment Bill and promote the same conversation within the West of England.
19. Identify appropriate areas for habitat restoration within Bath and North East Somerset for wildlife.
20. Continue to collaborate with our communities, businesses and other organisations, existing networks and partnerships, schools, colleges and universities, to improve ecological literacy and encourage greater biodiversity, tree-planting and management.
21. Continue to work with our West of England partners to update the existing ecological audit.

22. Continue to support the West of England Nature Partnership, as the region's local nature partnership (LNP), to deliver a Nature Recovery Network at landscape scale.

24 MOTION FROM THE LABOUR GROUP - COMMUNITY CONTRIBUTION FUND

On a motion from Councillor Robin Moss, seconded by Councillor Winston Duguid, it was

RESOLVED that

Council notes:

1. The introduction of Community Contribution Fund by Westminster City Council in 2018 which has given residents in the highest valued properties the opportunity to contribute more to their local community on a voluntary basis. The scheme is managed by a Charitable Trust which allows Gift Aid, and any money raised is spent on local discretionary projects in three specific areas: helping young people; extra support for people who find themselves sleeping on Westminster's streets; and tackling isolation and loneliness across all age groups. Since its introduction, the scheme has generated an additional £1M.
2. That a growing number of councils are preparing to follow Westminster City Council's example.
3. That there are currently 437 Band H properties in B&NES (after allowing for adjustments for discounts applied, this equates to an equivalent of 376 dwellings). The B&NES element of Council Tax for Band H properties (i.e. comprising Council Tax and Adult Social Care Precept but excluding police, fire and parish precepts) is £2,913.76. If all Band H Council Tax payers paid 100% extra, the additional revenue would be about £1.096M.
4. Further notes that the Council Tax team has fielded enquiries from Council Tax payers in other Bands who may be willing to make a voluntary contribution.

Council believes:

5. That addressing the chronic underfunding of local government requires a fair and progressive funding settlement. In the absence of this, the Council, in its community leadership role, should enable residents who wish to pay more for additional projects reflecting local priorities to be able to do so.

Council therefore resolves:

6. To agree in principle to introduce a Community Contribution Fund from 2021/22, but to ask the Corporate Policy Development and Scrutiny Panel to consider and report back to Council with recommendations on how it might work in practice including:

- a. Whether to adopt an inclusive approach inviting all Council Tax payers to contribute or whether it should be limited to those in Band H;
- b. The vehicle for managing any new Community Contribution Fund;
- c. The mechanism for identifying local priorities for support; and
- d. The means of consulting with residents on the introduction of any such Fund.

[Notes;

1. *The above resolution was carried with 4 Councillors voting against and 54 Councillors voting in favour.]*

25 MOTION FROM THE LABOUR GROUP - BLACK LIVES MATTER

On a motion from Councillor Grant Johnson, seconded by Councillor Dr Kumar, it was

RESOLVED that

Council notes:

- 1 With great sadness the killing of George Floyd in the United States and the justified outpouring of hurt and anger across the globe that followed his death.
- 2 Official figures showing that in 2018-19, the police in England and Wales were three times more likely to arrest a black person than a white person and five times more likely to use force. Black people were more than nine times as likely to be stopped and searched.
- 3 Since 1990, 1,743 people in England and Wales have died following contact with the police. As a proportion of the population, black people are more than twice as likely to die in police custody and force or restraint is more than twice as likely to be involved in their deaths.
- 4 The government's review into the impact of coronavirus has shown that black men and women are nearly twice as likely to die than white people in England and Wales.

Council believes:

- 5 Racism remains a shameful aspect of life in Bath and North East Somerset as elsewhere and must be confronted.

Council therefore resolves:

- 6 To stand in solidarity with protesters who are seeking to challenge the structural racism which exists in our society.
- 7 To play its full part in working to address deep-seated inequalities by:
 - (i) examining the culture of the Council;
 - (ii) consulting stakeholders to ensure that the Council meets the needs of those it serves;

- (iii) reviewing its Corporate Equality Commitment and Equality Objectives to include additional specific race equality actions, including establishing a Race Equality Panel, and identifying the means to monitor progress towards race equality; and
- (iv) considering how the work identified above should be taken forward and the timescales and mechanism for reporting back.

[Notes;

1. *During debate, an amendment was moved by Councillor Karen Walker and seconded by Councillor Paul Myers (which had been circulated to all Members) to re-word various points and remove the establishment of a Race Equality Panel. This was lost with 14 Councillors voting in favour and 44 Councillors voting against.*
2. *The above successful resolution was carried with 56 Councillors voting in favour and 2 Councillors abstaining.]*

26 JOINT MOTION - CONSERVATIVE & INDEPENDENT GROUP - 5 YR FINANCIAL PLAN

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

RESOLVED that

1. Council notes and welcomes the decisions taken by the Cabinet to ensure that a balanced budget outcome is achieved for 2020/21 and calls upon the government to fully compensate for losses of commercial income and assistance to outsourced leisure operations currently excluded from the Income Compensation grant announced on 1st July.
2. Councils also notes that the Medium-term Financial Strategy will be revised for approval in the coming months and will, in line with recent practice, cover the period to March 2024.

[Notes;

1. *At the start of the item, Councillor Paul Myers sought clarification (under Constitution Part 4A, rule 36) as to whether the proposed Liberal Democrat amendment which had been circulated to all Councillors was valid on the basis that he considered it negated the original motion. The Monitoring Officer confirmed that it had been deemed valid, as it sought to achieve something which could not be achieved by simply voting against the motion. The Chairman confirmed that, on that basis, he would accept the amendment.*
2. *The original motion was moved by Councillor Paul Myers and seconded by Councillor Colin Blackburn.*
3. *Councillor Robin Moss moved an amendment, seconded by Councillor Liz Hardman, to add the words "which does not put the burden on the most disadvantaged and avoids cutting vital services" to the end of the joint Conservative and Independent motion. This was accepted into the substantive by the mover of the motion.*
4. *The above resolution, when moved as an amendment, was carried with 37 Councillors voting in favour and 18 Councillors voting against.*
5. *The substantive motion was carried with 37 Councillors in favour, 13 Councillors voting against and 7 abstentions.]*

27 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items.

The meeting ended at 10.02 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services