

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 10th October, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, 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, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, June Player, 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** Paul Crossley, Douglas Deacon, Andrew Furse, Eleanor Jackson, Paul May and Bharat Pankhania

46 CHAIRING ARRANGEMENTS FOR THIS MEETING

With the agreement of the meeting, the Chair and Vice-Chair of this meeting were taken by Councillors Karen Walker and Alan Hale respectively, due to the absence of the Chair and Vice-Chair. [This arrangement had also been agreed by Group Leaders in advance].

47 EMERGENCY EVACUATION PROCEDURE

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

48 DECLARATIONS OF INTEREST

Councillor Dine Romero declared an 'other' interest in agenda item 9 – **Protocol on Council Company Governance** – as the shareholder. [This declaration was made at item 9.]

49 MINUTES - 21ST MAY 2019, 11TH JULY 2019, 5TH SEPTEMBER 2019

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

RESOLVED

That the minutes of 21st May 2019, 11th July 2019, 5th September 2019 (Special – Chief Executive appointment) and 5th September 2019 (Honorary Aldermen/women appointment) be approved as a correct record and signed by the Chair.

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

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

The Chair informed the meeting that she had allowed a short statement to be made at the next item, as it was an urgent matter about which Council needed an update. As set out in the statement, a report will be brought to November Council so a full debate can take place then.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

With the agreement of the Chair, the Cabinet Member for Housing, Planning and Economic Development made the following statement;

“I have asked the Chair of the Council for the opportunity today to update you all on the Joint Spatial Plan, commonly known as the JSP. Some of you will be aware that we have received a letter from the Planning Inspectors which brings the future of the JSP into question. Whilst we are disappointed by some of the conclusions drawn by the Inspectors on the JSP, we are also pleased that they have confirmed the benefits of a strategic approach to addressing the shared spatial challenges that we have across the sub-region.

Can I reassure everyone that we remain fully committed to working co-operatively to deliver our objectives to provide homes, space for jobs, the living environment and the infrastructure we need - including addressing the housing crisis, the need for jobs and affordable housing, and above all, responding to the climate emergency.

Whilst it is clear that we will not pursue the JSP in its current form, we are considering the options open to us to move forward with the other Councils across the West of England. My intention is to bring a report to Council next month explaining the proposed way forward and to ensure that we are able to deliver our objectives. When I come to Council, I will be asking Council to delegate relevant decision making to me as Cabinet Member, the Leader of the Council and the Chief Executive so that we can get on and deliver our commitments with speed and determination.

This is a complicated process but I want to reassure all members that I am fully engaged with all LDF Steering Group Members and will continue to champion the importance of joint planning on behalf of BANES for the good of the West of England.”

52 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Ian Herve made a statement about microplastics and specifically pollution from artificial pitches. Councillor Matt McCabe asked Ian about Sport England’s advice about this, to which he responded that their advice was scant regarding the environmental impact, but plenty of alternative advice was available. Councillor Colin Blackburn asked about international research, to which Ian responded that a very long-term study was being conducted in California and was due to report next

year, but there wasn't funding for such research to be done in the UK. A copy of Ian's statement has been placed on the Council's Minute book and attached to the online minutes.

Nicolette Boater made a statement about the robustness of the Climate emergency action plan. She welcomed the report but stressed that it was vital to now deliver on this and suggested a number of recommendations to achieve this. A copy of Nicolette's statement has been placed on the Council's Minute book and attached to the online minutes.

Lin Patterson made a statement on behalf of Climate Emergency Watch - B&NES, a new group that has been established to keep an eye on the Council's efforts to meet the climate emergency. They welcome the 3 initial priorities that have been outlined. Lin stressed the need for a collaborative approach and invited new members to contact them through 3SG. Councillor Vic Pritchard asked if there were members from North East Somerset, to which Lin replied that there were a few, and they would welcome more.

Faye Dicker made a statement about the Joint Strategic Plan and the impact of housing development and roads in and around Whitchurch. She called upon the new Council to remove the threat of the housing blight and negative traffic impact such proposals would have on their beautiful part of the green belt. A copy of Faye's statement has been placed on the Council's Minute book and attached to the online minutes.

Robin Kerr made a statement about the Recreation Ground Trust, calling on Councillors to use their influence to urge the Trust to improve their governance and accessibility. Councillor Dine Romero asked Robin if he was aware that the Council no longer had the right to nominate trustees or influence their processes, to which Robin responded that he was aware of that, but that the Charity Commission might respond more readily to an approach from the Leader of the Council. A copy of Robin's statement has been placed on the Council's Minute book and attached to the online minutes.

John Branston, a resident of Oldfield Park, made a statement about the negative impact of the high density of HMO conversions on his area. He explained that existing HMOs were now being further expanded creating additional pressure on the area. Residents responded to the draft Local Plan consultation nearly a year ago. He called for officers and the Planning Committee to be given the necessary powers to deal with this and called upon Councillors to do whatever is possible to enable this to happen. Councillor Tim Ball asked if John understood the delay with the Local Plan and offered to meet him to discuss this further. John replied that he didn't and so would welcome the opportunity to meet.

Caroline Kay from Bath Preservation Trust (BPT) made a statement welcoming the Climate Emergency declaration and outlined the ways in which BPT could help as a property owner and advocate. Councillor Sarah Warren asked Caroline if she would like to meet to discuss various aspects of her speech, to which Caroline responded that she would. Councillor Paul Myers asked Caroline to confirm that she was talking about ways in which historic buildings could be made more energy efficient, to which she responded that she was, and referred again to the 2011 'Warmer Bath'

report which had addressed this. A copy of Caroline's statement has been placed on the Council's Minute book and attached to the online minutes.

Wera Hobhouse, MP, made a statement in which she congratulated the Council on declaring a Climate Emergency and committed to do whatever she could at government level to support the Council. She ran through the range of measures that would be needed and urged the Council to act now. Councillor Dine Romero asked Wera whether there would be funding from national government to support Councils in implementing these measures, to which she responded that, in her opinion, the current government was not doing this effectively but she would be standing up for her local area and trying to get government support.

Mark Baptist made a statement supporting the Climate Emergency commitment and raised the issue of refurbishment versus new build, which was not always the most sustainable option due to the embedded carbon and called on the Council to be making good, science based decisions.

Mary Walsh made a statement reiterating objections to the prospect of a park and ride at the entrance to Whitchurch village and tentatively welcomed the Inspector's decision in regards to this. She raised a query about the provision of low cost housing. Councillor Tim Ball asked if Mary would like to meet in the new year, to which she responded that she would. A copy of Mary's statement has been placed on the Council's Minute book and attached to the online minutes.

Annabel Tall, parliamentary candidate for Bath, made a statement calling on the Council to reverse plans to close 5 play parks and urged the Council to look at innovative solutions that had been used by other Councils, with the same constraints, to provide more play parks. Councillor Dine Romero asked Annabel if she was aware that the Council were not planning to close any play areas but were looking at more imaginative ways to provide them and wondered if Annabel considered that the previous Administration had been right to propose this. Annabel responded that it was up to the Council to look at how other Councils were able to manage this. Councillor Paul Myers asked Annabel if she thought that the budget should now be reprioritised to address this, to which she responded that she did. Councillor June Player referred to Loxton Drive play area and asked if Annabel agreed that it was important for a safe area to be maintained for very young children, to which Annabel responded that she did. Councillor Robin Moss asked for Annabel's view of Boris Johnson's statement regarding personal responsibility for obesity, to which she responded that her party took the issue seriously. A copy of Annabel's statement has been placed on the Council's Minute book and attached to the online minutes.

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

53 CLIMATE EMERGENCY PROGRESS REPORT

The Council considered the first progress report since it declared a Climate Emergency in March 2019, committing to provide the leadership to enable Bath and North East Somerset to achieve carbon neutrality by 2030.

On a motion from Councillor Sarah Warren, seconded by Councillor Paul Myers, it was

RESOLVED (unanimously) to

1. Recognise the Council's key leadership role and the significant and fundamental culture shift required, politically and organisationally, to rise to this challenge;
2. Recognise that the first phase of research has enabled a clear definition of three immediate priorities for action for the Bath and North East Somerset area and the scale and speed of ambition needed to achieve the 2030 target. In summary, these are:
 - I. Energy efficiency improvement of the majority of existing buildings (domestic and non-domestic) and zero carbon new build;
 - II. A major shift to mass transport, walking and cycling to reduce transport emissions;
 - III. A rapid and large-scale increase in local renewable energy generation.
3. Recognise that further work is needed and in respect of the reviews, research and planning identified in paragraph 3.7 iv, ask for an update report for this next stage of work be brought to the March 2020 meeting of the Climate Emergency and Sustainability Policy Development and Scrutiny Panel, with a progress report to Council each year;
4. Recognise that whilst the Council will provide leadership, the emergency cannot be tackled without active participation and leadership from all sectors in B&NES and wide and deep community engagement and that a new B&NES Climate Emergency, Environment & Place Partnership is being established to enable that;
5. Recognise that business as usual is not an option and that the Council and all our partners and contractors need to review all existing strategies and plans to re-align to the Climate Emergency, as does the rest of the public sector and the private sector, and a further update report to the March 2020 Climate Emergency and Sustainability Policy Development and Scrutiny Panel will identify the timescale for reviewing all the Council's existing strategies and plans to re-align them to the Climate Emergency;
6. Recognise that meeting our Climate Emergency commitments is about major system change and can only be delivered by the combined action of national, regional and local government, other institutions, and alongside action in the private and community sectors. Local government has a key influencing, convening and enabling role, but does not have the powers or resources to deliver these ambitions on our own;
7. Recognise that individual citizen action is also important and that whilst there are things that everyone can do, it is constrained by current systems and that in order to engage as much of the community as possible, blame-laying on individuals is unhelpful;

8. Note that, despite its pledge in March 2019 to provide the leadership to enable Bath and North East Somerset to become carbon neutral by 2030, the report (para 3.3 viii) states that 'based on current knowledge, we don't know exactly how to get to carbon neutrality'. Council acknowledges the challenges that this pledge presents and seeks to develop the means to reach a goal that is beyond current capabilities.

[Notes;

1. *The above resolution contains wording at resolutions 3, 5 and 8 which was offered by Councillor Grant Johnson and accepted into the substantive motion by the mover and seconder.]*

54 PROTOCOL ON COUNCIL COMPANY GOVERNANCE

The Council considered a report setting out the progress made on implementing the decisions of Council on 8th November 2018 with regard to the governance arrangements and re-configuration of the Shareholder group.

On a motion from Councillor Richard Samuel, seconded by Councillor Sarah Moore, it was

RESOLVED

1. To amend the Protocol to adopt the proposed new Shareholder Group incorporating enhanced scrutiny arrangements by Group Leaders.
2. To suspend the Protocol in respect of a requirement to incorporate or operate a holding company structure until further review; and
3. To delegate to the s.151 Officer, in consultation with the Leader, the decision on when to re-instate the Protocol requirement to operate a holding company structure.

[Notes;

1. *The above resolution was carried with 42 Councillors voting in favour, and 10 Councillors voting against.]*

55 AVON PENSION FUND ANNUAL REPORT

The Council considered the annual report of the Avon Pension Fund Committee, in its role as the administering authority of the fund.

On a motion from Councillor Bruce Shearn, seconded by Councillor Chris Dando, it was (unanimously)

RESOLVED to note the report.

[At the conclusion of this item, a short comfort break was taken. The Council re-convened at 8.35pm.]

56 STANDARDS COMMITTEE ANNUAL REPORT

The Council considered the annual report of its Standards Committee and a recommended addition to the Code of Conduct.

On a motion from Councillor Duncan Hounsell, seconded by Councillor Sally Davis, it was

RESOLVED (unanimously)

1. To note the work of the Standards Committee as set out in the Annual report; and
2. To adopt the Advice Note for Councillors on Bullying and Harassment as Appendix 4 to the Code of Conduct.

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

On a motion from Councillor Neil Butters, seconded by Councillor Duncan Hounsell, it was

RESOLVED that

This Council notes:

1. That there is an aspiration for a rebuilt railway station at Saltford amongst a large section of the community as evidenced by the petition presented to the House of Commons, the outcome of the public consultation held in 2014, and the high priority given to this by Saltford Parish Council;
2. That Saltford has appeared on the Metro West map since 2011, is included in the West of England's new stations package, and confirmed as a proposed transport improvement in the emerging Joint Local Transport Plan 4 (2019-2036);
3. That the line and costs are being considered as part of the Greater Bristol Rail Feasibility study;

This Council subsequently believes:

4. That it is important that the feasibility of opening a railway station at Saltford is assessed in the interests of the community, building upon the Higher Level Output Assessment report received by the Council in 2014;

Therefore, this Council resolves to;

5. Await the outcome of the Greater Bristol Rail Feasibility Study and, if it confirms that Saltford Station is a potentially viable project, to request that the WECA:

- a) Consider who best to take the project forward to the next stages of the GRIP process for project development;
 - b) Consider how best a Saltford station might be funded;
 - c) Seek governance by the WECA Transport Board and WECA Scrutiny committee;
 - d) Keep Saltford Parish Council fully informed of developments relating to Saltford station;
6. Refer this matter to the relevant PDS panel, which will receive reports from the Cabinet member for Transport responsible for rail at appropriate intervals.

[Notes;

- 1. The above resolution replaced the motion contained within the agenda pack which had been moved by Councillor Brian Simmons and seconded by Councillor Lisa O'Brien.*
- 2. The successful amendment was carried with 45 Councillors voting in favour and 7 abstentions.]*

58 MOTION FROM THE LIBERAL DEMOCRAT GROUP - ELECTORAL REFORM

On a motion from Councillor Ryan Wills, seconded by Councillor Dr Kumar, it was

RESOLVED that

This Council:

1. Believes that young people should be allowed a say over their future.
2. Recognises that 16 and 17 year olds are knowledgeable and passionate about the world in which they live and are as capable of engaging in the democratic system as any other citizen.
3. Notes that there is currently an unequal situation across the United Kingdom, with 16 and 17 year olds having voting rights in Scotland and Wales that are not available to them in England and Northern Ireland.
4. Supports the need for greater engagement with young people, leading to greater involvement of young people in the decisions that affect their community.
5. Believes that lowering the voting age to 16, combined with strong citizenship education, would empower young people to better engage in society and influence decisions that will define their future.
6. Believes that people aged 16 and 17, who can consent to medical treatment, work full-time, pay taxes, get married or enter a civil partnership and join the armed forces, should also have the right to vote.
7. Recognises and supports the ongoing 'Votes at 16' campaign by the British Youth Council, the UK Youth Parliament and other youth organisations, supported by thousands of young people across the UK.

8. Notes that the “Youth Strike 4 Climate” protesters in B&NES presented a list of demands to the Council in May 2019, including the demand of government to: “recognise that young people have the biggest stake in our future, by incorporating youth views into policy making and bringing the voting age down to 16”.
9. Calls for 16 and 17 year olds to have the right in all elections and referendums across the UK.

Council therefore:

10. Requests that the Leader write to relevant Ministers and local MPs: expressing this Council’s support for the Votes at 16 campaign; calling for the extension of the franchise to 16 and 17 year olds in all elections and referendums across the UK; and indicating this Council’s willingness to participate in any pilot scheme.
11. Requests that the Leader write to the local MYPs and the British Youth Council expressing this Council’s support for the Votes at 16 campaign and requesting to join the Votes at 16 coalition.

[Notes;

- 1. During debate, an amendment was moved by Councillor Liz Hardman, and seconded by Councillor Robin Moss, to extend the scope of the motion to include all UK residents. This was lost, with 4 Councillors voting in favour, 45 Councillors voting against and 3 abstentions.*
- 2. The successful resolution above was carried with 42 Councillors voting in favour and 10 Councillors voting against.]*

59 MOTION FROM THE LABOUR GROUP - LIVING WAGE

On a motion from Councillor Chris Dando, seconded by Councillor Robin Moss, it was

RESOLVED (unanimously) that

Council notes that:

1. In 2016 the government introduced a higher minimum wage rate called the National Living Wage, for those aged over 25 years;
2. This National Living Wage is not based on actual living costs. Instead, it is based on a target to reach 60% of median earnings by 2020 and currently stands at £8.21 per hour. The Minimum Wage for those under 25 is £7.70 per hour;
3. The Real Living Wage rate is independently calculated and based on what people need to get by. The Real Living Wage stands at £9 per hour outside London for those aged 18 and above. The rate is announced in the first week of November; and

4. Over 5,000 UK employers are now accredited by the Living Wage Foundation and voluntarily pay the Real Living Wage, including a number of local authorities. Bath and North East Somerset Council pays all employees on our main pay scale the Real Living Wage.

Council believes that:

5. Paying the Real Living Wage not only benefits employees but also employers and the wider economy. However, local government's continued ability to pay is dependent on proper, long-term funding as proposed in the Fairer Funding Review.

Council agrees:

6. To request that the Corporate Policy Development and Scrutiny Panel consider the implications of Bath and North East Somerset Council becoming a Living Wage Employer with the Living Wage Foundation, including using its influence as a major local employer and provider of services to urge other local employers to pay the Real Living Wage, and report their findings to the Cabinet for consideration.

[Notes;

1. *During debate, an amendment was moved by Councillor Karen Warrington, and seconded by Councillor Paul Myers, to add an element of location variation. This was lost with 11 Councillors voting in favour, 39 Councillors voting against and 1 abstention.*
2. *A further amendment was moved by Councillor Richard Samuel, seconded by Councillor Ruth Malloy and accepted into the substantive motion by the mover and seconder, to ask the Corporate PDS Panel to consider this issue and report its findings back to Cabinet].*

60 MOTION FROM THE LABOUR GROUP - TREE PLANTING IN B&NES

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

RESOLVED (unanimously) that

Council notes:

1. The independent Committee on Climate Change says 1.5 billion trees need to be planted by 2050 for the UK to achieve its net-zero carbon target;
2. The Woodland Trust says that meeting this target would require 50 million young trees to go into the ground each year up until 2050. However, according to the Trust, in England in the past year, just 1,420 hectares of woodland was created, against a government ambition of 5,000 hectares a year. Its Big Climate Fightback is a campaign to get one million people to join the fight against climate change by pledging to plant a tree by 30 November;

3. Friends of the Earth have launched a campaign to double the tree cover. Doubling the number of trees could deliver annual carbon sequestration of around 37-50 MtCO₂e (million tonnes of carbon dioxide equivalent) per year. This is equal to around 10% of the UK's current greenhouse gas emissions;
4. Trees play a vital role in addressing the climate emergency as they remove emissions from the air around us. Trees and woodlands absorb CO₂, provide oxygen, cool urban areas, provide habitats for wildlife and give people opportunities to engage with nature;
5. The Institute of Chartered Foresters recommends an urban tree canopy cover of 20% and that it further recommends that those areas already achieving this target (for example Bath) should aim to increase the cover by a further 5%. Some parts of our area, for example, Paulton, have a tree canopy cover of only 9%.

Council believes:

6. Although planting trees will not on its own reverse climate change, tree planting can contribute to addressing the climate emergency and gives people a way to take direct action and should therefore be supported by this Council.

Council agrees therefore:

7. To support tree planting initiatives carried out by community groups, charities and other organisations and to undertake its own tree planting as part of a wider strategy identified at paragraph 10, ensuring that any such trees should be from sustainable sources;
8. To welcome the announcement of the goal of planting 100,000 trees in B&NES during the Council term by May 2023;
9. To ask the Cabinet to consider within the budget proposals the production of a detailed tree coverage survey of B&NES with a particular focus on those locations affected by air pollution as part of a Tree and Woodland Plan for B&NES;
10. To welcome the Cabinet's commitment to bringing forward a Tree and Woodland Plan for B&NES and to ask the Cabinet to involve the Climate Emergency and Sustainability Policy Development and Scrutiny Panel in the preparation of a clear strategy for planting trees in B&NES that, amongst other things:
 - a. Seeks to address climate change and mitigate air pollution through green infrastructure;
 - b. Recognises the differences between urban and rural areas and their specific needs;
 - c. Identifies appropriate tree types for specific locations and how these trees could be integrated into the landscape;
 - d. Supports residents to connect with the natural environment;
 - e. Identifies how trees and other planting can support diverse habitats for wildlife; and

- f. Identifies how the planning process where possible, through for example a Supplementary Planning Document, could be used to:
 - i. provide greater protection to existing mature trees;
 - ii. deliver a net increase of tree cover across the district;
 - iii. introduce a system of fines for destruction of protected trees;
 - iv. ensure that no planning application for any development large or small shall be granted without a S106 for replacement planting;
 - v. ensure that no planning application shall be granted which would involve the destruction of a neighbour's trees; and
 - vi. require B&NES Council to replace trees it owns but fells.

[Notes;

1. *The above successful resolution contains wording at 8, 9 and 10 proposed by Councillor David Wood and Councillor Matt McCabe, and accepted into the substantive motion by the mover and seconder of the motion.*

61 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Council noted the question received from Councillor Eleanor Jackson, and the response provided, which has been circulated and added to the online record of the meeting.

The meeting ended at 9.45 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services