

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 14th November, 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, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Michelle O'Doherty, Bruce Shearn and Karen Walker

62 EMERGENCY EVACUATION PROCEDURE

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

63 DECLARATIONS OF INTEREST

The Monitoring Officer announced that she had granted a general dispensation to all Councillors in respect of their payment of Council Tax, in regard to agenda items 8 and 9, so they could take part in the debate and vote.

Councillor Steve Hedges declared an 'other' interest in item 8 – "Local Council Tax Reduction Scheme" with regard to receipt of Employment and Support Allowance (ESA).

Councillor Dine Romero declared an 'other' interest in item 13 – "Council Company Annual Accounts" - as a shareholder in Visit Bath and ADL. [This declaration was made when the item was reached.]

64 MINUTES - 10TH OCTOBER 2019

On a motion from Councillor Vic Pritchard, seconded by Councillor Dine Romero, it was

RESOLVED that the minutes of 10th October 2019 be confirmed as a correct record and signed by the Chair.

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

The Chief Executive, in his role as Returning Officer, addressed Councillors about the pre-election restrictions that applied to this meeting. He explained that, during

this period of heightened sensitivity, it was necessary to balance business as usual with respecting the constraints of the purdah period. He called on Councillors to not make reference to any candidate or any already contentious issue or one which has been raised by the candidates in their campaign literature.

Councillor Chris Watt raised a point of order in accordance with constitutional rule 4A, 44 that this meeting breached Article 13.6 'Decision Making by the full Council' and those various rules that related to public access to the Council meeting. He stated his view that the only body with power to amend constitutional rules was the Council itself and that not allowing public contributions to this meeting fettered the democratic process. The Chair responded that it was for her to balance the restrictions against the effect of cancelling the meeting altogether. She invited the Chief Executive to comment, who offered to set out in writing to all Councillors the process by which they had come to the decision to manage the meeting in the way proposed.

Councillor Duncan Hounsell then raised a point of order (4A, 31(h)), seconded by Councillor Andy Wait, that the meeting proceed to the next business. On a vote, this was **RESOLVED**.

The Chair then invited a formal proposal from the floor. Councillor Dine Romero, seconded by Councillor Andy Wait, moved that Council continue with the agenda as set out, invoking 4A, 16 as necessary to enable the meeting to continue.

During the ensuing debate, legal confirmation was sought that the meeting was properly convened. The Monitoring Officer confirmed that it was and that pre-election restrictions applied, as previously explained by the Chief Executive. The Chief Executive then offered clarification to points raised during debate; that it was incorrect that officers had been instructed to not answer questions in meetings, the public had not been prevented from attending Council, and that, although there was statute, there was no legal definition of purdah. In conjunction with the Monitoring Officer, and following guidance from the LGA, it had been their judgement to advise as they had regarding meetings taking place during this period. He offered a further point of clarification that the proposed amendments to the reports for this meeting had not been ruled out due to purdah, but for other reasons.

The Council then voted on Councillor Romero's proposal which was **RESOLVED** with 35 Councillors voting in favour, 15 against and 5 abstentions.

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

The Chair drew attention to the long and distinguished voluntary service by Brian Perrett of Radstock, Denise James of Keynsham in Bloom and Britain in Bloom judge, and Catherine Whybrow of the Norton Radstock Regeneration Company who recently passed away relatively young, and before they could receive the Chair's honours for which they should have been nominated. The closing date for nominations for the Chair's Awards is 20 December 2019, and the Chair stated that one should not leave it too late to commend people.

The Chair requested that everything possible be done by the Council to support veterans and military families, as Council has pledged to do. At the Chair's request, the Council then stood for a minute's silence to honour those who have died defending our country.

[Notes;

- 1. Councillor Chris Watt wished it recorded that he did not consider his concerns to have been properly addressed.]*

66 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

67 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

There were no items.

68 LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21

The Council considered a report asking for their approval to the arrangements for the Local Council Tax Reduction scheme for 2020/2021, also known as the Council Tax Support Scheme.

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

RESOLVED to

1. Approve the attached Council Tax Reduction Scheme Policy for 2020/21;
2. Note that the Cabinet is to carry out a large scale review of the Policy next year and that this will be subject to public consultation in Summer 2020; and
3. Ask the Corporate Policy Development and Scrutiny Panel to carry out scrutiny of the Policy in advance of the decision on the final scheme by Cabinet and Council.

[Notes;

- 1. The above resolutions 2 and 3 were proposed by Councillor Chris Dando and accepted into the substantive motion by the mover and seconder.*
- 2. The successful resolution was carried with 45 Councillors voting in favour, and 11 Councillors voting against.*
- 3. During debate, Councillor Chris Watt moved a point of order (4A, 35) stating that Councillor Liz Hardman had been denied her right to second the amendment, due to it being accepted into the substantive motion. Councillor Hardman had in fact seconded and spoken; however, this was not needed as it was a minor adjustment, which was accepted under rule 4A, 35.]*

69 COUNCIL TAX LONG TERM EMPTY PROPERTY PREMIUMS

The Council considered a report concerning its discretion to amend the council tax premium charged for long-term empty properties, and encouraging the return of empty dwellings for occupied homes.

On a motion from Councillor Richard Samuel, seconded by Councillor Tim Ball, it was

RESOLVED to

1. Increase the council tax empty homes premium to 100% for properties empty for between two and five years, from 1st April 2020; and
2. Increase the council tax empty homes premium to 200% for properties empty for five years or more, from 1st April 2020.

[Notes;

1. *The above resolution was carried with 45 Councillors voting in favour and 11 Councillors voting against.]*

70 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY AND REVIEW OF CUMULATIVE IMPACT POLICY

The Council considered a report identifying the findings of a public consultation exercise and provides recommendations to Council about adopting the Statement of Licensing Policy and the revised CIA, following consideration by the Licensing Committee in October 2019.

On a motion from Councillor Paul Crossley, seconded by Councillor Manda Rigby, it was

RESOLVED unanimously that

1. Council adopts the proposed Statement of Licensing Policy in Appendix 2 of the report, having regard to the responses from the public consultation exercise and officer recommendations in Appendix 1 of the report;
2. The Council adopts the revised Cumulative Impact Assessment area (CIA) in Bath City Centre shown in Appendix 3 of the report, having regard to the data received from Avon and Somerset Police in Appendix 4 of the report, and the responses from the public consultation exercise and officer recommendations in Appendix 1 of the report.

71 SURRENDER OF LEASE AND PAYMENT OF REVERSE PREMIUM - 23 GROSVENOR PLACE, LONDON ROAD, BATH

The Council considered a report seeking approval to the agreement to approve or adapt the Policy and Budget framework, in order to surrender the existing occupational lease at the subject property, subject to payment of a reverse premium by the Council to the tenant.

On a motion from Councillor Richard Samuel, seconded by Councillor Steve Hedges, it was

RESOLVED to approve that a reverse premium be paid to the tenant in order to obtain vacant possession of a valuable asset, as there is currently no budget for this proposal within the budget framework.

[Notes;

- 1. The above resolution was carried with 33 Councillors voting in favour, 21 Councillors voting against and 1 abstention.*
- 2. Councillor Lisa O'Brien wished her view recorded that the resolution sought did not accord with Councillor Samuel's explanation that this decision was solely about an amendment to the budget, the substantive decision being the one presented to him as a single member decision.]*

72 TREASURY MANAGEMENT 2019-20 QUARTER 2 PERFORMANCE REPORT (MID YEAR UPDATE)

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2019/20 for the first six months of 2019/20.

On a motion from Councillor Richard Samuel, seconded by Councillor Winston Duguid, it was unanimously

RESOLVED that;

1. The Treasury Management Report to 30th September 2019, prepared in accordance with the CIPFA Treasury Code of Practice, is noted; and
2. The Treasury Management Indicators to 30th September 2019 are noted.

73 COUNCIL COMPANY ANNUAL ACCOUNTS

The Council considered a report presenting the annual accounts of Aequus Developments Limited (ADL), Aequus Construction Limited (ACL) and Visit Bath.

On a motion from Councillor Richard Samuel, seconded by Councillor Tim Ball, it was

RESOLVED to;

1. Note the ADL 2018/19 year end audited accounts (Appendix 1);
2. Note the ACL 2018/19 year end audited accounts (Appendix 2); and
3. Note the Visit Bath 2018/19 year end audited accounts (Appendix 3)

[Notes;

- 1. The above resolution was carried with 39 Councillors voting in favour and 16 Councillors abstaining.*

2. *Concern was raised during debate that the Visit Bath accounts included with the agenda pack were not signed. The signed copy is attached to these minutes.]*

74 ANNUAL REPORT ON USE OF RIPA

The Council considered a report updating on the use of Regulation of Investigatory and Investigatory Powers, policies and procedures.

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

RESOLVED to

1. Note the use of RIPA/IPA by the Council ; and
2. Note the changes to the Council RIPA Policy & Procedures (to include IPA)

75 CORPORATE AUDIT COMMITTEE ANNUAL REPORT

The Council considered the annual Report of the Corporate Audit Committee which details its work over the last year.

On a motion from Councillor Brian Simmons, seconded by Councillor Andy Furse, it was unanimously

RESOLVED to note the annual Report of the Corporate Audit Committee.

76 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items.

The meeting ended at 8.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services