

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 12th November, 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, 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, Michelle O'Doherty, Lisa O'Brien, Bharat Pankhania, 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

39 DECLARATIONS OF INTEREST

There were no individual declarations of interest made.

The Monitoring Officer issued a general dispensation for any councillors or their relatives if they were in receipt of financial remuneration from the government in relation to Covid-19, eg business grants, furloughing etc to allow all Members to take part in all debates.

40 MINUTES - 10TH SEPTEMBER 2020

On a motion from Councillor Dine Romero, seconded by Councillor Rob Appleyard, it was

RESOLVED that the minutes of the meeting of 10th September 2020 be confirmed as a correct record and signed in due course.

41 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

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

The Chairman asked the Council to hold a minute's silence following the recent deaths of former Bath & North East Somerset Councillor Ray Cliffe and former Bath City Councillor Dr Marianna Clark.

The Chairman thanked Maria Lucas, Monitoring Officer and Director of Legal and Democratic Services, for her service with the Council and wished her well in her retirement.

The Chairman invited the Leader to give a brief update on the latest Covid situation for the Council. Councillor Romero informed Council that all permitted services remained open, including waste facilities and kerbside collections, which would remain the case assuming staff levels permitted. The Council was again playing its part distributing business support grants and providing support within communities. Leisure services, libraries and the Roman Baths had had to close. Weddings were currently on hold, but funerals could go ahead with restrictions. She explained that she met weekly with all the Council's key partners and currently case numbers had plateaued. She reminded of the key safety measures to maintain this. Vaccination was expected in the new year. She urged all residents to sign up to the update emails if they had not already done so and called for political differences to be put aside to get through the pandemic.

43 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Vishaka Robinson made a statement expressing concern about coaches parking in Royal Avenue and around Victoria Park. Her concerns fell into 3 categories; pollution and traffic flow, residents' parking and a 2020 consultation exercise. Full details can be read in Vishaka's statement which is attached to the online minutes. In response to an offer from Councillor Joanna Wright, Vishaka responded that she would welcome the opportunity to meet the Cabinet Member and discuss her concerns. Councillor Karen Walker asked Vishaka for her view of where coaches should park, Vishaka responded that the long stay car parking that was lost needs to be replaced.

Patrick Anketell-Jones made a statement about urban gulls in Bath, calling for gull-proofing measures on city centre roofs. Full details can be read in Patrick's statement which is attached to the online minutes. In response to a query from Councillor Paul Crossley about Patrick's view of effective roof proofing measures, Patrick responded that multiple methods would be beneficial including netting, spikes and blocking niches. Councillor Vic Pritchard asked Patrick about measures taken in Scarborough including egg oiling and nest removal, to which he responded that measures needed to be pragmatic and licensing currently made oiling and nest removal difficult. Councillor June Player asked Patrick if he considered anti gull measures should be incorporated at planning policy stage, to which he replied that he was not sure if the Authority were able to do this, but that it would certainly be more cost effective if this could be done at planning stage, rather than retrofitting. Councillor Eleanor Jackson asked if Patrick had seen the Bath Gulls report showing that numbers had declined. Patrick responded that numbers declined if nest removal was effective. Proofing measures can stabilise while Government is lobbied to restore the general licence.

Tim Warren addressed the meeting about the paper at agenda item 8 regarding Somerset reorganisation plans. Tim spoke about his involvement as previous Council Leader when the independent report had been commissioned on this issue in 2018. He acknowledged that at that time, joining with Somerset had not been considered to be in the interests of this Council, but that the Council's economic situation was now fundamentally altered and so collaboration with neighbouring

Authorities would provide economies of scale and protection for a smaller Authority. Councillor Dine Romero asked Tim if he disagreed with the advice that joining with Somerset would be a risk to the Council's ability to deliver on its strategic priorities. Tim responded that, at the time the advice was given, it was sound as the Council had had strong income streams from Tourism etc, but that as the Council's economic situation was now so different from the effects of the pandemic, collaboration with neighbours was vital going forward. Councillor Paul Myers asked Tim for his view on housing opportunities to which Tim responded that ADL needed to grasp the opportunity of empty shops remaining empty and convert them into housing. Councillor Karen Walker asked Tim how important he felt it was that B&NES should have a good relationship with the County of Somerset and Bristol City Council. Tim responded that he thought it was very important. He added that, as a small Authority, B&NES did punch above its weight but that, in these difficult times, good relationships with neighbours were vital and hoped that the current relationship with Bristol could be improved. Councillor Robin Moss asked if Tim agreed that, with regard to North Somerset joining WECA, the Government should provide proportionally more funding. Tim replied that arrangements at the time should have included North Somerset which would have allowed certain projects like Portishead rail to have gone ahead.

Linda Gamlin made a statement to Council about urban gulls. In so doing, she drew on her extensive research on this matter. She explained her view that without further measures, Bath would lose its current grip on the urban gull problem. Full details can be read in Linda's statement which is attached to the online minutes. Councillor Paul Crossley thanked Linda for her statement and research paper on this matter and sought her opinion on whether the public health angle was the best argument to take to MPs to call for policy change. Linda agreed and explained a number of health concerns related to urban gulls. Councillor June Player asked what other action could be taken. Linda responded that the best course of action was to lobby our MPs and be persistent.

The Chairman thanked all contributors for their statements which would be passed to the relevant Cabinet Member.

44 YOUTH JUSTICE PLAN 2020-21

The Council considered the Youth Justice Plan for 2020-21.

On a motion from Councillor Kevin Guy, seconded by Councillor Liz Hardman, it was unanimously

RESOLVED to

1. Agree the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998; and
2. Adopt the Youth Justice Plan as part of the Council's Policy and Budget Framework that can be accommodated within the Council budget.

45 GOVERNMENT INVITATION TO SOMERSET TO SUBMIT LOCALLY LED

PROPOSALS FOR UNITARY LOCAL GOVERNMENT

The Council considered a report concerning local government reorganisation in Somerset, following receipt on 9th October 2020 of a letter from the Secretary of State for Housing Communities and Local Government inviting submission for locally led proposals for unitary local government in Somerset (nationally alongside North Yorkshire and Cumbria).

On a motion from Councillor Dine Romero, seconded by Councillor Robin Moss, it was

RESOLVED to

1. Note the recommendation from Cabinet that this Council doesn't submit a proposal for the local government reorganisation in Somerset, and
2. To publicly indicate its intention to continue to act as a separate local unitary authority council (Bath & North East Somerset Council) and continue to co-operate with all public sector partners (including neighbouring councils) to offer the best services it can to its local residents and visitors.

[Notes;

1. *The above resolution was carried with 49 Councillors voting in favour, and 10 Councillors abstaining.]*

46 COUNCIL TAX LONG TERM EMPTY PROPERTY PREMIUMS

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

In introducing the item, Councillor Richard Samuel highlighted an error in section 3.4 of the report. The current line:

“The council currently have 237 long term empty homes subject to the 50% council tax premium, up from 225 in 2019/2020.”

should read:

“The council currently have 237 long term empty homes subject to a council tax premium, up from 225 in 2019/2020.”

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

RESOLVED to increase the council tax empty homes premium to 300% for properties empty for ten years or more, from 1st April 2021.

[Notes;

1. *The above successful resolution was carried with 58 Councillors voting in favour, and 1 Councillor abstaining.]*

47 COMMUNITY CONTRIBUTION FUND - REPORT BACK FROM CORPORATE POLICY DEVELOPMENT & SCRUTINY PANEL

The Council considered a report from its Corporate Policy Development & Scrutiny Panel setting out its findings and recommendations on the motion adopted by Council in July on a Community Contribution Fund (CCF).

Councillor Paul Myers, as Chair of the Corporate PDS Panel, introduced the report and explained the Panel's recommendations. He thanked all those involved in the work and welcomed the cross party support.

On a motion from Councillor Robin Moss, seconded by Councillor Dine Romero, it was unanimously

RESOLVED to;

1. Note the findings and recommendations made by the Corporate Policy Development and Scrutiny Panel on the overall approach to the Community Contribution Fund as detailed within Appendix 1 of the report;
2. Agree that the details of the governance of the scheme be delegated to the Director of Finance, in consultation with the Group Leaders;
3. Agree that the Community Contribution Panel be established for a trial period of 1 year, with a politically proportionate membership, comprising six Liberal Democrats, two Conservatives, one Independent and one Labour Councillor; and
4. Request Cabinet to ensure that a Community Contribution Scheme is implemented for a trial period of one year within Bath & North East Somerset through the 2021/22 budget process within the framework set out in this report, as agreed in principle by Council on 23rd July 2020.

48 AVON PENSION FUND ANNUAL REPORT

The Council considered the annual report of the fund setting out its work undertaken in the previous twelve months and its future work programme. The report is for the 12 months to 31 March 2020.

On a motion from Councillor Bruce Shearn, seconded by Councillor Shaun Stephenson Mc-Gall, it was unanimously

RESOLVED to note the report.

49 CORPORATE AUDIT COMMITTEE ANNUAL REPORT

The Corporate Audit Committee has specific delegated powers given to it from Full Council and as such is required to report back annually to Council under its Terms of Reference. This is the annual report of the Committee which details its work over the last year.

On a motion from Councillor Mark Elliott, seconded by Councillor Colin Blackburn, it was

RESOLVED that the annual Report of the Corporate Audit Committee is noted.

50 SENIOR MANAGEMENT STRUCTURE UPDATE

The Council considered a report seeking approval for various posts within the senior management structure of the Council, on a recommendation from the Restructuring Implementation Committee.

In introducing the report, Councillor Dine Romero formally thanked Maria Lucas, Monitoring Officer and Director of Legal and Democratic Services, for her service with the Council and wished her well for her retirement.

The other Group Leaders and the Chairman endorsed these comments and thanked all the candidates.

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

RESOLVED to

1. Approve the appointment of Chief Operating Officer to Ms Mandy Bishop on a salary of £120,000 per annum with a start date of 13 November 2020;
2. Approve the appointment of Interim Head of Legal and Democratic Services and Monitoring Officer to Michael Hewitt on a salary of £80,108 pro rata per annum from 1 December 2020 to 31 March 2021 in the first instance.

51 TREASURY MANAGEMENT MONITORING REPORTS TO 30TH SEPTEMBER 2020

The Council is required to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year. This report gives details of performance against the Council's Treasury Management Strategy for 2020/21 for the first six months of 2020/21.

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

RESOLVED to agree that;

1. The Treasury Management Report to 30th September 2020, prepared in accordance with the CIPFA Treasury Code of Practice, is noted; and
2. The Treasury Management Indicators to 30th September 2020 are noted.

52 LABOUR GROUP MOTION - FREE SCHOOL MEALS

Councillor Liz Hardman explained that, as events had moved on since this motion was included with the agenda, she would not be moving it today and it was therefore withdrawn.

53 LABOUR GROUP MOTION - FIREWORKS

On a motion from Councillor Grant Johnson, seconded by Councillor Eleanor Jackson, it was unanimously

RESOLVED that

Council notes:

1. Fireworks are used throughout the year to mark events such as Bonfire Night, New Year, Chinese New Year and Diwali. Whilst they can bring enjoyment to some people, they can also cause significant injury and fear for other people and animals.
2. There is widespread public concern about the impact of fireworks on animals. The RSPCA receives hundreds of calls about this issue every year with November being the peak month for calls. The unpredictable, loud and high intensity noises made by many fireworks can cause psychological distress to animals and can lead to injuries as animals attempt to run or hide from the noise. Debris produced by fireworks can pose a hazard to animals if found on the land.
3. Almost 4,500 people in England attended A&E with injuries from fireworks in 2017, double the number in 2009-10, with the number of life-changing injuries rising every year. Half of those seen in hospital were aged 18 or under and 80% were male.
4. Fireworks release chemicals into the atmosphere, many of which are harmful to the environment. The colours in fireworks are created from metallic compounds which can have a negative impact on animal and human health. To produce the oxygen needed for an explosion, fireworks may contain oxidisers which dissolve in water contaminating rivers and lakes.
5. **Air quality is very adversely affected by fireworks. There is evidence of spikes in pollutants from fireworks, especially around weekends close to Bonfire Night. Dependent on other atmospheric conditions, these can reach harmful levels. Fewer fireworks were released this year due to Covid, and anecdotal evidence was that the air was less tainted than normal.**

6. The Fireworks Act 2003 and the Fireworks Regulations 2004 are the main pieces of legislation concerned with regulating firework use.
7. The current maximum permitted noise level for fireworks for public sale is 120 decibels. This is the equivalent to a jet aircraft taking off.
8. In 2018 a petition to ban the public sale of fireworks attracted more than 300,000 signatures. **However, the Government said in August 2020 that it does not support a ban on the public buying and using fireworks. This followed a Petitions Committee inquiry in 2019, which concluded that a ban would be ineffective, damaging to the economy and to communities and could have unintended and counter-productive consequences for public safety – if the market were pushed underground, leading to members of the public buying fireworks from illegitimate or unsafe suppliers.**
9. In 2019 Sainsbury's announced that it is to stop selling fireworks in all its stores after concerns over the distress they cause to pets, wildlife and elderly people; **however, fireworks are widely and cheaply available from online retailers.**

Council believes:

10. **The public, animals and the environment can suffer harm from fireworks though they bring much enjoyment to many. Without a change to national legislation, the Council cannot require a licence for firework displays. Even with a change to legislation, we believe it would be disproportionate, unenforceable and an inefficient use of scarce resources to attempt to license all firework displays. We propose using education and social pressure to achieve the right balance.**

Council agrees therefore:

11. **To welcome the decision by Sainsbury's to stop selling fireworks and to work with local business organisations to encourage other retailers to follow suit or to consider stocking only lower-decibel and eco-friendly fireworks.**
12. **To work with partners, including local educational establishments, on public education about the impact of fireworks and to continue to strongly encourage local residents to attend organised fireworks displays which reduce the noise and impact on residents and animals.**
13. **To write to the relevant minister and our local MPs expressing this Council's support for: a reduction in the maximum permitted noise level of fireworks for**

private displays from 120 decibels to 90 decibels which is the equivalent of a car door slamming.

- 14. Ask our two MPs to work with us to help B&NES become an exemplar in holding eco-friendly, quiet, timely and predictable organised firework displays. Also to support our attempts to educate and inform about the harmful antisocial nature of random displays on air quality, animals, (both pets and livestock), and on the mental health of some residents.**

[Notes;

- 1. The sections of the resolutions above in bold were proposed as an amendment by Councillor Manda Rigby and accepted into the substantive motion by the mover and seconder.]*

54 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 8.59 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services