

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 19th May, 2011

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: Councillors John Bull

1 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure as set out in the Agenda.

2 ELECTION OF CHAIR(MAN)

It was proposed by Councillor Francine Haerberling, seconded by Councillor Paul Crossley and supported by Councillors Robin Moss and Doug Deacon and

RESOLVED that Councillor Peter Edwards be elected Chairman of the Council for the Council Year 2011/12.

Councillor Edwards made and signed his Declaration of Acceptance of Office, received the Chain of Office from Councillor Sarah Bevan and presented the Consort's Badge to Mrs Ann Edwards. Councillor Edwards then addressed the Council. During his speech (a copy of which is available on the Council's Minute book), Councillor Edwards indicated that his preferred form of address was 'Chairman'.

FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR PETER EDWARDS AS CHAIRMAN PRESIDED AT THE MEETING.

3 APPOINTMENT OF VICE-CHAIR(MAN)

It was proposed by Councillor Eleanor Jackson, seconded by Councillor David Dixon and supported by Councillors Francine Haerberling and Doug Deacon and

RESOLVED that Councillor Rob Appleyard be elected Vice-Chairman of the Council for the Council Year 2011/12.

Councillor Appleyard made and signed his Declaration of Acceptance of Office, received the Badge of Office from Councillor Edwards and thanked the Council for his appointment.

4 MINUTES

RESOLVED that the minutes of the last meeting on 15th February 2011 be approved as a correct record and signed by the Chairman, subject to an amendment from Councillor Loraine Morgan-Brinkhurst MBE to add the words “and on the Budget agenda item” at the end of the final paragraph of minute number 72.

5 APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Bull

6 DECLARATIONS OF INTEREST

Councillor Tim Ball declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

Councillor Sharon Ball declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

Councillor Gerry Curran declared a personal non-prejudicial interest in agenda item 14 as a Bath & North East Somerset Foster parent.

[Councillor Colin Barrett declared a personal non-prejudicial interest in agenda item 13 as an honorary member of WWISE – this declaration was made at item 13]

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

Councillor Peter Edwards presented Councillor Sarah Bevan with her Past Chairman's Badge.

It was proposed by Councillor Nathan Hartley, seconded by Councillor Francine Haeberling and supported by Councillors Robin Moss and Doug Deacon and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Sarah Bevan in the office of Chairman of the Council for 2010/11.

Councillor Bevan addressed the Council and, in so doing, thanked Members and officers for their support during her year in office. Councillor Bevan also paid tribute to the support which Councillor Edwards had given both to her, and to the Office of Vice Chairman, over the previous Council Year and wished him well for his term of office as Chairman.

The Chairman then;

(1) Advised Council that, due to family circumstances, the Leader of the Labour Group was unable to attend the meeting.

(2) Welcomed and congratulated all newly-elected Councillors and invited the Council to place on record its appreciation of the past service given by the Members who retired following the Election, and to note that work was in hand to develop a scheme to enable the Council to formally recognise their contribution.

(3) Invited Council to note the appointment of Councillor Doug Deacon as Independent Group Leader in succession to Councillor Chris Cray and confirm that existing Group Leaders remain in office, political groups having been formed with membership of Liberal Democrat 29, Conservative 29, Labour 5 and Independent 2.

(4) Congratulated Councillors Sharon Ball and Brian Simmons on their successful completion of the BTec in Local Governance qualification for Councillors, for which they are being presented with their certificates by South West Councils at the regional Awards ceremony on 9th June 2011.

(5) Informed Council that, should the meeting appear likely to continue for some time after 8.30, he would be announcing a comfort break at that point.

8 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

9 REPORT OF URGENT DECISIONS TAKEN BY CHIEF EXECUTIVE

The Council was invited to note two urgent decisions that had been made by the Chief Executive.

On a motion from Councillor Francine Haeberling, seconded by Councillor Charles Gerrish, it was then

RESOLVED

(1) To note that on 7th March 2011, the Chief Executive approved that Prudential borrowing would be used to facilitate the purchase of 8-10 John Street;

(2) To note that on 21st March 2011, the Chief Executive, in consultation with the Political Group Leaders, and exercising his power under rule 3 of the Council's Urgent Business and Absence Procedure Rules decided that Bath & North East Somerset adopt the Joint Waste Core Strategy for the West of England as part of the Bath & North East Somerset Local Development Framework and for it to come into effect on 25th March 2011.

10 NOTIFICATION OF MEMBERS ELECTED ON 5TH MAY

Council noted this item.

11 APPOINTMENT OF LEADER

Councillor Tony Clarke, seconded by Councillor Chris Watt, proposed Councillor Francine Haerberling as Leader of the Council and spoke in support of the nomination.

Councillor Andy Furse then proposed Councillor Paul Crossley as Leader of the Council, seconded by Councillor Dine Romero.

The votes for Councillor Francine Haerberling were 29, the votes for Councillor Paul Crossley were 33 (there were 2 abstentions).

It was, therefore,

RESOLVED

- (1) That Councillor Paul Crossley be duly elected as Leader of Bath and North East Somerset Council for the period ending with the Annual Meeting in May 2015;
- (2) To note that all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, executive delegation scheme and frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course;
- (3) To note that Councillor Paul Crossley has decided to make appointments to his Cabinet as follows:
 - Councillor Nathan Hartley Early Years, Children and Youth/ Deputy Leader
 - Councillor David Bellotti Community Resources
 - Councillor Simon Allen Wellbeing
 - Councillor Tim Ball Homes and Planning
 - Councillor Cherry Beath Sustainable Development
 - Councillor David Dixon Neighbourhoods
 - Councillor Roger Symonds Transport
- (4) To note that Councillor Paul Crossley announced his intention to revisit the Bath Transportation Package and, in so doing, not proceed with the Bus Rapid Transit scheme. He also announced that they would be taking immediate steps to revoke the decision to close Culverhay school and commence consultation on converting to co-educational status with a target date for implementation of September 2013.

12 APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS

The Council considered a report on its non-executive and regulatory committee arrangements for the Council year May 2011 to May 2010 and other associated business.

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

RESOLVED

(1) To approve the structure for non-executive and regulatory decision making, Overview & Scrutiny and the Standards Committee as set out in the Constitution, and identified in its current form in the report at Appendix 2, with the following amendments;

- a. That there be six O&S Panels (to be known as Policy Development and Scrutiny Panels) rather than the five contained in the Appendix, with the broad remits as set out in Attachment 2 to the minutes, and authority delegated to the Monitoring Officer, in consultation with the Group Leaders, to finalise and publish the precise remits;
- b. That the Restructuring Implementation Committee comprise three Members in the proportionality; Liberal Democrat 1, Conservative 1, Labour 1.

(2) To note the updated political proportionality as set out in Attachment 1 to the minutes, updated to reflect the notification of the formation of political groups in the ratio 29 Liberal Democrat, 29 Conservative, 5 Labour and 1 Independent, and revised decision making structure as outlined in the report and minute (1) above;

(3) To approve the terms of reference for and proposed actions by Committees and Panels etc as set out in Appendix 2 to the report subject to (1) a. and b. above and constitute those bodies accordingly;

(4) To approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality as shown in Attachment 1 to the minutes and nominations made by the political groups;

(5) To appoint, as Chairs and Vice-Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship/vice-chairmanship of the body is allocated, as set out in Attachment 1 to the minutes;

(6) To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair or Vice-Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;

(7) To determine that the bodies on which independent members are to have seats as either voting or non-voting members are as set out in Attachment 1 to the minutes and appoint such members accordingly;

(8) To authorise the Monitoring Officer, in consultation with the Chairs and Vice-Chairs of the Policy Development and Scrutiny Panels, to constitute and support any required Panel joint working as outlined in the report;

(9) To agree that Council wishes to make an allocation of Political Assistants to eligible groups as set out in the report;

(10) To approve the allocation of Political Assistants to the Conservative and Liberal Democrat groups in accordance with section 8 of the report and instruct the

Monitoring Officer to make available to the other two groups an appropriate level of support to enable them to discharge their roles effectively;

(11) To invite Councillors to be Member Champions for the interests identified in Section 9 of the report, or alternative proposals, and asks any so interested to notify the Monitoring Officer within one month with a view to such expressions of interest being decided by Group Leaders in due course;

(12) To note the position regarding the frequency of meetings (as set out in Section 10 of the report) as the basis for enabling the diary of meetings to be prepared, with the following variations;

- a. There to be two-monthly Council meetings in July, September, November, January, February and May;
- b. There to be monthly meetings of the Cabinet

and to authorise the Monitoring Officer to project dates forward and prepare the diary on this amended basis;

(13) To note and approve the proposed freeze on members' allowances and the recommendations of the Independent Panel both as set out in the report and in respect of the removal from the Chair of the Regulatory Access Committee of any entitlement to an allowance;

(14) To note the facility available under the approved Scheme for Councillors to forego all or some of an allowance and;

- a. The Group Leaders' intention to appoint to chair the six Policy Development and Scrutiny Panels, members who have agreed to forego one-sixth of their Special Responsibility Allowance (SRA);
- b. The Leader's intention to appoint to Cabinet, members who have agreed to forego a proportion of their SRA with the intent that the overall cost of SRAs for Cabinet and the Overview and Scrutiny function will remain the same, the Independent Panel having previously advised that the reallocation of SRAs to recognise particular roles within the approved budget, provided it was undertaken transparently, was acceptable to them;
- c. The Leader's intention to forego his Group Leader's allowance and allocate it pro rata to the Vice Chairs of the Policy Development and Scrutiny Panels;

(15) to instruct the Monitoring Officer, in consultation with Group Leaders, to review the Overview & Scrutiny rules and other aspects of the Constitution with a view to identifying appropriate mechanisms to ensure the optimal involvement of Vice-Chairs in the conduct of Overview & Scrutiny business and report thereon to the next meeting of Council;

(16) To designate the Strategic Director Children's Services as the Director of Adult Services as required by Section 6 of the Local Authority Social Services Act 1970, as set out in Section 11 of the report;

(17) To note the arrangements regarding Members IT as set out in the report;

(18) To instruct the Monitoring Officer, in consultation with Group Leaders, to review existing arrangements for appointments on outside bodies and report back thereon within four months; in the meantime current appointments to continue where councillors continue in office or temporary appointments be made under existing mechanisms;

(19) To appoint the Leader as a representative to the Avon & Somerset Police Authority Joint Committee in accordance with paragraph 13.3 of the report;

(20) To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law;

(21) To ask the Standards Committee to review its procedure for investigation of complaints and report back thereon to the September meeting of Council with the intention of;

- a. Making the system fairer to those who are complained about; and
- b. Making proposals for the implementation of the Localism Bill currently before Parliament.

13 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Tony Crombie made a statement regarding the Bath Transport Package and welcoming the Leader's intention to revisit the plans.

David Dunlop made a statement regarding the Bath Transport Package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Stephen Mackerness made a statement regarding the Bath Transport Package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

David Dunlop made a statement regarding Culverhay school – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Tony Crombie made a statement regarding Culverhay school and welcomed the Leader's intention to reverse the closure proposal.

Pamela Galloway made a statement regarding the 6/7 bus campaign – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

[At this point in the meeting, Councillor Colin Barrett declared a personal non-prejudicial interest as an honorary member of WWISE.]

Susan Charles made a statement regarding the benefits of warm water swimming for certain groups - – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Tony Crombie made a statement regarding the Bath Recreation Ground, outlining the history of the covenant and calling for it to remain as an open space.

14 PLEDGE TO CHILDREN IN CARE

The Council considered a report regarding the Council's pledge to Children in Care which had been updated to reflect new regulations and guidance which came into force on April 1st 2011 and asking the Council to reaffirm its commitment to the updated pledge following the election.

On a motion from Councillor Nathan Hartley, seconded by Councillor Chris Watt, and supported by Councillors Liz Hardman and Doug Deacon, it was

RESOLVED to approve the updated Bath and North East Somerset Council Pledge to Children and Young People in and moving on from Care.

15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items from Councillors.

The meeting ended at 8.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services