

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 14th July, 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, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, 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 and Brian Webber

Apologies for absence: Councillors Malcolm Hanney and Chris Watt

16 EMERGENCY EVACUATION PROCEDURE

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

17 MINUTES

On a motion from Councillor Paul Crossley, seconded by Councillor Francine Haeberling, it was;

RESOLVED that the minutes of 19th May 2011 be approved as a correct record and signed by the Chairman.

18 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Malcolm Hanney and Chris Watt. Councillor Will Sandry had also indicated that he would be arriving late to the meeting.

19 DECLARATIONS OF INTEREST

The Solicitor to the Council advised the meeting that Councillors' previous involvement in discussions/decisions regarding Culverhay did not constitute an interest and so did not preclude them from participating in the debate and voting on that item.

Councillor Gerry Curran declared a personal non-prejudicial interest in agenda item 9 as Governor of Culverhay school and a parent of children at the school.

Councillor Sarah Bevan declared a personal non-prejudicial interest in agenda item 10 as a parent of a child at St Gregory's school.

Councillor David Dixon declared a personal non-prejudicial interest in agenda item 10 as Governor of St Gregory's school.

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

The Chairman then;

1. Drew Members attention to the forthcoming training sessions on the Code of Conduct and encouraged them to attend.
2. Indicated that he proposed to waive Council Rule 37 so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
3. Invited Council to place on record its thanks to Tom Dunne, Democratic Services Manager, who was retiring shortly, for his many years of loyal service to this Council and its predecessor authorities.
4. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm.

21 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

22 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The following statements were made at agenda item 8;

David Dunlop made a statement regarding flood mitigation in relation to 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.

Steve Mackerness made a statement regarding the Bath Transport package which welcomed the removal of the BRT and Bathampton Meadows from the bid – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Ian Bell made a statement regarding the Bath Transport package, expressing concern that it would not significantly address the city's need for economic growth – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Pam Richards made a statement on behalf of Response2Route regarding the appropriation of open space land and hoped that this would be reversed.

David Redgewell made a statement regarding the Bath Transport package and referred to a number of documents already circulated electronically to Councillors. He asked Councillors to consider the need for much improved bus and rail services in the area and to ensure effective independent scrutiny of decisions taken at the regional level. In response to a question from Councillor Eleanor Jackson regarding the source of his information, David explained it had come from the Regional Development Agency.

Jo McCarron made a statement on behalf of Response2Route regarding village green applications in Newbridge in relation to 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 Evans made a statement regarding the A362 in Midsomer Norton, and called for traffic calming measures to be increased - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson about David's view of why the Highways department had refused a zebra crossing in a particular spot, he responded that it was perhaps because the road was too dangerous to cross at that point.

George Bailey made a statement expressing concern about the proposed diversion of the A362 in Radstock - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson regarding air pollution and respiratory diseases, George responded that if the narrow street became 2 way, traffic would travel more slowly, there would be queues of traffic and HGVs going round the roundabout would be moving off from a standstill – all of which would exacerbate the pollution.

Amanda Leon from Radstock Action group made a statement regarding roads in Radstock in relation to 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. In response to a question from Councillor Eleanor Jackson regarding the views of Radstock Traders, Amanda explained that they were totally opposed to the plans.

The following statements were made at agenda item 9;

Richard Thomson, Headteacher of Culverhay school, made a statement in support of the 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.

Sean Turner, Deputy Headteacher of Culverhay school, made a statement in support of the school.

Bob Wilkins made a statement in support of the 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.

Don Wallace, Governor at Culverhay school, made a statement in support of the school.

James Eynon, Head boy at Culverhay school, made a statement in support of the school.

The following statement was made at agenda item 10:

Raymond Friel, Headteacher at St Gregory's school, made a statement in support of the item. In response to a question from Councillor John Bull regarding the admissions criteria with regard to religious denomination, Raymond responded that the first criteria was for those at the school, or with a statement of special educational needs but that the Admissions policy was still draft and the other categories were to be negotiated.

23 BATH TRANSPORT PACKAGE - BEST & FINAL BID TO DFT

The Council considered a report setting out a Best & Final bid to Department for Transport for the funding of the Bath Transport Package. Following the Comprehensive Spending Review, Department for Transport have indicated that they wished to reduce costs, enhance value, improve deliverability of major transport schemes and increase Local Authority contribution. Following the election, further work had been undertaken to reduce the cost of the package.

In addition to the reports circulated with the agenda, Councillors received copies of an update report at the meeting containing revised recommendations and a new Section 3 – Financial Implications. This was made available to Press and public too.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

RESOLVED that

The Council agrees, as recommended by Cabinet, that the following elements of the BTP should not be included in the Best & Final Bid to DFT:

- 1.1 The Bus Rapid Transit Segregated Route;
- 1.2 The A36 Lower Bristol Road Bus Lane;
- 1.3 The A4 London Road Lambridge Bus Lane;
- 1.4 New A4 Eastern P&R (1400 spaces), plus bus lane priority on the A4/A46 slip road ;
- 1.5 And, in addition, reduce the size of the P&R expansion at Newbridge.

As a result the BTP would comprise of the following elements;

- a. Upgrades to bus stop infrastructure on 9 service routes, including real time passenger information;

- b. Expansion of Odd Down P&R by 250 spaces, of Lansdown P&R by 390 spaces and of Newbridge P&R by 250 spaces on a suitable alternative site;
 - c. Variable Message signs on the main approaches to Bath, and within the city centre;
 - d. City centre works: High Street improvements and timed access restrictions (currently ongoing); and
 - e. Works to support BWR including a bus rapid transit system serving the site.
- 1.6 In the light of the Cabinet agreeing to formally withdraw the CPOs which were approved at its meeting on 3rd September 2008 and subsequently served to allow for the implementation of the BTP, Council agrees that the local contribution towards the BTP will be no more than £17.8m as set out in Section 3 of the report. [The schemes costs as recommended in this report have been reduced from £58.8m to £34.3m.]
- 1.7 Council agrees that the final submission to DfT be approved by the Strategic Director Service Delivery and Chief Executive, in consultation with the portfolio holder, the S151 officer and Monitoring Officer, and with a report back to Cabinet only if necessary (notably if there is a material change in the financial costs or scope of the scheme which go beyond the parameters set out in the report)
- 1.8 To agree additional borrowing of £3M to fully finance the costs of the the Council contribution of up to £17.8M with an additional revenue cost of approximately £190K which will need to be included in the revenue budgets for future years following completion of the scheme;

In addition, Council agrees to instruct officers to;

- 1.9 work on alternatives to Bathampton Meadows P&R, possibly involving rail, as part of our future Transport Strategy;
- 1.10 work with the Highways Agency to improve signage on the A46 to direct more traffic to an extended Lansdown P&R;
- 1.11 talk to Wiltshire Council about measures to remove some of the through traffic along the London Road and other cross border transport issues
- 1.12 evaluate measures to remove HGVs from London Road – [this 10% of traffic creates 40% of the pollution]
- 1.13 examine how we can obtain substantial "modal shift" from the private car to rail in recognition of potential for rail expansion with the electrification of the GWR and the awarding of an extended rail franchise;
- 1.14 evaluate options to address the problems caused by a lack of affordable home to school transport; and
- 1.15 consider measures to make the whole area much more cycle friendly – we have already secured Government funding through the Regional Sustainable Transport Fund to link Batheaston to NCR 4 on the canal towpath, thereby

taking many cyclists off the London Road and encouraging others to get out of their cars and cycle into Bath.

(Note: 1. The above resolution was carried with 29 Councillors present voting in favour, 24 Councillors present voting against and 10 Councillors present abstaining from voting. A minor adjustment to the wording of the motion was suggested by Councillor Lorraine Morgan-Brinkhurst with the effect of removing some words regarding the proposed Newbridge P&R site which was accepted by the mover and seconder of the motion.

2. Councillor Tim Warren moved an amendment, seconded by Councillor Marie Longstaff, the effect of which would require Cabinet to undertake further work on the bid (with reference to the impact on the Core Strategy and JLTP), consult further and bring back to a September Council meeting. That amendment was not carried - 29 Councillors present voting against, 27 Councillors present voting in favour, with 7 abstentions.

24 CALL-IN OF CABINET DECISION E2233 - "DETERMINATION OF THE STATUTORY NOTICE TO CLOSE CULVERHAY SCHOOL"

The Council considered a report setting out the options for consideration regarding the call-in of the decision to close Culverhay school.

Following statements from the public, the Monitoring Officer advised on the nature of the debate and the options open to the Council.

On a motion from Councillor Dine Romero, seconded by Councillor Nigel Roberts, it was

RESOLVED to agree to uphold the call-in, in the light of the reasons in the call-in request (appendix 3 of the report), and those expressed by the Children and Young People Panel when referring the issue to Council, and therefore refer the decision back to Cabinet for reconsideration, for the following reasons;

- a. The clear wish of the community for a co-educational school at Culverhay shown by the results of the various consultations on the future of Culverhay;
- b. The results of the parent survey, which showed that a co-educational school would attract significantly more pupils;
- c. The change in the legislative framework at a national level, which is already having an impact on local education; and
- d. The change in Council Administration since the decision was made, and the resulting change in policy, including the new Administration's willingness to make funding available for the co-educational transition to take place.

(Note: 1. The above resolution was carried with 36 Councillors present voting in favour, no Councillors present voting against and 26 Councillors present abstaining from voting.

2. Councillor Tony Clarke moved an amendment, seconded by Councillor Colin Barrett, the effect of which would defer a decision to uphold or reject the call-in pending further consultation with the school and the Schools Forum and requesting further financial and strategic detail regarding proposals. That amendment was not carried with 36 Councillors present voting against, 23 Councillors present voting in favour, with 2 abstentions.)

25 ST GREGORY'S AND ST MARK'S SIXTH FORM - PROVISION OF CAPITAL FUNDING

The Council considered a report seeking agreement to the capital funding required for the provision of the new sixth form for St Gregory's and St Mark's schools.

On a motion from Councillor Nathan Hartley, seconded by Councillor Tony Clarke, it was

RESOLVED

1. To agree long term prudential borrowing of £2m be provided to support the estimated capital construction costs and related fees for the new sixth form; and
2. that the annual revenue borrowing cost for both interest and capital repayments estimated at £130,000 be considered as a priority commitment as part of the 2012/2013 Budget process.

(Note: 1. The above resolution was carried with 58 Councillors present voting in favour, 1 Councillor present voting against and 2 Councillors present abstaining from voting.)

26 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were seven questions from Members of the Council as listed in the Appendix to these minutes. The questions asked and answers circulated at the meeting are held on file in the minute book and published on the Council's website.

There was one statement from Councillor Nigel Roberts about cycling. The statement was referred for consideration and response by the Cabinet Member for Transport.

A copy of the statement is held on file in the minute book and published on the Council's website with these draft minutes.

Councillors Lisa Brett and Paul Fox presented a petition entitled “Defend London Road” and Councillor Brett spoke in support of the petition. In response to a question from Councillor Cherry Beath, Councillor Brett indicated that they welcomed the Regeneration project, in addition to the Placemaking project.

[While ‘live’, the petition can be accessed via;
<http://www.petitiononline.co.uk/petition/defend-the-london-road/2611>

The petition was referred for consideration and response by the Cabinet Member for Transport.

A copy of the statement provided by the speaker is held on file in the minute book and published on the Council’s website with these draft minutes.

The meeting ended at 9.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services