

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Thursday 20th March 2025

Present:- **Councillors** Michael Auton, Tim Ball, David Biddleston, Alison Born, Anna Box, Chris Dando, Jess David, Mark Elliott, Fiona Gourley, Kevin Guy, Alan Hale, Ian Halsall, David Harding, Liz Hardman, Gavin Heathcote, Steve Hedges, Saskia Heijltjes, Oli Henman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, George Leach, John Leach, Hal MacFie, Ruth Malloy, Lesley Mansell, Matt McCabe, Paul May, Sarah Moore, Ann Morgan, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Shaun Stephenson-McGall, George Tomlin, Karen Walker, Warren, Sarah Warren, Tim Warren CBE, Andy Wait and Joanna Wright

Apologies for absence: **Councillors** Alex Beaumont, Colin Blackburn, Deborah Collins, Paul Crossley, Sarah Evans, Grant Johnson, Samantha Kelly, Robin Moss, Toby Simon, Malcolm Treby and David Wood

### **18 EMERGENCY EVACUATION PROCEDURE**

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

### **19 DECLARATIONS OF INTEREST**

### **20 MINUTES - 25TH FEBRUARY 2025**

On a motion from Councillor Kevin Guy, seconded by Councillor Chris Dando, it was

**RESOLVED** that the minutes of the meeting of 25<sup>th</sup> February 2025 be confirmed as a correct record and signed by the Chair.

### **21 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chair made the usual housekeeping announcements about phones and microphones.

### **22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business.

### **23 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC**

Statements were made by the following members of the public;

Lee O'Bryan made a statement about the Liveable Neighbourhood programme. He welcomed the decision about the Camden Bus gate and wanted councillors to consider the lessons to be learned from that. He called for consultation and

engagement with the community to be improved, with clear evidence to support proposals. Consideration needed to be wider than ward level with buses managed in a more effective way.

Paul Stansall made a statement about traffic in our communities, calling for a Citizens' Assembly for the Liveable Neighbourhood programme. Councillor Kevin Guy referred to Paul's mention of the poor state of road surfaces, gutters and drains and asked if Paul had made use of the Fix My Street facility or contacted his local Councillors. Paul replied that he had spoken with Councillor John Leach who had been very helpful. A full copy of the statement has been added to the Minute book and the online record.

Patrick Rotheram, Chairman of the Vineyards Residents' Association, made a statement about transport in Bath. Patrick welcomed the cancellation of the Camden Road Bus Gate scheme but called for a comprehensive city-wide traffic movement strategy to provide a framework for the Liveable Neighbourhoods programme. A full copy of the statement has been added to the Minute book and the online record.

Alex Keane, Co-Founder of the STBG [StopTheBusGate] collective consisting of 27 Residents' groups across 4 affected Wards representing 2,000 electorate; a Bath business owner and Walcot resident for the past 22 years, addressed the meeting. Alex set out reasons why they considered the Liveable Neighbourhood programme was not being successfully delivered and called for more transparent information about how decisions are being made. Councillor Kevin Guy, in reference to Alex's statement that hundreds of thousands of pounds would have to be returned to WECA, asked if Alex was aware that this was not the case and that no monies would be handed back to WECA. Alex replied that he had not been aware of that. A full copy of the statement has been added to the Minute book and the online record.

Gareth Eynon made a statement about the Walcot Liveable Neighbourhood scheme which he said did not make sense as it just moved congestion and relocated the pollution. He stated that, without rigorous traffic modelling and robust independent analysis, these proposals were a gamble. Residents deserved better and needed to be able to trust the process.

Adam Reynolds made a statement in support of the Council's road danger reduction measures. He cited statistics for road injuries and deaths and urged Councillors to continue to support the Liveable Neighbourhood Policy to keep through traffic off minor roads and on main roads and thereby encourage safer streets. A full copy of the statement has been added to the Minute book and the online record.

Jackie Head, a member of Bristol Airport Action Network, made a statement in support of the motion to oppose Bristol Airport expansion. Jackie highlighted the climate impact and challenged the economic benefits put forward by the airport. She urged Councillors to support the motion. A full copy of the statement has been added to the Minute book and the online record.

Stephen Clarke, Bristol Airport Action Network, also spoke in support of the motion on the agenda. He set out a number of reasons why expansion should be challenged and urged Councillors to support the motion. A full copy of the statement has been added to the Minute book and the online record.

Louise Leeder, Chair of the Parish Councils Airport Association, also spoke in support of the motion opposing the airport extension. She explained that they had opposed the previous application and supported the appeal. A full copy of the statement has been added to the Minute book and the online record.

Jimena Alamo, president of the University of Bath Student Union, made a statement about the problems with student housing. She provided statistics from 2013 to 2024 demonstrating the significant rise in reported problems and the unacceptable impact that was having on students. Councillor Kevin Guy asked if Jimena would like to meet with the Cabinet Member for Housing, to which she confirmed that she would. A full copy of the statement has been added to the Minute book and the online record

Charlotte Lucas spoke to Council to express deep concerns regarding the Council's new Provider Agreement with Early Years Providers and its potential detrimental impact on children's early education and well-being in BANES. She set out the problems with the agreement and urged the Council to help find an urgent solution. Councillor Tim Warren asked, from the business perspective, whether the new arrangements were workable, to which Charlotte replied that they absolutely were not and explained that the funding received would not meet delivery costs. Councillor Shaun Hughes asked specifically about safeguarding concerns and Charlotte explained her concern with an example about food provision. Councillor Joanna Wright asked about the impact on marginalised groups and Charlotte explained that they would not have funds to pay staff for specialist support for disabled and SEND children. Councillor Kevin Guy asked if Charlotte was aware that this is a Government measure not a Council one, and checked if Charlotte was planning to attend the Early Years Reference Group meeting in the following week. Charlotte confirmed that she was. A full copy of the statement has been added to the Minute book and the online record.

The Chair thanked everyone for their statements which would be referred to the relevant Cabinet member.

## **24 ANNUAL REPORT OF THE CHARITABLE TRUST BOARD**

The Council considered the annual report of the Charitable Trust Board.

On a motion from Councillor Tim Ball, seconded by Councillor Oli Henman, it was unanimously

**RESOLVED** to note the Annual Report of the Charitable Trust Board for 2023/24.

## **25 CONSTITUTION: RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP**

The Council considered a report from its Constitution Working Group recommending some minor revisions.

On a motion from Councillor Shaun Hughes, seconded by Councillor Manda Rigby, it was unanimously

**RESOLVED** to

1. Agree the amendments to the Council Rules (Section 3.1 of the Constitution) recommended by the Constitution Working Group as set out in Appendix 1 of the report;
2. Agree that any parallel sections in Cabinet rules (Section 3.2 of the Constitution) are also amended.

**26 APPOINTMENT OF INTERIM S151 OFFICER**

The Council considered a report seeking approval of the appointment of an Interim S151 Officer.

On a motion from Councillor Kevin Guy, seconded by Councillor Shaun Hughes, it was unanimously

**RESOLVED** to agree the appointment of Interim Section 151 Officer to Mr Jeff Wring from 1 April 2025 to 31 December 2025.

**27 ANNOUNCEMENT OF CHAIR & VICE-CHAIR DESIGNATE FOR 2025/26**

The Council was invited to identify a Councillor as Chair of the Council (Designate) and Vice Chair (Designate) for the next Council Year beginning in May 2025, to be formally elected at its Annual Meeting in May 2025.

On a motion from Councillor Kevin Guy, seconded by Councillor Dave Biddleston, it was unanimously

**RESOLVED** that, for forward planning purposes, the Council names Councillor Liz Hardman to be treated as Chair of the Council (Designate) for the 2025/26 Council Year, and Councillor Shaun Stephenson-McGall as Vice Chair (Designate) for 2025/26.

**28 MOTION FROM THE LABOUR GROUP - IMPROVING TRANSPARENCY AND COMMUNITY ENGAGEMENT AROUND PLANNING GAIN**

Council considered a motion proposed by the Labour Group.

On a motion from Councillor Dave Biddleston, seconded by Councillor Matt McCabe it was unanimously

**RESOLVED** that

**Council notes:**

1. Like every other council, BNES has government targets for significantly more homes than it had expected to build. New housing developments will bring a clear increase in 'planning gain' – developer agreements involving funding or in-kind provision – to mitigate the impacts of development on the immediate

surrounding area and its community. This will happen throughout BNES – in Bath, and its surrounding towns and villages, which have many smaller councils (town and parish councils).

2. The Community Infrastructure Levy (CIL) and Section 106 agreements are essential mechanisms for ensuring that developers and developments both *contribute* to local infrastructure and community improvements, and *mitigate* the impact of the development.
3. Transparency is important in how CIL and Section 106 funds are collected, allocated, and spent.
4. The CIL is a tax on certain types of development in the authority area. 'Strategic CIL' is a central fund, allocated to essential strategic infrastructure as identified in our Infrastructure Delivery Plan. 'Neighbourhood CIL' is made up of a proportion of the CIL funds collected from new developments, which is passed to the Town or Parish Council, or the Bath Neighbourhood CIL committee, where the CIL was generated, for that council to address local priorities. If Neighbourhood CIL funds remain unspent after 5 years, they are returned to the strategic pot.
5. Section 106 agreements are specific obligations attached to a planning approval and are negotiated on behalf of the local community by the planning officer. The condition will be fulfilled either by the Council or the developer as part of the permission.
6. Throughout Bath & North East Somerset, the effective and transparent allocation of these funds, with appropriate consultation, is critical to maintaining public trust, as well as to ensuring local communities see developments' tangible benefits.
7. A growing number of councils have therefore adjusted their processes, e.g.:
  - Watford has launched a Neighbourhood Grant Portal which allows local people to apply for Neighbourhood CIL funding to address the impact of new development.
  - Chichester has created an Infrastructure Business Plan to improve tracking of need and delivery of Strategic CIL.
  - Sevenoaks has developed an interactive Neighbourhood CIL dashboard so developers and residents can access information on all allocations, in real time, including the total amount passed to town and parish councils.
8. The Council's Head of Planning has confirmed that the resolutions in this motion are contained within the existing Planning Service budget.

#### **Council Believes:**

9. A healthily functioning planning system needs greater accountability, transparency about the mitigation of impact, and funds being allocated in a timely and effective manner – as per the development agreement.

10. Residents, and those working and studying here, have a right to know and understand how locally-generated development contributions are being used to benefit their local areas and to mitigate development impact.
11. Clear and accessible reporting of CIL and Section 106 funds will enhance community confidence in BNES' strategic vision and governance around planning.

**Council Resolves to:**

12. Review the Council's processes for meaningful engagement with smaller councils and communities, ensuring local voices are heard and their views reflected in infrastructure decision-making.
13. Bring strategic annual CIL reports to full council as part of the budget report every year.
14. Provide regular updates on the progress of current funded projects, ensuring clarity on how funds are currently being used to improve local infrastructure and services.
15. Provide comprehensive training on development gain, community engagement and how to make the best use of the funds, and deliver projects, for BNES councillors as well as BNES Parish and Town Councils.
16. Investigate options to improve reporting and transparency on CIL and Section 106 funding including establishing a publicly accessible online register, detailing:
  - The total value of Section 106 obligations agreed annually.
  - A breakdown of specific projects, timelines, and expenditure to date
  - Any unspent funds, their intended purpose, and deadlines.
17. Undertake a piece of work to look at how Section 106 Agreements are drawn up, with a view to ensuring maximum deliverability.

**29 MOTION FROM THE LIBERAL DEMOCRAT GROUP - OPPOSING BRISTOL AIRPORT EXPANSION**

Council considered a motion from the Liberal Democrat Group.

On a motion from Councillor Dave Harding, seconded by Councillor Paul May, it was

**RESOLVED** that

**Council:**

1. Reaffirms its opposition to the expansion of Bristol Airport as previously expressed in March 2019 as part of the Climate Emergency Declaration and again in July 2022.

2. Notes that communities in Bath and North East Somerset, local campaign organisations and communities in neighbouring authorities also oppose expansion of Bristol Airport.
3. Regrets that Bristol Airport controversially won permission to expand from 10 million to 12 million passengers a year in the face of overwhelming opposition expressed by local communities, organisations and elected politicians, and are now consulting on a further expansion to 15 million passengers a year, of which they estimate that 12 million will reach the airport by private transport, including up to 1000 increased night flights each year, and an extended runway to enable services by larger aircraft types.
4. Notes the government has expressed support for airport expansion (both the Chancellor and Prime Minister have expressed support for a third runway at Heathrow and the Transport Secretary has “set out a path” for the expansion of Gatwick airport) in conflict with the advice given to government by the Climate Change Committee, who have repeatedly cautioned against airport expansion without a framework in place to manage overall national capacity.

**Council believes that:**

5. Airport expansion is incompatible with the action being taken by West of England Councils to tackle the Climate Emergency, the UK Government’s legally binding climate targets, and advice from the Government’s own Climate Change Committee.
6. The health and wellbeing of B&NES residents will be adversely affected, through increased air, noise and light pollution and through congestion, rogue parking and rat running through our rural villages and narrow country lanes.
7. “Sustainable aviation” is a meaningless phrase, regularly used as greenwash by the airport and fossil fuel industries. Sustainable Aviation Fuel is an unproven technology with no clear feedstocks which would permit deployment at meaningful scale.

**Council therefore:**

8. Hereby determines to oppose expansion of Bristol Airport in its response as a statutory consultee to any forthcoming planning application.
9. Calls on all locally elected representatives and all candidates for the forthcoming West of England Combined Authority elections to oppose expansion of Bristol Airport.
10. Calls on the government to consider all airport expansion applications on a national basis and to make decisions in line with the advice from the Climate Change Committee, which has said there should be ‘no net expansion of airports’; and taking into account the cumulative impact of CO2 emissions and their impact on the UK’s legally binding journey to net zero.

11. Requests that the Leader write to the Secretary of State, the aviation minister, and local MPs to inform them of Council's position.

[Notes;

1. *The above successful resolution was carried with 44 Councillors voting in favour and 3 Councillors abstaining.]*

### **30 MOTION FROM THE GREEN GROUP - THE EAST OF BATH DESERVES BETTER: A COMMUNITY-LED LIVEABLE NEIGHBOURHOOD FOR THE EAST OF BATH**

The Council considered a motion from the Green group.

It was moved by Councillor Joanna Wright, seconded by Councillor Saskia Heijltjes, and following a vote, it was

#### **NOT CARRIED**

Council Notes:

#### **1. Strategic Aims of the Liveable Neighbourhoods Programme, also referred to as Low Traffic Neighbourhoods (LTNs):**

LTNs aim to improve air quality, enable more trips by active travel, and reduce congestion. However, these objectives are at risk of being undermined by poorly designed interventions that displace traffic from one set of residential streets onto another. The recent Camden Road bus gate E3418 posed this risk, as it would divert traffic to already congested residential areas like Snow Hill, Fairfield Park, Lambridge, and London Road. These areas already suffer from high levels of traffic, poor air quality, and insufficient active travel infrastructure, making the Camden Road bus gate a threat to the very goals it is supposed to support.

#### **2. Traffic Displacement and Congestion:**

The lack of proper traffic modelling and pre-implementation analysis has resulted in unanticipated effects. The Camden Road bus gate E3418 would have caused adverse effects and without proper traffic modelling and pre-implementation analysis, the extent of these risks is opaque and questionable. The Full Business Case (FBC) fails to include essential data such as comprehensive traffic surveys or road safety assessments for affected areas like London Road, Snow Hill, and Fairfield Park. This oversight raises concerns that the council may be rushing to implement a scheme without fully understanding the potential for congestion and displacement across Bath's residential areas.

#### **3. Increased Carbon Emissions and Air Pollution:**

In line with the Council's own research, 1 in 4 to 1 in 12 new asthma cases in UK children each year are linked to NO<sub>2</sub> pollution from vehicle emissions. Areas like London Road and Snow Hill, which already suffer from air pollution due to heavy traffic, would likely see these conditions worsen if the Camden Road bus gate



was implemented without proper evaluation of the consequences on air quality. The FBC completely overlooks the air quality impact of diverted traffic, particularly around schools, health centres, and residential areas like Fairfield Park. There is no assessment of how displaced traffic will affect pollution hotspots, nor does it address how the scheme could conflict with Bath's Clean Air Zone objectives. This lack of foresight risks undermining the environmental goals of the LTN.

**4. Lack of Clear Evidence in the FBC:**

The FBC fails to meet the standard of evidence-based decision-making required for such significant interventions. There are no measurable targets, traffic reduction assessments, air quality improvement data, or road safety evaluations in the FBC. This undermines the council's ability to make an informed decision about whether the Camden Road bus gate will truly deliver on its intended benefits. The WECA approval process, which did not require an independent scrutiny of the FBC, raises questions about the lack of accountability and governance in this decision-making process.

**5. Absence of a Fully Modeled Traffic Management Plan:**

Another flaw was that the Camden Road bus gate proposal E3418 did not provide a comprehensive traffic management plan. The FBC fails to address how the bus gate would interact with the broader traffic flows across Bath, particularly in the residential areas that will bear the brunt of traffic displacement. A properly designed traffic management strategy should include city-wide modelling, taking into account all affected areas, and ensuring that interventions like the bus gate will not cause harm to already vulnerable communities.

**6. Financial Risks:**

The FBC does not provide transparency around procurement processes, consultancy costs, or the overall strategy behind the funding allocation. As demonstrated in previous projects, without independent cost-benefit analysis, there is a risk of overspending and under-delivering. The scheme's financial justification is not evident, especially considering the public funding involved and the potential for adverse effects on local communities. Public money must be spent responsibly, and the lack of clear financial accountability and evidence for the benefits of this scheme raises serious concerns.

**7. Public Consultation and Stakeholder Engagement:**

The council has repeatedly failed to engage adequately with affected communities during the consultation process. In the case of Southlands and New Sydney Place Emergency Traffic Regulation Orders (ETROs), residents and businesses raised concerns that were largely ignored. Similarly, the Camden Road bus gate has not been subject to meaningful consultation, particularly with those directly impacted by the displacement of traffic. The failure to engage with residents, businesses, and other stakeholders violates Department for Transport guidelines and calls into question the legitimacy of the consultation process. A transparent, inclusive consultation process is vital to ensuring that the scheme meets the needs of all communities, not just a select few.

## **Council Acknowledges:**

### **1. The Need for Evidence-Based Decision-Making:**

The need for a clear, evidence-based approach to assessing the impacts of the Liveable Neighbourhoods programme. Decisions, particularly regarding modal filters, must be supported by robust data, including comprehensive traffic modelling, air quality assessments, and road safety evaluations.

### **2. The Need for a Holistic Traffic Management Plan:**

The importance of a city-wide traffic management (movement strategy). Any interventions, including the bus gate, must be part of a coordinated plan that considers the broader impacts on traffic flows across Bath.

### **3. The Potential for Negative Impact on Local Communities:**

The potential for disruption in communities such as Fairfield Park, Lambridge, London Road and Snow Hill, where traffic displacement could create new problems. Any measures must demonstrate a clear benefit for these areas, without causing further traffic or pollution.

### **4. The Importance of Public Safety and Accessibility:**

The need for public safety and accessibility in all traffic management decisions. Measures must ensure that residents, businesses, and emergency services can move freely without being delayed or adversely affected by the changes.

## **Council Resolves:**

### **1. To ask Cabinet to obtain funding to undertake:**

A full traffic modelling exercise to assess the potential displacement of traffic and its impact across Bath, particularly in areas such as Fairfield Park, Lambridge, and Lansdown.

- **Independent Cost-Benefit Analysis:** A clear, independent analysis to assess the financial risks and overall value for money of the scheme, ensuring that the anticipated benefits justify the investment.
- **Air Quality Assessment:** A detailed air quality assessment to understand how traffic displacement will affect pollution levels in areas like London Road and the historic core of Bath, and to determine if the scheme will meet its environmental objectives.
- **Community Impact Assessment:** A full community impact assessment, including an equality analysis, to understand the potential social and economic effects on local businesses, vulnerable groups, and residents.

### **2. To Require a Strategic, Fully Modeled Traffic Management Plan for Bath:**

Subject to securing funding, the Council resolves to develop a comprehensive, city-wide traffic management strategy, incorporating detailed traffic flow modelling across Bath. This plan should address the impacts of the bus gate within the broader context of traffic flows and congestion, ensuring that the city's environmental goals are met without disrupting residential areas or the city centre. The strategy should also consider the optimisation of public transport to support these objectives, making Bath a more sustainable and accessible city for all.

### **3. To Ensure a Thorough Public Consultation Process:**

The Council resolves that any future decisions on the bus gate and Liveable Neighbourhoods programme must be subject to a transparent and thorough public consultation process. This process must involve all residents impacted, particularly those in the east of Bath, businesses, and stakeholders to ensure all concerns—particularly about traffic displacement, air quality, public safety and active travel are fully addressed.

*[Notes;*

- 1. The above motion was lost with 5 Councillors voting in favour, 33 voting against and 6 abstentions.]*

## **31 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS**

The Chair made reference to the Q&A document that had been circulated, and is attached to the online record.

## **32 EXCLUSION OF THE PUBLIC**

On a motion from Councillor Kevin Guy, seconded by Councillor Lesley Mansell, it was

### **RESOLVED**

that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business and the reporting of the meeting be prevented under Section 100A(5A) because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

## **33 WAIVER OF 6 MONTH COUNCILLOR ATTENDANCE**

Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a period of six consecutive months, in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended, if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring. The Council considered such a request.

On a motion from Councillor Kevin Guy, seconded by Councillor Tim Warren, it was unanimously

**RESOLVED**

- 1. To note and approve as set out in the report.

The meeting ended at 8.41 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**