

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 15th September, 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, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, 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 Bryan Chalker, David Dixon, Steve Hedges and Bryan Organ

27 EMERGENCY EVACUATION PROCEDURE

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

28 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brian Chalker, Dave Dixon, Steve Hedges and Bryan Organ.

29 DECLARATIONS OF INTEREST

Councillor Malcolm Hanney declared a personal, non-prejudicial interest in agenda items 9 and 10 as Chair of NHS Bath & North East Somerset.

Councillor Eleanor Jackson declared a personal, non-prejudicial interest in agenda item 12 as a Member of the Standards Committee.

30 MINUTES 14TH JULY 2011

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

RESOLVED that the minutes of 14th July 2011 be confirmed as a correct record and signed by the Chairman.

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

The Chairman;

1. Congratulated Councillor Manda Rigby on her appointment as Chairman of Bath City Football club.
2. Explained the reason for the meeting taking place in the Banqueting room due to the Council Chamber refurbishment.
3. Informed the meeting that item 13 "Policy Development & Scrutiny Panels – Role of Vice-Chair" had been withdrawn from this agenda to allow for further discussion.
4. 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.
5. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm.

32 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

33 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The following statements were made at this item:

Amanda Leon from Radstock Action Group made a statement regarding the Cabinet deferral of the decision on the TROs for 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 how the TROs relate to the planning application, Amanda responded that it was unclear. The slippage in the planning application has meant that the highway works were extracted from the full application which came with the 106 agreements and so the TROs should fall as they are outside of what was agreed.

John Spratley made a statement regarding the proposed diversion of the A362 in Radstock and the effect it would have on Radstock. He spoke as a long-standing resident and lorry driver and set out reasons for his opinion that the scheme would have a negative impact on local businesses and lead to job losses. He also queried where the money for Norton Radstock Regeneration scheme had gone over the last 11 years. In response to a question from Eleanor Jackson regarding the relationship between the TROs and the 2009 traffic data which may or may not have been analysed, John said that it was 'not understandable'.

The following statements were made at item 8:

Jill Britten from Whitchurch Village made a statement in support of preserving the green belt at Whitchurch and setting out reasons why the area was inappropriate for development; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Jo Tinworth from Newton St Loe Parish Council made a statement seeking to protect the unique setting of Bath, prioritise housing development on brownfield sites, make more use of empty properties and protect the green belt for food production; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Gwen Edwards made a statement regarding the Core Strategy. She queried the forecasting for additional housing and whether it was accurate with the impact of the global economic situation on housing need. She also stressed the importance of keeping Keynsham distinct from Bristol, and pointed out that there was not the appropriate infrastructure to support large development at Hicks Gate.

Martin Farrell made a statement regarding the Hicks Gate part of the Core Strategy raising issues regarding the ridge development, the impact of the A4 and the large volume of traffic it carried, and querying the how the 'principle of the green belt gap' could be maintained if housing was built there.

Roger Busby made a statement against including a housing contingency within the Core Strategy and set out his reasons to support this view; - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting

The following statement was made at item 12:

Terry Reakes had registered to make a statement regarding the proposed changes to the Standards regime which was read on his behalf by Councillor Eleanor Jackson; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

34 CORE STRATEGY - POST SUBMISSION CHANGES

The Council considered a report regarding the post-submission changes to the Core Strategy which is now under examination. The Inspector had raised a number of concerns requiring a response from the Council – some of which might require an amendment to the Strategy and subsequent community engagement.

The Chief Executive was absent for the duration of this item.

An addendum to Annex A had been circulated in advance of the meeting and copies were available at the meeting. This document replaced pages 13 and 14 which had featured the wrong Site Assessment table for Contingency Option 3 (Whitchurch).

Following statements from members of the public (as set out at minute number 33) and debate, an adjournment was called at 8.10pm; the meeting re-convened at 8.38pm.

The Monitoring Officer then advised that the vote on recommendation 2.1 be taken in two parts so that the meeting would not fail to come to a decision on this item. The first vote would be on approving the changes to the Core Strategy as shown in Annex G with the exception of item 1.36, and the second vote on the identification of a Contingency Housing allocation at Hick's Gate. [Part 1 of the vote became the successful resolution, part 2 of the split motion is shown at Note 3 below.]

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was then

RESOLVED

1. to agree;
 - a. that changes are made to the Core Strategy as outlined in the composite schedule of changes attached as Annex G, with the exception of paragraph 1.36 regarding a contingency allocation and any other reference thereto;
 - b. that these changes are published for community engagement;
 - c. that public consultation is undertaken on the technical investigations into potential sites for the proposed upstream compensatory flood storage needed to facilitate the redevelopment of the Bath river corridor sites; and
2. to note the potential changes to the Core Strategy arising from the Government's Draft National Planning Policy Framework (set out in Annex F to the report), agree that they should be subject to community engagement and sent to the Examination Inspector for consideration as part of the Core Strategy examination process.

[Notes;

- 1) *The above motion was carried unanimously following a proposal, moved by Councillor Gerry Curran, seconded by Councillor Nigel Roberts, that the matter should be dealt with by way of two votes, the first of which was successful.*
- 2) *An amendment was moved on behalf of the Conservative Group by Councillor Tim Warren, seconded by Councillor Charles Gerrish, to move the recommendations as printed subject to the deletion of paragraph 1.36 of Annex G together with any references to a contingency location, and the deletion of the words 'including the identification of a Housing contingency location' in paragraph 2.1 'a' of the recommendations. A named vote was taken on the amendment which was lost by 27 in favour and 34 voting against and no absentions: **For** - Councillors Patrick Anketell-Jones, Colin Barrett,*

Gabriel Batt, Matthew Blankley, Tony Clarke, Sally Davis, Peter Edwards, Michael Evans, Charles Gerrish, Francine Haerberling, Alan Hale, Malcolm Hanney, Lew Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, Paul Myers, Vic Pritchard, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt, Brian Webber.
Against – Councillors Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Nicholas Coombes, Paul Crossley, Gerry Curran, Doug Deacon, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Liz Hardman, Nathan Hartley, Eleanor Jackson, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Doug Nicol, June Player, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds.

- 3) *The second part of the split motion was to approve the identification of a Housing Contingency location as set out in paragraph 1.36 of Annex G. A named vote was taken on the proposal which was lost by 27 voting in favour, and 34 against and no abstentions.* **For** – Councillors Simon Allen, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, Neil Butters, Nicholas Coombes, Paul Crossley, Gerry Curran, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Nathan Hartley, David Martin, Loraine Morgan-Brinkhurst MBE, Doug Nicol, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds.
Against – Patrick Anketell-Jones, Rob Appleyard, Colin Barrett, Gabriel Batt, Matthew Blankley, John Bull, Tony Clarke, Sally Davis, Doug Deacon, Peter Edwards, Michael Evans, Charles Gerrish, Francine Haerberling, Alan Hale, Malcolm Hanney, Liz Hardman, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, Robin Moss, Paul Myers, June Player, Vic Pritchard, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt, Brian Webber.]

35 YOUTH JUSTICE PLAN

The Council considered a report presenting the annual Youth Justice Plan which is a statutory requirement. It sets out work planned to prevent youth offending and re-offending within Bath and North East Somerset. The Plan will be submitted to the Youth Justice Board for England and Wales.

On a motion from Councillor Nathan Hartley, seconded by Councillor Dine Romero, it was

RESOLVED to agree that;

1. the Youth Justice Plan fulfils the requirement of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board; and
2. the Youth Justice Plan is adopted as part of the Council's Policy and Budget framework.

36 UPDATE ON THE ESTABLISHMENT OF THE COMMUNITY INTEREST

COMPANY FOR THE PROVISION OF COMMUNITY HEALTH & SOCIAL CARE SERVICES

The Council considered a report which updated Councillors on progress in establishing a Social Enterprise to provide integrated community health and social care services and to commission health, social care and housing for the benefit of patients, clients and taxpayers on behalf of the Council and NHS Bath & North East Somerset.

On a motion from Councillor Simon Allen, seconded by Councillor Vic Pritchard, it was

RESOLVED

1. To note the progress against the conditions set out by the Council and the NHS B&NES Board in approving the transfer of community health & social care services as set out in Appendix 1 of the report;
2. To confirm the extent of the authority delegated to the Chief executive as outlined in paragraphs 5.1-5.2 as amended in paragraph 5.6 of the report;
3. To confirm the funding for Non-Delegated Statutory Functions be agreed as a priority commitment for the purposes of the 2012/2013 Budget Planning process;
4. To agree to provide a guarantee to the Avon Pension Fund in respect of pension liabilities for Council TUPE transferred staff;
5. To confirm the intent, from October 1st, to transfer the provision of adult social care services to Sirona Care & Health Community Interest Company ("Sirona"/ "the CIC"), subject to agreement of recommendations at 2.3 of the report and signing of both the Business Transfer Agreement and the Community Services Contract by the Chief Executive under delegated authority as outlined in paragraphs 5.1-2 as amended in paragraph 5.6 of the report; and
6. To note the intention of NHS B&NES to enter simultaneously into the same agreement, to transfer the provision of community health services to Sirona Care & Health, and to sign both the Business Transfer Agreement and the Community Services Contract.

[Note; The above resolution was agreed with 3 Councillors voting against and 2 abstentions.]

37 FUTURE COUNCIL - STATUTORY RESPONSIBILITIES

Council considered a report seeking approval to a number of specific recommendations of the Restructuring Implementation Committee regarding implementing the proposals for the future organisational model of the Council – specifically, the strategic leadership role and senior management structure.

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

RESOLVED that

1. The post of Director of People and Communities is designated as the Council's Director of Adult Social Services and Director of Children's Services in accordance with section 6 of the Local Authority Social Services Act 1970 and section 18 of the Children's Act 2004 respectively with immediate effect;
2. The post of Head of Paid Service/Chief Executive is retained within the new senior management structure;
3. When the Chief Executive exercises his option to retire, all necessary steps be taken to appoint a successor in accordance with the decision at resolution 2. Above, and Council Standing Orders; and
4. One-off costs associated with the recruitment and selection of the post of Head of Paid Service/Chief Executive of up to £50k is met from the Revenue Budget Contingency.

38 PROPOSED CHANGES TO THE STANDARDS REGIME

In May, Council asked the Standards Committee to review its procedures for investigation of complaints with the intention of submitting proposals for the implementation of the Localism Bill currently before Parliament (in respect of the Member conduct aspects of the Bill), and making the system fairer to those people who are the subject of a complaint. This is the report of the Standards Committee.

On a motion from Councillor Nigel Roberts, seconded by Councillor Sally Davis, it was

RESOLVED to agree that:

1. The Council adopts a non-statutory Code of Conduct based on paragraphs 3 - 7 of the current model or a model to be issued by the Local Government Association;
2. A Standards Committee is established;
3. The Committee's membership includes Independent Members and an Independent Member chairs the Committee;
4. Parish/Town Councils within the Council's area which adopt a non-statutory Code of Conduct should, if possible, be offered an opt-in to deal with complaints against Parish/Town Councillors;
5. The current Local Standards Framework should be reviewed with the aim of making the system fairer and streamlining the current processes and procedures, in the following respects:

- i. The Monitoring Officer or his/her deputy should assess complaints to decide whether the alleged conduct breaches the Code in consultation with the Chair of the Standards Committee;
- ii. Subject councillors should be given details of the complaint, including the name of the complainant and which parts of the Code they are alleged to have breached. They would be invited to submit comments before the allegation is considered by the Committee;
- iii. If the Committee considers that there has been a breach which is trivial or has been corrected, it would be dealt with at the meeting. Only serious breaches would be referred for investigation;
- iv. The complainant should also have the right to address the Committee concerning their grievance in order to respond to the investigating officer's report;
- v. The pre-hearing meeting should be abandoned;
- vi. The notice could be posted in the complainant's local free newspaper or other local media, or in the case of a Town Council complaint, the Town Council's noticeboard; and
- vii. The Standards Committee should agree with the Monitoring Officer a time line for responses since it is unacceptable to have cases drag on for over a year, as at present. A decision should normally be made within 13 weeks of the initial complaint.

[Note; 1) The above resolution was agreed unanimously. The underlined wording was suggested by Councillor Eleanor Jackson and accepted by the mover and seconder of the original motion.]

39 POLICY DEVELOPMENT AND SCRUTINY PANELS - ROLE OF VICE CHAIRS

This item was withdrawn from the agenda for further discussion.

40 DRAFT SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND HONORARY ALDERWOMEN OF BATH & NORTH EAST SOMERSET

This report asks Council to consider the comments of the Resources Policy Development & Scrutiny Panel, and the published report, regarding a scheme for the appointment of Honorary Aldermen and Honorary Alderwomen of Bath and North East Somerset to recognise the contribution to the community made by former long serving Councillors.

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

RESOLVED that a scheme for the appointment of Honorary Aldermen and Honorary Alderwomen be approved with the following criteria for qualifying;

1. the number of years qualifying service should be 12;
2. that cumulative, rather than continuous, service should be counted;
3. service be counted on Bath & North East Somerset Council and its predecessor principal authorities, provided the Councillor had served a full 4 year term on Bath & North East Somerset Council;
4. that the scheme should apply to all former Councillors with some service on Bath & North East Somerset Council, irrespective of the date on which they left office; and
5. that the scheme be approved as set out in Appendix 1 to the report.

41 TREASURY MANAGEMENT OUTTURN REPORT

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment plan for 2010/11.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED

1. To note the 2010/11 Treasury Management Annual report to 31st March 2011, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the 2010/11 actual Treasury Management Indicators.

[Note; 1) The above resolution was carried with 32 Councillors voting in favour, none against and 24 abstentions.]

42 ANNUAL REPORT OF AUDIT COMMITTEE

The Council considered the Annual report of the Corporate Audit Committee which is required to report annually to Council under its Terms of Reference.

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

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

[Note 1) – The above resolution was carried with 2 abstentions and no Councillors voting against.]

43 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

One Councillor question had been received from Councillor John Bull. The Chair drew attention to the question and response which had been circulated to Councillors and at the meeting. [A copy of which is available on the Council's Minute book and on the website.]

The meeting ended at 9.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services