



BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 29th March 2007

PRESENT -: **Councillors:** John Bailey, Tim Ball, Sharon Ball, Brian Barrett, Colin Barrett, David Bellotti, Sarah Bevan, Loraine Morgan-Brinkhurst, Tim Bullamore, Bryan Chalker, Gail Coleshill, Chris Cray, Paul Crossley, Gerry Curran, Tony Cox, Chris Dando, Matt Davis, Sally Davis, Gitte Dawson, Ian Dewey, David Dixon, Peter Edwards, Andy Furse, Phyllis Gay, Jonathan Gay, Charles Gerrish, Francine Haerberling, Malcolm Hanney, David Hawkins, Steve Hedges, Lynda Hedges, Adrian Inker, Sir Elgar Jenkins OBE, Mike Kelleher, Les Kew, Jane Lewis, Shaun McGall, Marian McNeir, Peter Metcalfe, Carol Paradise, Betty Perry, Vic Pritchard, Michael Ringham, Caroline Roberts, Nigel Roberts, Dine Romero, Shirley Steel, Roger Symonds, Rosemary Todd, Martin Veal, Chris Watt, Sarah Webb, Brian Webber, Stephen Willcox, Leila Wishart and Gordon Wood

Apologies for absence: Councillors Hattie Ajderian, Marie Brewer, Hilary Fraser, Colin Darracott, Ruth Griffiths, Keith Kirwan, Nicole O`Flaherty, Bryan Organ and Tim Warren

97 EMERGENCY EVACUATION PROCEDURE

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

98 MINUTES

RESOLVED that the minutes of the meeting held on Tuesday 20th February 2007 be confirmed as a correct record and be signed by the Chairman.

99 DECLARATIONS OF INTEREST

Interests were declared by Councillors as shown below.

Councillor Martin Veal - Personal prejudicial interest as the parent of a student at Beechen Cliff School in Representations on the Local Plan about the Beechen Cliff School playing fields site (report 9 minute 103). Councillor Veal did not vote and withdrew from the meeting for that item.

Councillor Chris Dando - Personal prejudicial interest as a director of the Norton Radstock Regeneration Company in the Representations on the Local Plan about railway land at Radstock (report 9 minute 103). Councillor Dando did not vote and withdrew from the meeting for that item.

Councillor Jonathan Gay - Personal prejudicial interest as the Chair of the Trustees of the Bath Recreation Ground in the item on the Bath Recreation Ground (report 15 minute 108). Councillor Gay did not vote and withdrew from the meeting for that item.

Councillor Jonathan Gay - Personal non-prejudicial interests as the Executive Member for Children`s Services in the Representations on the Local Plan about the Hayesfield School / St Martin`s Garden Primary School site and the Beechen Cliff School playing fields site (report 9 minute 103).

Councillor Phyllis Gay - Personal non-prejudicial interest as a director of the Norton Radstock Regeneration Company appointed by the Council in the Representations on the Local Plan about railway land at Radstock (report 9 minute 103).

Councillor Charles Gerrish - Personal non-prejudicial interest as Chair of the Governing Body of Threeways School, Bath in the Representations on the Local Plan about the Hayesfield School / St Martin`s Garden Primary School site (report 9 minute 103).

Councillor David Hawkins - Personal non-prejudicial interest as a Governor of Beechen Cliff School appointed by the Local Education Authority in Representations on the Local Plan about the Beechen Cliff School playing fields site (report 9 minute 103).

Councillor Sir Elgar Jenkins - Personal non-prejudicial interest as a trustee of the Bath Recreation Ground appointed by the Council in the item on the Bath Recreation Ground (report 15 minute 108). Councillor Jenkins did not vote on report 15 and withdrew from the meeting for consideration of that item.

Councillor Gerry Curran - Personal non-prejudicial interests as a trustee of the Bath City Farm in Representations on the Local Plan about the site (report 9 minute 103) and as a trustee of the Bath Recreation Ground appointed by the Council in the item on the Bath Recreation Ground (report 15 minute 108). Councillor Curran did not vote on report 15 and withdrew from the meeting for consideration of that item.

Councillor Caroline Roberts - Personal non-prejudicial interests as the parent of a student at Beechen Cliff School in Representations on the Local Plan about the Beechen Cliff School playing fields site (report 9 minute 103) and as a season tickerholder at Bath Rugby Club in the item on the Bath Recreation Ground (report 15 minute 108).

Councillor Nigel Roberts - Personal non-prejudicial interest as the parent of a student at Beechen Cliff School in Representations on the Local Plan about the Beechen Cliff School playing fields site (report 9 minute 103).

Councillor Roger Symonds - Personal non-prejudicial interest as a season tickerholder at Bath Rugby Club in the item on the Bath Recreation Ground (report 15 minute 108).

Councillor Shaun McGall - Personal non-prejudicial interest as a season tickerholder at Bath Rugby Club in the item on the Bath Recreation Ground (report 15 minute 108).

Councillor Paul Crossley - Personal prejudicial interest as a season tickerholder and well-known advocate of Bath Rugby Club in the item on the Bath Recreation Ground (report 15 minute 108). Councillor did not vote or speak on that item.

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

The Chairman asked Councillors to note that:

- (1) After consultation with the Group Leaders, she had agreed to vary the order of agenda business in view of the large public attendance for item 9, the Local Plan, so that after item 6, the Council would consider item 7, Public Submissions then followed by item 9, before going back to the remainder of the agenda.
- (2) In view of the volume of business for this meeting, the Independent Group had withdrawn their proposal to consider improvements in the collection and disposal of refuse and reductions in the waste sent to landfill during an informal session to be held in the course of this meeting.
- (3) The agenda item timings on the briefing sheet circulated to all Members and the process for keeping to the timings had been agreed with the Group Leaders and the Chairman asked for the co-operation of all Councillors in adhering to this.
- (4) The 2 Group Leaders had decided not to hold any 10 minute debate on matters brought forward under agenda items 7 and 8, given the subject matter of the submissions and the business already on the agenda.
- (5) There was no power in the Constitution for seconders to reserve their right to speak. Therefore, if Members chose to defer their speech when seconding, they should note that they might not be called to speak later if sufficient debate on the item had taken place.
- (6) In view of the large number of public statements, the Chairman would not ask the Group Leaders if they had questions on each one but assume they had not unless they indicated clearly that they wished to ask a question immediately after each speaker had finished.
- (7) The Chairman`s thanks to the Councillors and their guests who had supported the very successful Charity Ball held on 23rd March.
- (8) All Councillors were invited to promote and attend the Chairman`s Showcase Concert for local charities taking place on Saturday 5 May.
- (9) The Chairman`s Community Awards were being presented to a number of local groups throughout the area.
- (10) Employee Long Service Awards had recently been presented to 23 Council staff with 25 years service and 1 member of staff with 40 years service.
- (11) There would be a 10 minute comfort break at around 8.40pm and, if the meeting continued late, there might be a second recess at around 10pm.

101 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There were no items of urgent business for this meeting.

102 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM THE PUBLIC

(A) Mr Adrian Dobinson made a statement in support of a petition with 11,500 signatures to withdraw consent for the demolition of Churchill House, Bath and instead incorporate it within the design of the new bus station which he and Mr Charles Ware presented on behalf of the petitioners. The petition was received and the Council noted that the issues raised in it had been addressed in an officer response sent to Mr Ware`s representatives earlier in March.

(B) Mr David Redgewell made a statement on behalf of Transport 2000 South West indicating their support for relocating the Churchill House facade to another site but urging that the development of the bus station be allowed to proceed as currently planned. The Council received and noted the statement.

(C) Mrs Mary Brimble made a statement in support of a petition with 447 signatures which she presented asking the Council not to permit horse riding on the Greenway, Midsomer Norton. The Council received and noted the petition which was referred for consideration and response to the Executive Member for Transport and Highways.

(D) Mrs Martha Flower made a statement about the services provided for people with dementia by the Peggy Dodd Centre. In response to a question from Councillor Paul Crossley Mrs Flower indicated that the Mayor of Bath visits the Centre every year and that individual Councillors have supported its work. The Council received and noted the statement which was referred for consideration and response to the Executive Member for Social Services.

(E) Mr John Bull made a statement asking the Council to discontinue the charge for internet use in libraries. In response to a question from Councillor Andrew Furse Mr Bull noted that the Education, Youth, Culture and Leisure Overview and Scrutiny Panel proposed to review this policy and the Executive Member was aware of that. The Council received and noted the statement which was referred for consideration and response to the Executive Member for Tourism, Leisure and Culture.

103 BATH & NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS & WASTE POLICIES) – REPRESENTATIONS ON THE PROPOSED MODIFICATIONS (Report 9)

The Council considered a report summarising the key issues arising from the consultation on the proposed modifications to the Local Plan and proposed responses to the objections received which also indicated the steps remaining in the approval process leading towards the adoption of the Plan.

The Chairman moved that, having considered the Public Interest Test Statement enclosed with the report, the Council should agree to exclude the public from any discussion of Appendix 5, Legal Opinion in respect of land at Greenway Lane/Beechen Cliff School, because that Appendix was exempt from publication under Exemption 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings). Councillor Paul Crossley seconded that motion and it was **RESOLVED** accordingly.

(Note: Appendix 5 remains exempt from publication as agreed above although, as the content of the Appendix was not discussed, the meeting did not go into exempt session.)

The Council received and noted statements from the following members of the public on matters in the Local Plan relating to the sites shown below (copies of the statements are retained on the minute book). They were thanked for their statements which were referred for consideration during the debate on this agenda item:

Land at Foxhills, Radstock - Dr Eleanor Jackson, Mr Gary Dando and Mr David Redgewell

Land at Cautletts Close, Midsomer Norton – Mr Jeff Miller

Housing land at Keynsham – Mrs Phyllis Cook, Mrs Diane Ferris and Mrs Lydia John

Land at rear of 89 -123 Englishcombe Lane, Bath – Mr Simon Banks and Mr David Roberts

Land at Hayesfield School Playing Field / St Martin`s Garden Primary School, Odd Down, Bath – Mrs Clare Kennett; Mr Andrew Vinall; Mr Hugh Mackay; Ms Elizabeth Lewis; Mrs Myra Renwick; Ms Elizabeth Vincent; Ms Diana Hopkins; Mr Bob Wilkins; Mrs Sue Le Page

Allotments Land and St Martin`s Garden School site - Ms Helen Woodley

Claverton Down Green Belt Designation – Professor George Lunt

Land at Greenway Lane / Beechen Cliff School – Mr Simon Petter; Mr Charles Oldham

On a motion from Councillor Gerry Curran seconded by Councillor Sir Elgar Jenkins it was **RESOLVED** that the Council:

- (1) Approves the responses to the representations as set out in the Full Schedule of Representations & proposed Council Responses (Appendix 2) apart from the modifications set out at paragraphs (2), (3) and (4) and the revised wording at paragraph (5) below.
- (2) Agrees to maintain the position agreed at Council on 12th October 2006 that the land at Beechen Cliff School lower field, bordering Greenway Lane, remain unallocated for development, and the existing recreational open space designation (Policy SR.1A) is retained, because the harm caused by development in this location to the World Heritage site, the Conservation area and local character is considered unacceptable.
- (3) Agrees that as a result of the consultation:
 - Where 1498 objections were received to the Local Plan Inspector's recommendation to include St Martins Garden School in a mixed development;
 - Concerns expressed by Sport England regarding the loss of further school playing fields.
 - Missing the results of the upcoming retail strategy for the whole of Bath and North East Somerset

- Lack of a recent traffic impact study to support any development.

Council agrees to make a modification to the Local Plan as follows:

“The Council accepts the Inspector’s recommendation relating to the allocation of the Hayesfield School Playing Field site for convenience retailing as part of a mixed use scheme but rejects the inclusion of St Martin’s Garden Primary School within the site.”

Consequent further modifications also to be included as follows (*delete from Plan the words struck through*):

3rd bullet point of Policy S.3

~~Land currently occupied by St. Martin’s Garden Primary School and at Hayesfield School Playing Field for mixed-use development including housing, public open space, workspaces and convenience retailing~~

Policy GDS.1/B18

~~B18 - HAYESFIELD SCHOOL PLAYING FIELD/ST. MARTIN’S GARDEN PRIMARY SCHOOL, ODD DOWN Site area – 6.3 2.7 ha~~

Development Requirements:

Comprehensive mixed use scheme, expressed within a development brief, including

Primary school with grass playing field; autistic unit and Sure Start children’s centre
Housing

Community facility

Public access open space

Business Workspace (B1)

Convenience floorspace to meet local needs provided by small retail outlets in accordance with the emerging retail strategy

Replacement of the existing Hayesfield School playing fields with a suitable synthetic turf facility (off-site) which is available for community use

On and off-site transport and highways infrastructure necessary to deliver an integrated transport solution that addresses the impacts of the development identified by a Transportation Assessment and Independent Road Safety Audit.

Pedestrian and cycle links to Wellsway and Frome Road

Retention of existing high walls and mature trees bounding the north western part of the site

Phased development to ensure continuous provision of a primary school, autistic unit and Sure Start Children’s centre

(4) Agrees that the Local Plan should be modified to indicate that the land at South West Keynsham should be allocated for up to 700 dwellings, on the basis that the final capacity will be decided by a comprehensive Masterplan approach.

(5) Agrees to delete from the proposed response on Cautletts Close, Midsomer Norton the following wording: “The dwelling capacity of the site reflects the flood zone” and add the following wording: “Policy NE.14 does not allow development that is subject to flooding or will cause flooding elsewhere or where it would impede the flow of floodwater unless the flood hazard can be mitigated. A flood risk assessment

will be required for that part of the site within Flood Zone 2. Should proposed flood mitigating measures fail to reduce the flooding risk identified in the flood risk assessment, there should be no presumption that 110 dwellings could be achieved within the remaining area designated Flood Zone 1.”

Council directs Officers to use their delegated powers to provide clarity about required mitigation of measures and the subsequent impact on dwelling capacity.

(6) Accepts only those late representations referred to in paragraph 7.15 & Appendix 3 of the report.

(7) Delegates to the Assistant Director for Planning & Transport Development in conjunction with the Council Executive Member for Sustainability & the Environment, the authority to make consequential, editorial and clarification changes to the Local Plan which do not materially effect the content of the Plan.

(8) Places on record the Council’s appreciation of the work of all the staff concerned in the Local Plan process.

(Notes: 1. The wording in paragraph (2) above was added on an amendment from Councillor Peter Metcalfe seconded by Councillor Marian McNeir. 2. The wording in paragraph (3) above was added on an amendment from Councillor Nigel Roberts seconded by Councillor Steve Hedges. 3. The wording in paragraph (4) above was added on an amendment from Councillor Adrian Inker seconded by Councillor Matt Davis. 4. The wording in paragraph (5) above was added on an amendment from Councillor Chris Watt which was accepted by the mover and seconder of the substantive motion. 5. Councillor Shaun McGall moved and Councillor Nigel Roberts seconded an amendment to delete the development on land at the rear of 89 -123 Englishcombe Lane, Bath which was not carried.)

104 PROPOSED DISPOSAL OF FLAT 1, 24 WESTGATE STREET, BATH (Report 13)

The Council considered a report on a recommendation to seek the consent of the Secretary of State to dispose of an interest in this residential unit held for Housing Act purposes in order to accommodate a more suitable use because of changed circumstances in the local area.

On a motion from Councillor Paul Crossley seconded by Councillor Francine Haerberling it was **RESOLVED** that an application be made to the Secretary of State for consent to dispose of an interest in this property for the reasons outlined in the report.

105 BATH RECREATION GROUND

The Council considered a report on the current position relating to the Recreation Ground, Bath.

At the request of the Council, the Solicitor to the Council clarified the legal position in relation to the responsibilities of the Executive Councillors appointed as trustees.

On a motion from Councillor Francine Haerberling seconded by Councillor Nigel Roberts it was **RESOLVED** that the Council:

1. Considers the results of the public consultation in respect of the Recreation Ground, Bath.
2. Approves a further loan in the sum of £120,000 to fund the activities referred to in paragraphs 4.5 and 4.6 of this report to be funded from General Fund Balances.
3. Notes the arrangements outlined at paragraphs 4.8 and 4.9 of this report to secure probity and transparency in the way that the Council discharges its various responsibilities.

(Note: An amendment moved by Councillor Andrew Furse and seconded by Councillor Stephen Hedges the effect of which would have been to identify how the £120,000 loan would be spent was not carried.)

106 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM COUNCILLORS

There were seven questions from Members of the Council as listed in Appendix 2 to these minutes. All the questions asked and answers given at the meeting are held on file in the minute book and published on the Council's website.

Councillor Shirley Steel presented a petition with more than 150 signatures asking the Council not to permit horse riding on the Greenway, Midsomer Norton. The Council received and noted the petition which was referred for consideration and response to the Executive Member for Transport and Highways.

107 SUBMISSION OF STATEMENT OF COMMUNITY INVOLVEMENT (Report 10).

The Council considered a report on a recommendation to approve the Statement of Community Involvement for submission to the Secretary of State and for a six week period of public consultation as required by the Town and Country Planning (Local Development) (England) Regulations 2004.

On a motion from Councillor Gerry Curran seconded by Councillor Peter Metcalfe it was **RESOLVED** that the Council approves the Submission Statement of Community Involvement, as set out in Appendix 1, for submission to the Secretary of State and for a six week period of statutory public consultation.

108 ZERO WASTE (Report 11).

Mr Scott Morrison on behalf of Bath Friends of the Earth made a statement urging the Council to support this motion to strengthen the Council's commitment to Zero Waste. The Council thanked Mr Morrison for his statement which was referred for consideration during this agenda item.

On a motion from Councillor Malcolm Hanney seconded by Councillor Francine Haeberling it was **RESOLVED** that the Council:

1. Acknowledges the Briefing Note issued by Officers that raises issues of significant concern as regard the original motion printed with the agenda papers from Councillor Symonds, and notes in particular the following advice:

“Officers would advise that no decision should be made on the motion as written without full consideration of a report setting out progress of the joint working on waste matters which is in place to determine what options (in terms of technologies and sites) would be most suitable for dealing with any residual waste in the sub-region as we continue to reduce the tonnages of waste we produce, in line with our Zero Waste policy and the adopted Waste Strategy for Bath & North East Somerset. This process must consider all the options or it will not meet the statutory requirements of the planning process.

Agreement to the proposals in the motion would prejudice this process and delay the delivery of any solution (local or sub-regional of any type of technology) with serious financial consequences for the authority.

In addition, adoption of this motion would have financial implications which are unaffordable within the Council’s current budget.”

2. Reaffirms its commitment to the long-term goal of Zero Waste established by the Council in September 2001;

3. Instructs the new Council Executive in May to conduct a review of the Council’s progress on the long-term goal of Zero Waste and implement appropriate recommendations to achieve this aspiration.

(Note: The above motion was carried on an amendment to the original motion printed with the agenda papers which was moved by Councillor Roger Symonds and seconded by Councillor David Bellotti as set out below:

The Council:

(1) Reaffirms its commitment to the long-term goal of Zero Waste established by the Council in September 2001;

(2) Notes the increased awareness of Zero Waste at a national level, for example through the Zero Waste Charter, the adoption of Zero Waste policies by many other Councils;

(3) Notes the recycling target of 60% by 2010, proposed in 2000;

(4) Resolves to adopt the following aims based on the Zero Waste Charter:

- Setting target dates for moving towards Zero Waste;
- Establishing a weekly collection of organic waste (kitchen waste), subject to appropriate safeguards against contamination and provision of a local closed vessel compost plant;
- Continuing the development of civic amenity sites into re-use and recycling centres to promote recycling and composting.

(5) Resolves to contact local supermarkets to propose a packaging-reduction pilot project – in conjunction with the Council’s ‘Rethink Rubbish’ campaign – and to seek funding for this from WRAP (Waste Resources Action Programme);

(6) Requests the Leader, on behalf of the Council, to write to the Government and the LGA to urge the adoption of the following policies, based on the Zero Waste Charter:

- Ending thermal treatment of mixed waste and limiting disposal contracts to a maximum of ten years;
- Reforming the Landfill Tax on a revenue-neutral basis into a broader Waste Tax, to remove the incentives for incineration and other unsustainable waste disposal options;
- Promoting the doorstep collection of dry recyclables to every home in the UK;
- Extending Producer Responsibility legislation to all products and materials that are hazardous or difficult to recycle;
- Opening up waste planning to greater public participation and ending the commercial confidentiality of waste contracts to ensure greater openness and accountability;
- Banning as soon as possible the landfilling of organic waste that has not been treated and neutralised, to reduce the production of methane.)

(Note: During the debate on the item at minute 103 above, Councillor Paul Crossley proposed and Councillor Nigel Roberts seconded a motion that, because it was approaching 10pm, the meeting should be extended to allow an adjournment to clarify the revised wording on the housing land at Keynsham in the Local Plan and, after the adjournment, to continue the meeting for a further one hour to enable as much remaining business as possible to be completed. That motion was carried. Therefore, the meeting concluded at 11.25pm. At that point in the meeting the amendment to the motion on Zero Waste was being considered and a proposal to defer it to a future meeting to enable further consideration was not carried so the vote on the amendment was taken. The following two agenda items stood deferred to a future meeting:

Major Projects and External Bodies Overview and Scrutiny Investigation on Securing the Future of Small Shops – Report 12;

Annual Review of the Council's Constitution – Report 14)

The meeting ended at 11.25pm

Chair(person)

Date Confirmed and Signed..... Prepared by Democratic Services