

## Minutes

of the Virtual Meeting of

## The Council

### Tuesday, 14th July 2020

held via Microsoft Teams.

Meeting Commenced: 2.30 pm Meeting Concluded: 3.25 pm

#### Councillors:

P David Shopland (Chairman)

P Richard Westwood (Vice Chairman)

P Marc Aplin

A Nigel Ashton

P Mike Bell

P Mike Bird

P Steve Bridger

P Peter Bryant

P Gill Bute

P Mark Canniford

P Ashley Cartman

P John Cato

A Caritas Charles

P Caroline Cherry

P James Clayton

P Sara Codling

P Andy Cole

P Peter Crew

P John Crockford-Hawley

P Ciaran Cronnelly

P Mark Crosby

P Donald Davies

P Catherine Gibbons

A Hugh Gregor

P Wendy Griggs

P Ann Harley

P Karin Haverson

P Sandra Hearne

P David Hitchins

P Steve Hogg

P Nicola Holland

P Ruth Jacobs

P Huw James

P Patrick Keating

P John Ley-Morgan

P Stuart McQuillan  
P Ian Parker  
P Robert Payne  
P Marcia Pepperall  
P Bridget Petty  
P Lisa Pilgrim  
P Terry Porter  
P Geoffrey Richardson  
A Tim Snaden  
P Mike Solomon  
P James Tonkin  
A Stuart Treadaway  
A Richard Tucker  
P Roz Willis  
Vacancy

P: Present

A: Apologies for absence submitted

**Officers in attendance:** Jo Walker (Chief Executive), Lucy Shomali (Director of Development and Environment), Sheila Smith (Director of People and Communities), Matt Lenny (Director of Public Health), Richard Penska (interim Director of Finance), Nicholas Brain (Head of Legal and Democratic Services), Vanessa Andrews (Corporate Services), Michèle Chesterman (Corporate Services), Sue Efford (Corporate Services), Rachel Lewis (Development and Environment), Paul Morris (Corporate Services), Mike Riggall (Corporate Services), Christine Ward (Development and Environment)

**Also in attendance:** Richard Guyatt, Womble, Bond, Dickenson Solicitors

## **COU Chairman's Introduction**

**83**

The Chairman welcomed everyone to this virtual meeting of the Council.

He outlined the procedures to be followed at the meeting and confirmed that decisions taken at this virtual meeting would have the same standing as those taken at a physical meeting of the Council in the Town Hall.

The meeting was being livestreamed on the internet and a recorded version would be available to view within 48 hours on the North Somerset Council website.

## **COU Public Participation, petitions, and deputations (Standing Orders 2(vi) and 17, as amended by new Standing Order 5A) (Agenda Item 1)**

**84**

The Chairman drew members attention to the submission received from Ben Moss, a Winford resident, seeking council support for genuinely transformative housing and land-use models. A copy of the submission had been circulated to all councillors and published on the website in advance of the meeting.

The statement was noted and referred to the Director of Development and Environment and the relevant Executive Member.

**COU 85 Declaration of disclosable pecuniary interest (Standing Order 37)  
(Agenda Item 4)**

None

**COU 86 Minutes of the meeting held on 18 February 2020 (Agenda Item 5 (1))**

**Resolved:** that the minutes of the meeting be approved as a correct record.

**COU 87 Minutes of the Extraordinary meeting held on 16 June 2020 (Agenda Item 5 (2))**

**Resolved:** that the minutes of the meeting be approved as a correct record.

**COU 88 Leave of Absence for Councillors for reasons related to Coronavirus  
(arising from Minute no. COU 8) (Agenda Item 5 (2))**

The Head of Legal and Democratic Services referred to a matter arising from the minutes of the extraordinary meeting on 16 June in relation to the six month rule and leave of absence due to covid related self-isolation or sickness. The current minute did not cover absence due to employment associated with covid related work where a member was unable to take time off during daytime hours. He was aware of at least one member who as a result of meetings being moved to the daytime had been precluded from attendance for this reason and therefore sought Council approval to include this type of absence in the approved categories for exemption from the six month rule.

**Motion:** Moved by Councillor Gibbons, seconded by Councillor Davies and

**Resolved:** that the scope of the minute regarding leave of absence for reasons related to coronavirus be extended to include absence for reasons of employment associated with covid related work.

**COU 89 Chairman's announcements (Agenda Item 8)**

The Chairman referred to Councillor Tucker's recent ill health and on behalf of councillors wished him a speedy recovery.

Councillor Gibbons thanked members on behalf of Councillor Tucker for their good wishes and reported that he hoped to be back soon.

**COU 90 Leader's announcements (Agenda Item 9)**

The Leader made the following announcements:

(1) He reported that Councillor Snaden was currently unwell and sent him best wishes for a speedy recovery on behalf of the Council.

(2) He asked councillors to reflect on the shocking and sad death of George Floyd and the 'Black Lives Matter' protests that followed across the world and

included peaceful and reflective protests in Weston and Portishead. He wished to make it clear that North Somerset Council condemns all forms of racism and there is no place for racism or hatred in North Somerset. In supporting the Black Lives Matter campaign the council recognises the historic and institutional injustice experienced by black and minority ethnic people across the world, including those within our own communities and he re-confirmed the council's commitment to work together with those communities and our partners to combat hate wherever it occurs.

He also referred to the 25th Anniversary of the Srebrenica genocide on 11 July and the theme for the remembrance of 'Every Action Matters'. He referred to the importance of honouring and remembering both the victims and survivors of the genocide and taking note of the lessons of what happens when hatred and intolerance is left unchallenged and can flourish. He reminded everyone that any hate incidents or crimes should be reported through the Safer North Somerset website or by contacting the council's Community Safety Team.

(3) He referred to all those who had died over recent months as a result of the coronavirus pandemic, to those who had cared for and treated them and those working tirelessly to keep people safe. He asked councillors to observe a minute's silence for reflection.

**COU Forward Plan dated 3 July 2020 (Agenda Item 11)**  
**91**

Councillor Davies presented the Forward Plan. He made reference to the new format which now included details of policy and scrutiny engagement as part of the decision making process.

**Resolved:** that the report be noted.

**COU Question Time (Standing Order No. 18) (Agenda Item 12)**  
**92**

Written questions were received from Councillor Keating and Councillor James and these, together with the responses from the relevant Executive Members, were circulated to all councillors and published on the website in advance of the meeting. Full details are contained in Appendix 1.

**COU Reports on joint arrangements and external organisations and questions**  
**93 relating thereto: Avon Fire Authority (Agenda Item 16 (1))**

Councillor Payne presented the report.

**Resolved:** that the report be noted.

**COU Reports on joint arrangements and external organisations and questions**  
**94 relating thereto: Avon and Somerset Police and Crime Panel (Agenda Item 16 (2))**

Councillor Westwood presented the report and responded to questions from members. With reference to comments in relation to the importance of strong messaging around community policing in the light of the 'Black Lives Matter' campaign and the need for sensitivity in enforcing the wearing of face

coverings, he stressed these were operational matters rather than matters for the Panel but undertook to pass these comments on to the Commissioner.

**Resolved:** that the report be noted.

**COU Political Balance Update (Agenda Item 17)**

**95**

The Head of Legal and Democratic Services reported on the revised political balance following the resignation of Paul Gardner as follows:

Independent 16, Conservative 13, Liberal Democrat 11, Labour 6, Green 3

He confirmed political balance for all the committee and panel sizes used was unaffected.

**Resolved:** that the revised political balance be noted.

**COU Council Outside Body Appointments 2020/21 – Birnbeck Regeneration Trust (Agenda Item 18)**

**96**

The Head of Legal and Democratic Services presented this item.

**Motion:** Moved by Councillor Davies, seconded by Councillor Jacobs and

**Resolved:** that Councillor Solomon be appointed to replace Councillor Ley-Morgan on the Birnbeck Regeneration Trust until the next Annual Council meeting.

**COU Birnbeck Pier – Approval to make Compulsory Purchase Order (CPO)**

**97**

Councillor Davies presented the report. He outlined the background to the report and the proposal which provided an opportunity for the council to intervene to safeguard the structure, to return it to the Royal National Lifeboat Institution (RNLI) to provide for an operational base on the island and to allow public to the Pier and the island once again which had not been possible since 1994. He outlined the benefits of pursuing the proposed CPO and referred to the indemnity agreement which would ensure any risk to the council was minimal. The RNLI was a well-resourced and highly experienced organisation and therefore a trusted and competent partner. He thanked Historic England for their ongoing support and commitment to the repair of the Pier and thanked officers for the report.

Councillor Davies referred to the letter members had received in the last few days from solicitors acting for CNM Estates, the Pier's owner, asking members to delay the decision as they were better placed than the RNLI to effect the required repairs. He suggested members would need to make their own judgement on this based on the track records of both organisations. He outlined the CPO process and the likely timescales involved. He confirmed there would be nothing to stop the owner taking responsibility and starting to address the required repairs even once the CPO process had commenced. With reference to the recommendations in the report he

proposed an additional recommendation offering CNM the opportunity to voluntarily sell the Pier to the Council or the RNLI before CPO proceedings commenced, thereby avoiding a potentially protracted and costly legal process and enabling all parties to move forward, as follows:

“that the CPO not be served until CNM is given a further opportunity to sell the site voluntarily to the council or a party that the council is satisfied will take the necessary timely steps to repair the Pier . Therefore officers be instructed to contact CNM, as owners of Birnbeck Pier, to make a time limited offer to acquire the whole Pier holding for market value plus reasonable transactional costs. Should CNM not be willing to sell, the CPO process should proceed.”

In discussing the report members expressed full support for the proposal and gave cross party backing for the recommendations as set out. Reference was made to the lack of action taken by the current owners to undertake the required repairs and their failure to convince the authorities of their determination or ability to do so. It was recognised that depriving an owner of their private property was not a decision to be taken lightly but, in noting the current owners had been given considerable opportunity to take responsibility but had chosen not to, it was considered the right course of action to proceed with the CPO. This may be the final opportunity to save the Pier given its current state of neglect. Reference was made to the wider responsibilities of owners of key heritage sites to look after and protect them on behalf of the public, and to the broader regeneration benefits of pursuing this course of action.

**Motion:** Moved by Councillor Davies, seconded by Councillor Solomon and

**Resolved:**

(1) that, subject to an appropriate and legally binding agreement first being concluded with the Royal National Lifeboat Institution (RNLI) for the Council's costs and compensation liabilities to be paid by RNLI, the Council approves and authorises the Director of Development and Environment to make a Compulsory Purchase Order (CPO) under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to acquire the land and structures detailed in the Birnbeck Pier acquisition of land plan, and to seek confirmation of the CPO by the Secretary of State (or to confirm the CPO as an unopposed Order if appropriate);

(2) that the Director of Development and Environment be authorised to undertake all relevant and necessary steps to secure confirmation and delivery of the Order, including but not limited to:

(i) Making subsequent amendments to the Order, the Statement of Reasons, the draft Order Map (within the existing boundary indicated on the Birnbeck Pier acquisition of land plan) and other documentation considered necessary to secure confirmation of the Order;

(ii) Publication and advertisement of the Order, service of all appropriate notices (including site notices and other processes required to notify unidentified owners of interests in the land) in relation to the making of

the Order and submission of the Order and all relevant accompanying documents to the Secretary for State for confirmation;

(iii) Entering into any agreements or undertakings to secure the withdrawal of objections to the confirmation of the Order;

(3) that following confirmation of the CPO the Director of Development and Environment be authorised to publicise and serve all appropriate notices in relation to the confirmation of the Order;

(4) that the Director of Development and Environment be authorised, in consultation with the Leader of the Council and Head of Legal & Democratic Services to:

(i) make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of all or any part of the land shown in the Birnbeck Pier acquisition of land plan following confirmation of the CPO;

(ii) take all necessary steps to secure all relevant interests shown in the Birnbeck Pier acquisition of land plan, including negotiation of agreements, undertakings, transfers and any new rights required, with interested parties and to remove all occupants from the relevant land subsequent to the Council taking possession of the relevant land, if required; and

(iii) acquire by agreement of interests in and over the relevant Land under Section 52 of the 1990 Act before and after confirmation of the Order and in respect of any new rights required for the protection, repair development or use of Birnbeck Pier.

(5) that the Director of Development and Environment be authorised to appoint relevant external professional advisors and consultants to assist in facilitating confirmation of the Order and addressing any wider claims/ disputes related to the process;

(6) that the Head of Legal & Democratic Services be authorised to take all required steps in relation to any legal proceedings relating to the Order, including:

(i) defending the decision to proceed with the Order in any Magistrates Court hearing seeking a stay of the CPO process;

(ii) defending or settling claims referred to the Upper Tribunal (Lands Chamber) and/or applications made to the Courts and any appeals;

(7) that the Director of Development and Environment be authorised, in consultation with the Leader of the Council and Head of Legal & Democratic Services to vest or otherwise acquire all or any part of the land shown in the Birnbeck Pier acquisition of land plan for the subsequent transfer of title to RNLI or, at the direction of RNLI to a subsidiary company controlled by RNLI; and to grant over land owned by the Council to RNLI any temporary or

permanent rights reasonably required by RNLI to facilitate the repair and redevelopment of Birnbeck Pier;

(8) that the Council approves and authorises the Director of Development and Environment, whether as part of the CPO process; by use of powers of appropriation and/or under Section 51 of the Planning (Listed Buildings and Conservation Areas) Act 1990; or by agreement, to acquire, secure or extinguish all legal, equitable and other interests in and rights to use or occupy the land and structures as shown in the Birnbeck Pier acquisition of land plan or any land held by the Council that may have new rights created in favour of RNLI to facilitate the repair and redevelopment of Birnbeck Pier; and

(9) that the CPO not be served until CNM is given a further opportunity to sell the site voluntarily to the council or a party that the council is satisfied will take the necessary timely steps to repair the Pier . Therefore officers be instructed to contact CNM, as owners of Birnbeck Pier, to make a time limited offer to acquire the whole Pier holding for market value plus reasonable transactional costs. Should CNM not be willing to sell, the CPO process should proceed.

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Chairman

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## Appendix 1

### North Somerset Council Council Meeting, 14 July 2020 Question Time (Agenda Item 12)

#### **1. Question from Cllr Keating to Cllr Davies, Leader of the Council and Executive Members for Housing**

“While the lockdown has both led to a welcome surge in community support and volunteering, it has also increased isolation for many.

This is particularly true for individuals and families that have been placed in social housing in rural communities. For those used to living in a town, relocating to a village can be challenging - particularly if they have no access to a car. Shops are more expensive than the big supermarkets and access to support and social networks is more difficult during lockdown. Some support is being provided by community volunteers, but this is not sustainable over the longer term.

**What consideration or support is the Council providing for families relocated from towns to housing in rural areas?”**

#### **Response from Cllr Davies**

“Thank you for your question and note the very difficult impact of social isolation on very many during the pandemic. However I am somewhat confused by your question. In North Somerset Council we use our HomeChoice process for those who are on our housing list looking for a home or who are existing tenants who wish to move. This system is applicant led, in that no-one is allocated a home, rather they bid for a home of their choice. Anyone moving to a more rural location would do so because they have chosen to do so. Even when in exceptional circumstances the council make a direct let to discharge a statutory homeless duty we always take care not to allocate a home away from the persons support networks. Wherever they live those in social housing provided by Housing Associations will often have access to their dedicated support services.

One of the actions of this council has been to work as hard as we can to ensure that a reasonable level of public transport provision is maintained during the pandemic to assist in reducing social isolation. However from the point of view of my own ward, which has a very high level of non-private rented properties in a village setting, there is plenty of affordable shopping available for all without the cost of travelling to a supermarket away from the village as well as strong community support. This is certainly not unique as NS Together has demonstrated when during the Covid 19 pandemic the council has been able to work with 27 community led networks who have provided social support to residents across North Somerset. Many of these networks have been formed in individual villages and people have used local knowledge to identify and offer support help their immediate neighbours. In many locations, these networks are intending to continue providing support beyond Covid 19, and across a wider range of issues. NSC is committed to working with them to ensure that we can continue to connect people who approach the council for support to these local partners.”

#### **2. Question from Cllr James to Cllr Petty, Executive Members for Climate Emergency and Environment**

“Residents in my ward along Lipgate Place, the High Street, and Gordano School suffered from flooding last week, which was a threat to their livelihoods and

wellbeing. People along these road face fears of flooding every time it rains heavily during a high tide. I spoke to Officers earlier this month and they made it clear the problem was a lack of capacity for extra floodwater - and that the solution is extra flood infrastructure - investing in flood management and prevention locally.

An upgraded length of pipework providing a suitable outfall is essential to reduce the painful flooding experienced along the High Street, Bristol road and Lipgate Place in long term, and also the Council and its partners like Wessex Water needs to more actively manage the rhynes and gullies along Portishead South to improve the surge capacity.

Problems like these are going to become more and more apparent as the Climate Emergency gets worse and worse in North Somerset.

1. What are the council doing to reduce the flood risk in Portishead South, and wider North Somerset?
2. What level of funding is required to deliver better flood management infrastructure?"

**Response from Cllr Petty**

“What are the Council doing to reduce flood risk in North Somerset?  
North Somerset carries out the Council’s duties as Lead Local Flood <sup>1</sup> Authority (LLFA) under the Flood and Water Management Act 2010 and the Land Drainage Act 1991.

Flood risk across North Somerset is widespread and varied in its nature and, requires management through a prioritised risk-based approach. Internal property flooding is the most disruptive and damaging, with external property and Highway flooding second and flooding of open land at the bottom of the vulnerability hierarchy.

In line with responsibilities as Lead Local Flood Authority, North Somerset Council produced a Local Flood Risk Management Strategy (LFRMS), approved and published in 2014. The LFRMS identifies the communities most vulnerable to local flood risk, using numbers of properties at risk of internal flooding as the primary indicator of community vulnerability and outlines how we, in partnership with other agencies and the community, will seek to manage these risks.

The output from the LFRMS is a list of the top 15 communities most at risk from flooding. These are listed (in alphabetical order) in table 1 below.

**Table 1 List of most vulnerable communities identified for the strategy (in alphabetical order)**

Community				
Backwell	Clevedon	Langford	Pill	Wrington
Churchill	Congresbury	Long Ashton	Portbury	Weston-super-
Claverham	Hutton	Nailsea	Winscombe	

*\* It should be noted that the strategy has identified two specific parts of WsM which are most vulnerable: 1) Milton Hill and Worle, and 2) Central and West WsM. It will be noted that Portishead does not appear as one of the communities most at risk from flooding, but this does not mean we will not take action where this is considered appropriate.*

<sup>1</sup> Local Flood Risk is flood risk from Ordinary Watercourses, Groundwater and Surface Water. Flood Risk from Main Rivers and the Sea is Managed by the Environment Agency.

Following the LFRMS, an Implementation plan was developed which is regularly, reviewed and updated

Following the Strategy and Implementation Plan. schemes to reduce flood risk which have so far been completed are:

- Weston super Mare – Milton Hill £150k Joint Wessex Water and NSC funded project to reduce the risk of surface water flooding to properties and the highway;
- Wrington – £600k central government grant funded project, reducing the risk of flooding from an Ordinary Watercourse to 95 properties.

Since the approval of the LFRMS in 2014, we have continued to collect flood risk data through flood incident reporting so that, along with updates to computer modelling, this information can be used to update the strategy and the vulnerable communities list as appropriate.

The Environment Agency are currently updating their National Flood and Coastal Erosion Risk Management Strategy and we are expecting guidance on the requirements for subsequent updates to Local Flood Risk Management Strategies to be provided later this year.

What are the Council doing to reduce flood risk in Portishead

While Portishead does not feature on the list of the top 15 most vulnerable communities, we recognise that there are further communities at risk from flooding throughout the district.

Although the strategy focuses on high vulnerability communities and larger schemes, consideration is still given to the management of frequent flooding in areas with lower vulnerability and fewer property numbers, particularly where this can be managed through minor interventions.

Recent flooding in Portishead was caused by a known issue which has been under investigation by Wessex Water and the Highways department. Unfortunately, the combination of locally high rainfall intensities, steep topography and issues with the drainage system connections and how it connects to a blind ditch mean it is not straightforward to resolve. However, we are liaising with both Wessex Water and the highways teams internally to agree how the risk of flooding can be reduced.

Funding to deliver better flood risk management

Funding for large flood risk management schemes comes primarily from external sources including central government grants, partnership contributions and local levy. We also have a small Local Flood Risk Management and Coast protection operational budget which allows us to progress small schemes. Some schemes are also funded from highways budgets, the bulk of which also come from central Government. Unfortunately, this is insufficient to address every location across North Somerset and therefore schemes need to be prioritised.

Upcoming larger scale Flood and Coastal Erosion Risk Management Schemes include:

- Weston super Mare (Summer Lane) £1.4m, primarily central government funded, with partnership funding contributions from Wessex Water and NSC, reducing the risk of surface water flooding to 89 properties.

This scheme is the only scheme of its type in England which has been supported for funding by central government in the last 5 years.

- Weston super Mare sea defence upgrade – required to be complete in approximately 25 years' time to reduce risk to 1500 properties from the effects of climate change - £30-40 million.

Flood Risk Management interventions are generally long term and often technically complex projects requiring a phased approach to assessment and design, particularly with respect to capital investment measures.

It is important to note that the delivery of any proposed flood risk reduction measures, major or minor will be dependant on the availability of funding relative to wider priorities. For internally funded and LTP projects, scheme prioritisation is balanced with other highways projects and for external funding priorities are balanced regionally or nationally.”