

Minutes

of the Meeting of

The Council

Tuesday, 12 July 2022

New Council Chamber

Meeting Commenced: 6.00 pm

Meeting Concluded: 7.42 pm

Councillors:

Karin Haverson (Chairman)

Wendy Griggs (Vice-Chairman)

Mark Aplin

Mike Bell

Mike Bird

Mark Canniford

Ashley Cartman

Caritas Charles

James Clayton

Andy Cole

John Crockford-Hawley

Donald Davies

Catherine Gibbons

Hugh Gregor

Sandra Hearne

David Hitchins

Steve Hogg

Ruth Jacobs

Huw James

Patrick Keating

John Ley-Morgan

Phil Neve

Robert Payne

Marcia Pepperall

Bridget Petty

Geoffrey Richardson

Timothy Snaden

Mike Solomon

James Tonkin

Richard Tucker

Apologies: Councillors: Steve Bridger, Gill Bute, John Cato, Peter Crew, Ciaran Cronnelly, Mark Crosby, Caroline Goddard, Ann Harley, Nicola Holland, Lisa Pilgrim, Richard Westwood and Roz Willis.

Absent: Councillors: David Shopland.

Officers in attendance: Jo Walker (Chief Executive), Amy Webb (Director of Corporate Services), Sheila Smith (Director of Children's Services), Matt Lenny (Director of Public Health), Alex Hearn (Assistant Director (Placemaking & Growth)), Aaron Horner (Special Projects Officer) and James Willcock (MetroWest Phase1 Project Manager).

Partaking via Microsoft Teams: Councillors: Nigel Ashton, Peter Bryant, Caroline Cherry, Sarah Codling, Stuart McQuillan, Ian Parker, Terry Porter

Officers: Nicholas Brain (Assistant Director Legal and Governance), Alex Fear (Head of Major Infrastructure Projects), Hayley Verrico (Director of Adult Services), Alex Hearn (Assistant Director Placemaking and Growth), Hazel Brinton (Committee Services Manager), Maduabuchi Ani (Senior Project Manager).

**COU Chairperson's Welcome
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The Chairperson welcomed everyone to the face-to-face meeting and noted that those councillors attending via Teams would not be in attendance formally or able to vote.

**COU Public Participation, petitions, and deputations (Standing Orders 2 (vi) and
34 17)**

None received.

**COU Declaration of Disclosable Pecuniary Interest (Standing Order 37)
35**

None declared.

**COU Minutes
36**

Resolved: that the minutes of the meeting of 10 May 2022 be approved as a correct record.

**COU Approval of the making of Compulsory Purchase Order(s) (and related Side
37 Roads Orders and Traffic Regulation Orders) for the Banwell Bypass and Highways Improvements scheme**

Councillor Hogg presented the report. He informed members that officers had been engaging with landowners since 2020 and were now negotiating Heads of Terms with many of them. There was a proposal to enter into agreements with all landowners, but it was a condition of funding from Homes England that a Compulsory Purchase Order (CPO) was delivered to offset the risk of the non-delivery of land required for the project.

He noted that the project had been 18 months in its design with the input from non-statutory public consultations along the way. Wider mitigation works were not included in the CPO as these would be delivered under highways legislation. He added that negotiation and agreement with landowners was the preferred method of land assembly, but a CPO process needed to be run in parallel to be able to draw down Stage 2 funding from Homes England. Most of the land affected was

agricultural land with a small number of commercial and residential properties also involved. Further proposals would be coming to the Executive ahead of the construction contract and the CPO could be aborted if the scheme did not progress.

Motion: moved by Councillor Hogg and seconded by Councillor Solomon it was

Resolved: that the Council

- (a) approved the area to be the subject of a compulsory purchase order (“**CPO**”) or supplemental CPO as shown edged red on the plans published in the supplementary papers of 11 July 2022 which identifies the outline area of the land and rights to be acquired for the Scheme (“**the CPO Land**”) by voluntary acquisition or compulsory purchase;
- (b) authorised the making of CPO(s) by the Council under sections 239, 240, 246 and 250 of the Highways Act 1980 in respect of all or part of the CPO Land (including any additional land which may be required to deliver the Scheme as a result of the requirements of the Scheme planning permission), which includes any land or rights that may be required for environmental enhancement and mitigation, flood compensation, replacement land provision or otherwise needed for the Scheme;
- (c) authorised the making by the Council of Side Roads Orders (“**SRO**”) under the Highways Act 1980 as may be required for the Scheme;
- (d) authorised the making by the Council of Traffic Regulation Orders (“**TRO**”) under the Highways Act 1980 as may be required for the Scheme;
- (e) authorised the making by the Council of an application to the Secretary of State for Transport (“**the Secretary of State**”) for the grant of a certificate under section 19 of the Acquisition of Land Act 1981 (“**section 19 certificate**”) in respect of any special category land that may be required for the Scheme;
- (f) authorised all necessary steps to be taken to secure the making, confirmation and implementation of each CPO, SRO and any TRO (together “**the Orders**”) and section 19 certificate, including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council’s case at any public inquiry required to secure confirmation of the Orders and section 19 certificate by the Secretary of State;
- (g) noted, and give due regard in determining whether or not to authorise the making of the Orders, the public sector equality duty contained in section 149 of the Equality Act 2010 and the requirements of the Human Rights Act 1998, as detailed further in sections 3 and 9 of the report;
- (h) authorised agreements to be entered into with landowners to secure the withdrawal of objections to any of the Orders and/or a section 19 certificate and to authorise the Director of Place and the Director of Corporate Services to take all necessary steps to acquire by agreement land and/ or rights over the CPO Land, subject to any consideration payable being within the Scheme budget as set out in section 5 of the report;

- (i) delegated to the Executive Member for Major Infrastructure Projects the authority to make and submit the CPO, SRO and section 19 certificate to the relevant Secretary of State for confirmation and to take all necessary steps to secure the making, confirmation and implementation of the CPO and SRO, including the preparation and presentation of the Council's case at any public inquiry;
- (j) subject to confirmation of the CPO and SRO, delegated the authority to the Director of Place, and the Assistant Director Legal & Governance and Monitoring Officer to acquire all the land and rights over the CPO land, including service of a general vesting declaration, notice to treat or notice of entry, subject to any compensation to be paid being within the Scheme budget as set out in section 5 of the report;
- (k) delegated to the Executive Member for Major Infrastructure Projects, in consultation with the Director of Place, the authority to make any necessary amendments to the Orders;
- (l) delegated to the Director of Place and the Assistant Director Legal & Governance and Monitoring Officer (or the Executive Member for payments of over £500,000) the authority to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the Scheme budget as set out in section 5 of the report;
- (m) authorised the instruction of the Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the Orders and section 19 certificate.

COU MetroWest Phase 1 Update
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Councillor Cartman presented the report noting that it was coming to Council because costs had increased and an additional £10m capital funding commitment was being sought. He added that the cost of not proceeding with the project would be £15m with the total cost to North Somerset taxpayers of £20m if it went ahead. Councillor Cartman informed members that it was expected the government would underwrite any additional cost increases that resulted from inflation. The additional funding required for the project was being met by the council, the West of England Combined Authority (WECA), and the Department for Transport (DfT) but that the council's decision to inject more funds was contingent on decisions of other bodies to also increase their funding and that the council would not bear future overrun costs.

In debating the report, members noted that the project was long overdue but welcomed the council's continuous commitment to the project which had been driven forwards by both previous and current administrations. They noted the

government was de-risking the project in underwriting future cost increases and asked the further public engagement with Portishead residents and the town council take place to consider other solutions to the ongoing traffic problems in the town.

Members queried the risk in operational costs and noted an £11m shortfall over the first 4 to 5 years. Officers responded that further work was taking place with WECA and the DfT but that the £11m covered the entire suite of the MetroWest project not just the Portishead rail line. Members also noted their concern with the reduction of the length of the platform and queried whether a longer platform and station would be required in the future as demand grew. It was suggested that Portishead would also gain from the forthcoming Bus Service Improvement Plan and new placemaking strategies to support transport problems within the town.

Motion: moved by Councillor Cartman and seconded by Councillor James it was

Resolved: that the Council

1. Noted the project update and that the project was currently paused, and will remain paused, while formal confirmations were awaited from the Department for Transport and the West of England Combined Authority regarding additional funding required to take the project forward, as set out in recommendations 2 and 3 of the report;
2. Agreed that, subject to:
 - a. approval of the final business case (anticipated autumn 2023),
 - b. confirmation from the West of England Combined Authority of increased capital funding of £10m
 - c. confirmation of increased contribution to capital funding by Department for Transport of £15.58m, and
 - d. confirmation by the Department for Transport that it will take the delivery risk for all the railway works,
that the North Somerset Council capital funding contribution to MetroWest be increased by £10m, to be funded from borrowing, and
3. That the capital budget be amended to increase the budget by £35.58m to £152.01m to be funded by the additional £10m as per recommendation 2, a further £15.58m by the Department for Transport and a further £10m by the West of England Combined Authority (subject to formal confirmation by the Department for Transport and the West of England Combined Authority).

COU 39 Reports and matters referred from the Executive - dated 22 June 2022

Executive 22 June 2022

EXE 8 – Bus Service Improvement Plan Enhanced Partnership

Councillor Hogg introduced the item and outlined the recommendation from the Executive to the Council in respect of increased capital and revenue funding for the Bus Service Improvement Plan (BSIP) as per the report to the Executive on 22

June.

He summarised the presentation he had made to members of the Executive noting that the funding was the most significant seen in recent times for improvements to local bus services and would support the council in its decarbonisation journey. He added that the capital funding would be used for interventions on the road network to provide the infrastructure to facilitate the bus services. The revenue funding would be used to support eye catching and appealing fares packages.

Councillor Hogg noted that subsequent to the Executive meeting in June, the spend profile of the revenue funding had been adjusted in agreement with WECA to allocate more to the fares packages. Expansion of current and creation of new services would happen once the patronage and driver recruitment for bus services had been stabilised. He added that a condition of the funding was the creation of a delivery mechanism to ensure success – the “Enhanced Partnership”. Officers had also been developing a commissioning plan. He welcomed scrutiny of the BSIP process either via the formal scrutiny process or working groups as he wanted the Council to be fully engaged in shaping the plan.

In debating the report, members believed it was critical to encourage bus operators to carry out better engagement with communities as a mix of solutions was needed given that not all services would be commercially viable. Additionally, it was noted that mixed messaging regarding fares from bus operators was being put out and that the success of the improvement plan would rest on partnership working. The partnership could not just rely on subsidies from the public sector to the private sector; private sector investment was also required.

Members noted that the additional funding was as a result of officers across the west of England working in partnership to deliver a strong bid for the available funds. They further noted that a good, cheap, reliable bus service and an improved image of public transport would be needed to increase patronage. Members highlighted the personal effects of the limits of the bus service had on residents and the need for buses to be accessible to residents with mobility and health issues.

Motion: Moved by Councillors Hogg and seconded by Councillor James it was

Resolved: that the Council

1. approved the commissioning plan required to deliver the BSIP and
2. approved the following:
 - An increase to the Capital Programme of £47,983,473 from 2022 in recognition of the outline DfT funding award.
 - Delegation to the Director of Corporate Services/ s151 officer to increase the 2022-23 Revenue Budget by up to £12m to be funded from BSIP grant allocation

COU 40 Petitions to be presented by Members (Standing Order No. 16)

None received.

COU 41 Motions by Members (Standing Order No. 14)

Motion: moved by Councillor Gibbons, seconded by Councillor Petty

“That this Council notes:

- The UK general election of 2019 resulted in 44% of voters electing 56% of MPs who hold 100% of the power.
- Greater Somerset returns 8 MPs to Westminster, they are all Conservative and were elected with 56% of the vote.
- In the 2019 general election 886,400 people voted for the Green Party with only 1 MP returned to Parliament. On average it took 25,900 votes to elect each SNP MP. Over 600,000 voted for the Brexit Party without a single Brexit Party MP being elected.
- Proportional Representation (PR) is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland.
- The Elections Act 2022 replaces the Supplementary Vote system with First Past the Post (FPTP) for mayoral and Police and Crime Commissioner elections.

This Council believes that:

- FPTP is an outdated and unfair electoral system that suppresses political diversity and disenfranchises millions.
- All votes should count equally. FPTP results simultaneously in safe seats with little democratic accountability, and a small number of marginal constituencies where the votes of a few thousand people determine the result.
- For local and national elections in the UK FPTP should be replaced with PR to ensure that all votes count and seats won better reflect the diversity of political opinion.

This Council resolves to:

- Write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for UK general elections and local elections in England.”

Seven members signified their support for a debate on the Motion.

Councillor Gibbons spoke in support of the motion and explained that it came about as a result of a campaign by the group Make Votes Matter which supports proportional representation. The motion was the work of several cross-party members, and it was felt that proportional representation would lead to better engagement in the election process by young people and the wider electorate. She highlighted the perceived disadvantages with the current First Past the Post system and the perceived advantages with proportional representation.

In discussing the motion, members expressed support for the proposal and the view that proportional representation would allow broad coalitions to form natural groupings for those who were not politically aligned. It was noted that proportional representation would not necessarily overcome increasing polarisation currently seen and that it may lead to more coalitions.

Following discussion, it was

Resolved: that the Motion as set out in full above be approved and adopted.

COU Question Time (Standing Order No.18)

42

Oral questions were directed to the members concerned and the summary notes and topics involved are contained in Appendix 1.

COU Matters referred from previous meeting

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There were none.

COU Chairperson's announcements

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The Chairperson announced that reluctantly she had decided to cancel the social gathering after the meeting with which the council's public health team had agreed but would look to reinstate these at some point if possible after consulting with the public health team.

She also noted the imminent arrival of SeeMonster in Weston-s-Mare.

COU Leader's announcements

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Councillor Bridger had sent his apologies.

COU Chief Executive's announcements

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None.

COU Forward Plan dated 1 July 2022

47

In the absence of the Leader, the Deputy Leader presented the forward plan.

Resolved: that the Forward Plan be noted

COU Policy and Scrutiny Panel Report

48

Councillor Griggs spoke on the Children's and Young People's Policy and Scrutiny Panel's report to members. She highlighted a number of positive actions that were currently taking place including the expansion of Baytree School and the imminent planning application for a new Social and Emotional Well-Being school which together would facilitate many more places for North Somerset children with Special Educational Needs to be educated near to their families. She noted that North Somerset Council was the only south west council to be investing in the

Mockingbird project to support foster carers and that the authority had revitalised its “front door” processes for children’s services so that there was now just one coherent process instead of several. She believed that these actions would support the council to having a “good” if not “outstanding” rating when next visited by Ofsted.

Resolved: that the Council noted the report

COU 49 Corporate Parenting Report

Whilst there was no written report, Councillor Gibbons drew members’ attention to the Pledge cards in the Chamber which she invited all members and other Corporate Parents to sign. The pledge cards would be a visible piece of evidence to show the council’s commitment to supporting young people and the commitment made by elected members to adhere to the corporate parenting principle enshrined in law when joining the council.

Councillor Gibbons asked that members particularly reached out to local businesses to offer work experience or internships to young people.

Additionally, she reminded members that in September there would be a “Big Thank You” for foster carers.

COU 50 Reports and matters referred from the Policy/Overview and Scrutiny Panels other than those dealt with elsewhere on this agenda

None.

COU 51 Reports and matters referred from the other Committees other than those dealt with elsewhere on this agenda

None.

COU 52 Reports on joint arrangements and external organisations and questions relating thereto

Councillor Westwood had sent apologies and was not available to present the report on the Avon and Somerset Police and Crime Panel work.

Resolved: that the Council noted the report.

COU 53 Urgent business permitted by the Local Government Act 1972 (if any)

None.

Chairman
