

Bristol City Council

Minutes of the Full Council

11 September 2018 at 6.00 pm



Present:

Cleo Lake, Lord Mayor

Marvin Rees, Bristol Mayor

Councillors: Mayor Marvin Rees, Peter Abraham, Donald Alexander, Lesley Alexander, Nicola Beech, Nicola Bowden-Jones, Harriet Bradley, Charlie Bolton, Tom Brook, Tony Carey, Barry Clark, Jos Clark, Stephen Clarke, Harriet Clough, Eleanor Combley, Asher Craig, Carla Denyer, Kye Dudd, Richard Eddy, Jude English, Martin Fodor, Helen Godwin, Paul Goggin, Geoff Gollop, John Goulandris, Fi Hance, Claire Hiscott, Gary Hopkins, Chris Jackson, Carole Johnson, Steve Jones, Anna Keen, Tim Kent, Gill Kirk, Cleo Lake, Mike Langley, Jeff Lovell, Olly Mead, Matt Melias, Graham Morris, Anthony Negus, Paula O'Rourke, Celia Phipps, Ruth Pickersgill, Kevin Quartley, Liz Radford, Jo Sergeant, Afzal Shah, Paul Smith, Steve Smith, Clive Stevens, Jerome Thomas, Mhairi Threlfall, Estella Tincknell, Jon Wellington, Mark Weston, Lucy Whittle, Chris Windows and Mark Wright

Aldermen/women: J McLaren, B Payne, B Price

1. Welcome and safety information

The Lord Mayor welcomed all attendees to the meeting, and made a safety announcement in relation to the fire/emergency evacuation procedure.

2. Apologies for absence

Apologies for absence were received from Councillors Brain, Cheney, C Davies, M Davies, Hickman, Holland, Khan, Massey and Pearce.

3. Minutes of previous meeting - 17 July 2018

On the motion of the Lord Mayor, seconded by Councillor Denyer, it was

RESOLVED:



**That the minutes of the meeting of the Full Council held on 17 July 2018 be confirmed as a correct record and signed by the Lord Mayor subject to the following amendment:
Councillor Steve Smith to be shown as present in the meeting attendance list.**

4. Declarations of interest

Councillor Kent advised that he had declared an interest to the Monitoring Officer in relation to Motion 2 (it was noted that this was not a disclosable pecuniary interest and would not affect his participation in that item of business).

5. Lord Mayor's business

Alderman Pat Roberts

The Lord Mayor informed Full Council of the recent death of former Bristol City councillor, Alderman Pat Roberts.

Councillors P Smith, Eddy and Hopkins then addressed the Full Council, paying tribute in remembrance of Alderman Roberts.

The Full Council then observed a minute's silence in memory of Alderman Roberts.

6. Public forum (public petitions, statements and questions)

Public petitions:

The Full Council received and noted the following petitions:

Petition PP 01 - Parking charges around churches

Petition organiser – Angela Moseley

Petition PP 02 - SEND

Petition organiser – Claire Mellor / Tracy Creed

Petition PP 03 - Saving the number 10 bus service

Petition organiser – Michael Bell

Public statements:

The Full Council received and noted the following statements (which were also referred to the Mayor for his consideration/information):



- PS 01 Alex Joseph – Guangzhou, twin city – ethical practices
- PS 02 Paul Martin – Ashton Court miniature railway
- PS 03 Chris Castleman – Ashton Court miniature railway
- PS 04 Fiona Wilson – Ashton Court miniature railway
- PS 05 Trevor Chambers – Ashton Court miniature railway
- PS 06 Mrs C Canner – Ashton Court miniature railway
- PS 07 Dian Porter – Ashton Court miniature railway
- PS 08 Julia Gurr – Ashton Court miniature railway
- PS 09 Ryan Cumner – Ashton Court miniature railway
- PS 10 Rebecca Strong – Ashton Court miniature railway
- PS 11 Paul Jones – Ashton Court miniature railway
- PS 12 Lana Gayle – re: Motion 2 - SEND
- PS 13 Arthur Clark – Ashton Court miniature railway
- PS 14 Alan Grimsted – Ashton Court miniature railway
- PS 15 Fern Bohin – re: Motion 2 - SEND
- PS 16 Kevin Slater – Ashton Court miniature railway
- PS 17 Maggie Holland – Ashton Court miniature railway
- PS 18 Roger Sykes – Ashton Court miniature railway
- PS 19 Kean Seager – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 20 Maggie Shapland – Ashton Court miniature railway
- PS 21 Claire Mellor – re: Motion 2 - SEND
- PS 22 Michael Broussine – Bishopston and St Andrews traffic and parking
- PS 23 Janet Seager – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 24 David Redgewell – Ashton Court miniature railway / Henbury loop/ toilets / graffiti
- PS 25 Anne Pepper – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 26 Caroline Gregory – re: Motion 2 - SEND
- PS 27 Fiona Castle – re: Motion 2 - SEND
- PS 28 Jennifer Smith – re: Motion 2 - SEND
- PS 29 Tracy Creed – re: Motion 2 - SEND
- PS 30 Olivia W Batley – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 31 Leslie Roberts – Ashton Court miniature railway
- PS 32 Alice Marshment – re: Motion 2 - SEND
- PS 33 Roy May – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 34 Sally Kent – re: Motion 2 - SEND
- PS 35 Elaine Kirkham – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 36 Mika Hirose – re: Motion 2 - SEND
- PS 37 Elaine Jones – re: Motion 2 - SEND



- PS 38 David Angel – re: Motion 3 – Expansion of Bristol International Airport and climate change
- PS 39 Joy & Tony Joseph – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 40 John Curran – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 41 John Burgess – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 42 Jon & Caroline Craton – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 43 Alison Kounnou – Ashton Court miniature railway
- PS 44 Andrew & Pearl Anderson – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 45 Julie Boston – Public services
- PS 46 Viran Patel – Council priorities
- PS 47 Oliver Fortune – Public toilets
- PS 48 Judith Stirk – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 49 Adrian Johnston-Hubbold - re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 50 Alastair Sadler – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 51 Dave Mullaney – Blaise car parking
- PS 52 John Hawley – Ashton Court miniature railway
- PS 53 Mark Brown – re: Motion 3 – Expansion of Bristol International Airport and climate change
- PS 54 Y & S Ramlugon - re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 55 Max Langer – Consult the public
- PS 56 Helen Tait – re: Motion 2 - SEND
- PS 57 Jill and Michael Longman – Ashton Court miniature railway
- PS 58 Nick Flaherty – re: Motion 2 - SEND
- PS 59 Mike Henry - re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 60 Nick Lloyd - re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 61 Anne McPherson - re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 62 Robbie Gillett – Fracking
- PS 63 Mike Williams – Ashton Court miniature railway
- PS 64 Giles Manning – Ashton Court miniature railway
- PS 65 James Cox – re: Motion 2 - SEND
- PS 66 Barry Cash – Arena site
- PS 67 Steve Gower – Domestic violence



- PS 68 Sue Elstob re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 69 Ruth Snary – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 70 Julie Woods – re: Motion 2 - SEND
- PS 71 Graham Donald – re: Motion 2 - SEND
- PS 72 Edward Bowditch – Bristol transport charging and impact on retail jobs
- PS 73 Michael Bell – Number 10 bus service
- PS 74 Caroline Stevenson – re: Motion 2 - SEND
- PS 75 Bob Lewis – re: Motion 1 – Change in Council enforcement policy towards illegal encampments
- PS 76 Ornella Saibene – Council budgets
- PS 77 Sarah McClelland – re: Motion 2 - SEND
- PS 78 Daniel Balla – Hamilton House, Stokes Croft
- PS 79 Rachel Robbins – re: Motion 2 - SEND
- PS 80 ACORN Bristol / Bristol Zero Tolerance – closure and lack of scrutiny of safe houses in Bristol

Within the time available, statements were presented by individuals present at the meeting.

Public questions:

The Full Council noted that the following questions had been submitted:

- PQ 01 De-twinning from Guangzhou - Question from Alex Joseph
- PQ 02 Ashton Court miniature railway - Question from Bob Lilley
- PQ 03 Ashton Court miniature railway - Question from Derek Todman
- PQ 04 Ashton Court miniature railway - Question from Norman Rogers
- PQ 05 Ashton Court miniature railway - Question from Peter Whistler
- PQ 06 Metrobus service - Question from Paul Mizen
- PQ 07 Status of Portway Parkway station - Question from Edward Bowditch
- PQ 08 Forestry and agri-environmental funding - Question from Edward Bowditch
- PQ 09 City centre parking / Long Ashton park & ride opening hours - Question from Michael Owen
- PQ 10 Proposed Bristol underground - Question from Michael Owen
- PQ 11 School crossing patrol, Passage Road, Westbury-on-Trym - Question from Graham Donald
- PQ 12 Within Safe Hands safe house - Question from Charlotte Gage
- PQ 13 Urban Living SPD - Question from Nick Townsend
- PQ 14 New homes - Bedminster / Parson Street - Question from Andrew Kemp
- PQ 15 New homes - Bedminster / Parson Street - Question from Tessa Fitzjohn
- PQ 16 Bush respite centre - Question from Caroline Stevenson
- PQ 17 Safe house provision - Question from Louie Herbert



Within the time available, the Mayor responded verbally to questions PQ 01, PQ 02, PQ 11, PQ 12 and PQ 13, also responding to supplementary questions.

7. Petitions notified by councillors

The Full Council received and noted the following petition:

Petition CP 01 – No parking charges at Blaise
Petition presented by Councillor Weston

8. Petition debate - Ashton Court miniature railway

The Full Council considered a report of the Service Director - Legal and Democratic Services setting out details of a petition concerning Ashton Court miniature railway. The petition had reached the 3,500 signature threshold to qualify for a Full Council debate.

Norman Rogers, the petition organiser, was invited by the Lord Mayor to present the objectives of the petition.

The Full Council then debated the petition.

Following the debate, it was

RESOLVED:

That the petition and the comments from the debate be noted and referred to the Mayor / Deputy Mayor for Communities for consideration and response.

9. Appointment of Monitoring Officer, Electoral Registration Officer and Returning Officer

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The Full Council considered a report seeking approval of the appointment of the Council's Monitoring Officer, Electoral Registration Officer and Returning Officer.

The Lord Mayor moved the report and the recommendation contained therein.

Councillor L Alexander, Deputy Lord Mayor seconded the report.

It was then:

RESOLVED:



That Tim O’Gara be appointed to the roles of Monitoring Officer, Electoral Registration Officer and Returning Officer with effect from 1 November 2018.

ADJOURNMENT – At this point the Lord Mayor advised that the Full Council meeting would adjourn for a 20 minute refreshment break.

10 Motions

Motion 1 – Change in Council enforcement policy towards illegal encampments

Councillor Goulandris moved the following motion:

“This Council, together with most Bristolians, has become exasperated by the incursions of illegal traveller encampments on much loved green spaces around our city, including the Downs, Highridge Common and Horfield Common. As a result, hard-working, law-abiding, tax-paying Bristolians and their families were prevented this Summer from unfettered access to these vital public places. At the same time, the costly Council managed traveller transit camps, whose running expenses fall on Bristol council tax payers, were not fully utilised.

The costs of clearing up our green spaces, often after a lengthy illegal occupation, are high and the Council presently makes no effort to recoup these costs from the offending travellers themselves. Likewise, no attempt is made to recoup the legal fees of the court action required by Bristol City Council to evict these groups.

Many local authorities around the country appear to have found an extremely effective enforcement measure. For example, London boroughs have applied to the High Court for interim injunctions, which cover both named individuals and persons unknown from establishing unlawful sites across their whole administrative geographical area.

Council therefore urges the Mayor to investigate this as a matter of urgency with a view to adopting this approach in Bristol.

In addition, as political pressure continues to grow to find a permanent solution to this problem, some 59 Conservative MPs have backed a proposal to make acts of deliberate or intentional trespass onto private or public land a new criminal offence. This move would mirror the position recently adopted by Eire, which has proved very effective in reducing illegal traveller incursions.

Council calls on the Mayor to add his support to this initiative by writing to the Prime Minister, Theresa May and the Secretary of State for Housing, Communities & Local Government, James Brokenshire MP and requesting that sufficient Parliamentary time is made available to enable this long overdue legislative change to take place.”

Councillor Hiscott seconded the motion.



Following debate, upon being put to the vote, the motion was LOST (16 members voting in favour, 39 against, with 1 abstention).

At this point in the meeting, on the motion of the Lord Mayor, it was agreed that standing orders be suspended to allow the consideration of motions to continue for a further 15 minutes beyond the standard 30 minute time limit.

Altered Motion 2 – SEND

Councillor Kent moved the following altered motion:

“Council notes the cuts of £5m to the Special Educational Needs and Disabilities High Needs Block budget in January (referenced as a Deficit Recovery Programme) and regret that this extraordinary reduction in funding for children that need additional support was not fully included in the budget papers for February Full Council.

Council notes that many local authorities have raised concerns with the current Government about the inadequacy of the High Needs funding in the light of the increasing costs of SEND statutory requirements and increasing demand.

Council notes that the High Needs budget in Bristol has had a cumulative deficit for many years which has not been adequately addressed by previous administrations, and forecasted to reach £7.2m at the end of 2019/20 if no action was taken. Council also notes that the Schools Forum for 2018/19 agreed that additional funding could be moved from other parts of the DSG to support the High Needs budget as part of the solution to address this.

Council notes that a judicial review brought by some parents of SEND children and those children themselves was heard on 24th July in the High Court. His Honour Judge Cotter gave his judgement on 3rd August. In this judgement he found that Bristol City Council had acted unlawfully in setting its budget and found against the Council on each and every ground brought by the parents and children.

Council notes that the judges found that the council had breached the Children’s and Families Act 2014. That no consultation was undertaken, that no Equality Impact Assessment was carried out and that no regard at all was given to children when making this decision.

Council notes with grave concern that at the July Full Council meeting, where a motion on SEND was not allowed on the order paper, answers to questions revealed the council has failed to carry out its statutory responsibilities. Questions to the Mayor revealed that of 136 appeals regarding Education Health Care Plan (as per the Children and Families Act) only 9 were upheld in the councils favour by the 1st tier tribunal.



Council notes that in those answers the Mayor admitted that until August 2017 Bristol City Council was failing to use the legal test as specified in the Children's and Families Act 2014. Council notes that between 2016-17 464 children had been refused assessment and at a 49% refusal rate the authority has one of the highest refusal rates to assess in the country. Only 1 in 10 of parents appealed the decision during a period when the council admits it was not using a lawful test.

Council notes with grave concern that the SEND department struggles to meet demands for assessment at the moment and often finds itself legally challenged following incorrect and unlawful decisions around the education of very vulnerable children and young people.

Council notes that a SEND inspection by OFSTED and CQC is due in Bristol soon and of the 61 inspections 27 have failed and have been directed to write written statements of action.

Council notes that the Director for Education, Learning and Skills Improvement has stated that the outcomes for children with SEND in Bristol is poor but is putting in place a clear action plan for improvement which councillors will receive regular updates about.

Council believes that every child is entitled to an inclusive education where their needs will be met and they will have full access to the curriculum.

Council believes that currently Bristol is failing in its legal duty towards SEND children and recognises with grave concern that outcomes for children with SEND in Bristol are poor.

Council believes that SEND is underfunded by central government and asks all political groups on the council to lobby their Westminster parties to increase pressure for more funding in this area.

Council is concerned that the capacity of the SEND team is already unable to meet demand within legal deadlines.

Council welcomes the judgement of the High Court in quashing the excessive and unlawful cut to the High Needs Block and will take this opportunity to reflect on a partnership approach with schools and parents/carers to agree a way forward.

Council welcomes the establishment of a Task and Finish Scrutiny Working Group to look at SEND within the city and ask they work with the Cabinet member to draw up an action plan to improve outcomes.

Council endorses the action of Cabinet Member Anna Keen in signing the recent letter to Government along with 38 other councils calling for more funding for SEND.

Council endorses the British Dyslexia Association definition of Dyslexia and pledges to engage with Dyslexia Awareness week (1st-7th October) and go green.



Council calls on the Cabinet to report to next Full Council with an action plan to restore funding to the High Needs Block with a new plan for deficit recovery that does not involve reductions to the High Needs Block. Council also calls on the Cabinet to develop an action plan that will greatly improve the outcomes for children with SEND in this city and recommend this be done over the year along with the Scrutiny Task and Finish Group and report back by January to Full Council.”

Councillor Keen seconded the altered motion.

Following debate, upon being put to the vote, the altered motion was CARRIED (56 members voting in favour, none against, with no abstentions), and it was then

RESOLVED:

Council notes the cuts of £5m to the Special Educational Needs and Disabilities High Needs Block budget in January (referenced as a Deficit Recovery Programme) and regret that this extraordinary reduction in funding for children that need additional support was not fully included in the budget papers for February Full Council.

Council notes that many local authorities have raised concerns with the current Government about the inadequacy of the High Needs funding in the light of the increasing costs of SEND statutory requirements and increasing demand.

Council notes that the High Needs budget in Bristol has had a cumulative deficit for many years which has not been adequately addressed by previous administrations, and forecasted to reach £7.2m at the end of 2019/20 if no action was taken. Council also notes that the Schools Forum for 2018/19 agreed that additional funding could be moved from other parts of the DSG to support the High Needs budget as part of the solution to address this.

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Meeting ended at 8.47 pm

CHAIR _____

