

**Democratic Services**

Guildhall, High Street, Bath BA1 5AW

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394358 Fax: 01225 394439

Web-site - <http://www.bathnes.gov.uk>

Date: 7 January 2015

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

**To: All Members of the Council**

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Council: Thursday, 15th January, 2015**

You are invited to attend a meeting of the **Council** to be held on **Thursday, 15th January, 2015 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Refreshments will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely



Jo Morrison  
Democratic Services Manager  
for Chief Executive

**Please note the following arrangements for pre-group meetings:**

<b>Conservative</b>	<b>Brunswick Room, Ground Floor</b>
<b>Liberal Democrat</b>	<b>Kaposvar Room, Floor 1</b>
<b>Labour</b>	<b>Small Meeting Room, Floor 2</b>
<b>Independent</b>	<b>Independent Group room</b>

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

**Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and officers, papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Paul Crossley (Liberal Democrat Group), Tim Warren (Conservative Group), John Bull (Labour Group) and Dave Laming (Independent Group).
5. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
6. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.
7. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

## 8. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

9. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

**AGENDA**

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 8.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. MINUTES - 13TH NOVEMBER 2014 (Pages 7 - 16)

To be confirmed as a correct record and signed by the Chair(man)

5. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

7. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters

raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. ESTABLISHMENT OF AVON PENSION FUND BOARD (Pages 17 - 30)

The Public Service Pension Act 2013 (the "Act") requires all Local Government Pension Scheme (LGPS) funds to establish a local Pension Board to assist the administering authority in complying with regulations and ensuring effective and efficient governance and administration of the Scheme. The administering authority is responsible under the regulations for establishing the local Pension Board for the Avon Pension Fund.

9. POLLING DISTRICTS & PLACES REVIEW (Pages 31 - 38)

Council is asked to review the current arrangements for polling places and districts and decide whether any changes are desirable.

Appendix 2 will follow.

10. PROPER OFFICER DESIGNATION AND ALLOCATION OF STATUTORY ROLES (Pages 39 - 50)

This report asks Council to approved updated arrangements for the discharge of functions by the 'proper officer' of the Council and designation of statutory roles.

11. MOTION FROM THE LABOUR GROUP - QUALITY CONTRACT SCHEME (Pages 51 - 52)

An officer briefing note on Quality Contract Schemes will be circulated.

12. PETITION FOR DEBATE - A SAFE CROSSING FOR ST SAVIOURS SCHOOLS (Pages 53 - 54)

A petition has been received on this subject so Council will hold a debate on it.

An officer briefing note on the issues will be circulated.

13. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

# Protocol for Decision-making

## Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

## BATH AND NORTH EAST SOMERSET COUNCIL

### MINUTES OF COUNCIL MEETING

Thursday, 13th November, 2014

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, Geoff Ward, Tim Warren and Chris Watt

Apologies for absence: **Councillors** Alan Hale, Katie Hall, Les Kew, Bryan Organ, David Veale and Brian Webber

#### 37 EMERGENCY EVACUATION PROCEDURE

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

#### 38 DECLARATIONS OF INTEREST

Councillor Charles Gerrish declared a disclosable pecuniary interest in item 15 'Referral from the Policy Development & Scrutiny Panel' as a shareholder in Bath & West Community Energy company.

Councillor John Bull declared a disclosable pecuniary interest in item 15 'Referral from the Policy Development & Scrutiny Panel' as a shareholder in Bath & West Community Energy company.

Councillor Roger Symonds declared a disclosable pecuniary interest in item 15 'Referral from the Policy Development & Scrutiny Panel' as a shareholder in Bath & West Community Energy company.

Councillor Rob Appleyard declared an 'other' interest in the public speaking item (item 7) as a board member of Curo, when it became clear that one of the statements referred to Curo.

#### 39 MINUTES - 11TH SEPTEMBER 2014

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

**RESOLVED** that the minutes of 11<sup>th</sup> September 2014 be approved as a correct record and signed by the Chairman.

**40 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the customary arrangements regarding mobile phones and the meeting being webcast.

He congratulated those Members sporting moustaches for Movember.

He also thanked all the officers and Members attending the many Remembrance day events that had taken place earlier that week.

**41 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

**42 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following people;

Vicky Drew made a statement regarding the Curo pilot credit checking scheme and the effect this was having on low income tenants. In response to a question from Councillor Steve Hedges enquiring whether Ms Drew considered the word 'social' should be taken out of the Curo name, Ms Drew responded that it seemed to be the way they were going. In response to a question from Councillor Robin Moss about whether investing money in debt advice was a good model to adopt, Ms Drew responded that debt advice was beyond the remit of providers. The Chairman thanked Ms Drew for her statement and referred the issues to the Cabinet member for Homes and Planning.

Vicky Drew made a statement regarding child poverty figures in B&NES. She referred to rising rents and properties being used as HMOs meaning a limited supply. She considered that arrangements favoured landlords, not tenants and yet everyone had a basic right to shelter. The Chairman thanked Ms Drew for her statement and referred the issues to the Cabinet member for Early Years, Children and Youth.

Vicky Drew made a statement regarding the junction outside St Saviour's school and referred to a petition that is gathering signatures calling for a pedestrian crossing to guarantee safe passage for parents and children. In response to a question from Councillor Rob Appleyard about whether Ms Drew was aware of the work Councillor Bryan Chalker had been doing in addressing this, Ms Drew responded that she was aware, but that it was still subject to a safety audit and earmarked for the 2015/16 budget, which was not soon enough. In response to a further question from Councillor Bryan Chalker about whether Ms Drew was aware of the work both ward councillors had put into this, Ms Drew responded that she had seen various stories in the press and knew they were supportive; she was keen to see it move forward. Councillor Liz Hardman asked a question about whether Ms Drew considered it was worth spending the money needed for ensuring a safer environment, she responded that it definitely was and she thought the amount would be 'peanuts'. The Chairman



thanked Ms Drew for her statement and referred it the issues to the Cabinet member for Transport.

Richard Young made a statement also calling for measures to address road safety issues outside St Saviour's school. He listed the problems caused and referred to an accident in 2013. He made reference to a petition of over 1000 signatures which they would shortly be submitting to Council. Whilst applauding the medium and long terms solutions that had been proposed, he called on the Council to take immediate steps by visiting St Saviours in the morning, installing a pedestrian crossing within 6 months and working with the community in 2015 to identify measures to reduce the rat run. In response to a question from Councillor Rob Appleyard enquiring if Mr Young was aware that the process for identifying a site for a safe crossing was now finished and approximately £40k had been allocated for this next year, Mr Young responded that he now knew about it. He asked that any work could be done in collaboration with the local community. In response to a question from Councillor Tim Warren about how long they had been campaigning for this, Mr Young responded that he personally had been involved for about 3 years, but the campaign itself had been going for about 11 years. In response to a question from Councillor Dave Laming asking about how much support they had received from the administration so far, Mr Young responded that Councillor Bryan Chalker had been supportive but that more action was needed. In response to a question from Councillor Liz Hardman about how much support there was locally, Mr Young responded that his assessment was that about 20 – 25% of the Lambridge electorate were in favour. The Chairman thanked Mr Young for his statement and referred the issues to the Cabinet member for Transport.

Dionne Noonan also made a statement regarding the junction outside St Saviour's school. She echoed the comments already made and made specific reference to the accident that had occurred last year when a mother taking children to school had been knocked down. She urged the Council to take steps to ensure that people could travel safely to and from school. In response to a question from Councillor Rob Appleyard about whether there was a school travel plan, Ms Noonan responded that she wasn't aware of one. She acknowledged the school was currently coping with 2 additional classes, so there were approximately 60 more children. In response to a question from Councillor Liz Hardman as to whether Ms Noonan considered that the accident and the near misses justified installing a pedestrian crossing immediately, Ms Noonan responded that it was definitely justified. The Chairman thanked Ms Noonan for her statement and referred the issues to the Cabinet member for Transport.

David Redgewell made a statement regarding bus service and integration. A copy of the statement has been linked to the online minutes and placed on the Council's Minute book. The Chairman thanked Mr Redgewell for his statement and referred it to the Cabinet member for Transport.

Peter Marsh presented a petition of 312 local traders and residents regarding the growing number of charity shops in Moorland Road and calling on the Council to take steps to stop this increase. The wording of the petition is;  
*"Ask Banes Council to pledge that no more charity shops will be allowed on Moorland Road. While lots of people enjoy using the charity shops on Moorland Road, there are now 6 and this is affecting the business of other traders in the area."*

In response to a question from Councillor Dave Dixon about the nature of Mr Marsh's objection to charity shops, Mr Marsh responded that he had nothing against them per se but it was a question of balance with other shops and maintaining a vibrant community. In response to a question from Councillor Dave Laming about whether Mr Marsh had a list of retailers wanting to move into Moorland road, Mr Marsh responded that he didn't have a list, but was aware of shops that hadn't been able to move in, and that paying more than charity shops due to their exemption from business rates was a deterrent. In response to a question from Councillor John Bull about what else Mr Marsh considered the Council could do, he responded that the Council could make it more of a business proposition to open a business there by improving the parking, signage, having cleaner streets etc. The Chairman thanked Mr Marsh for his statement and petition and referred it to the Cabinet member for Sustainable Development.

Ollie Middleton made a statement regarding the Living wage motion later on this agenda. He referred to the number of people below the poverty line who are working and listed the organisations and local authorities who have adopted the living wage. He called on the Council to take the lead and urged them to adopt the motion. In response to a question from Councillor John Bull about whether there were advantages to employers in adopting the living wage, Mr Middleton explained that the benefits were significant and evidence pointed to lower absenteeism, increased productivity, enhanced reputation and a general boost to the economy. The Chairman thanked Mr Middleton for his statement and explained that his comments would be taken into account during consideration of the item.

Todd Foreman made a statement in support of the living wage motion. He said that 1 in 5 children in Bath lived in poverty and that work should be a way of lifting people out of poverty. In response to a question from Councillor Tim Warren about whether Mr Foreman considered the lower paid were better off with the tax reductions from the coalition government than they had been when paying higher taxes under the Labour government, Mr Foreman responded that the average family was worse off under this government and his view was that most people in Bath & North East Somerset would say that they felt worse off. In response to a question from Councillor Dave Laming about whether the Labour party or supporting unions had any unpaid interns in this area, Mr Foreman responded that he was proud to say that North East Somerset Labour party was a living wage employer. Councillor John Bull asked whether it was the case that some employers were ruled out due to contracts containing relevant clauses not being in place with suppliers and contractors. Mr Foreman responded that was in fact not a reason for employers to be disqualified as this could be phased in. Guidance he had seen outlined the flexibility that existed for contracts to be phased in. The Chairman thanked Mr Foreman for his statement and explained that his comments would be taken into account during consideration of the item.

#### **43 GETTING AROUND BATH - A NEW TRANSPORT STRATEGY FOR BATH**

The Council considered the new Transport Strategy for Bath which was approved by Cabinet on 12<sup>th</sup> November. Prior to the debate, statements were made by the following people;

Patrick Rotheram made a statement on behalf of the Federation of Bath Residents' Associations highlighting the traffic problems and air pollution issues that Bath experienced and urging Councillors to adopt the strategy. A full copy of the statement is linked to the online minutes and has been placed on the Council's minute book. In response to a question from Councillor John Bull enquiring whether Mr Rotheram considered enough had been done in the last four years, particularly in view of the fact that the Park & Ride on the east of Bath had not gone ahead. Mr Rotheram responded that it had been disappointing, but he welcomed that an alternative was included in the strategy. The Chairman thanked Mr Rotheram for his statement.

Professor Donald Thomas made a statement raising the health problems associated with traffic pollution, a copy of which is linked to the online minutes and has been placed on the Council's minute book. The Chairman thanked Professor Thomas for his statement.

Ian Perkins addressed the Council on behalf of the City Centre Action group, which comprises 3 central residents' associations. They supported the principles of the strategy, particularly the reduction in cars and the eastern Park & Ride. However, they were concerned about air quality in the city centre and stressed the need for proper management of coaches and parking. The Chairman thanked Mr Perkins for his statement.

Sally Rothwell, also from the City Centre Action group addressed the Council about 2 specific issues: too few residents' parking spaces in the city centre, an issue that they had been trying to address for over a decade. She also urged the Council to adopt an all year round coach management plan to minimise the damage being done to the city centre. The Chairman thanked Ms Rothwell for her statement.

On a motion from Councillor Caroline Roberts, seconded by Councillor Lisa Brett, it was

**RESOLVED** to adopt the Getting Around Bath Transport Strategy, as approved at Cabinet on 12<sup>th</sup> November 2014.

*[Note – The above resolution was passed with all Councillors voting in favour except for Councillor Vic Pritchard who abstained.]*

#### **44 LICENSING ACT 2003 - REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY**

The Council considered a report which identified the findings of the consultation exercise carried out on the proposed revision of the Council's Statement of Licensing policy and the introduction of a Code of Best Practice for Licensed Premises.

On a motion from Councillor David Dixon, seconded by Councillor Manda Rigby, it was

**RESOLVED**

1. To adopt the Policy and Code of Best Practice provided in Annex B to the report, having had regard to the responses received following the consultation exercise (set out in Annex A to the report); and
2. To recommend the continuation of the existing Cumulative Impact Area in Bath city centre.

*[Note: The above resolution was passed with all Councillors voting in favour, except for Councillor Nicholas Coombes who voted against.]*

#### **45 LOCAL COUNCIL TAX SUPPORT SCHEME (CTS) 2015-16**

The Council considered a report proposing continuation of the Local Council Tax Support scheme (LCTS) into its third year, with the policy to incorporate uprating of national personal allowances and benefits as necessary.

On a motion from Councillor David Bellotti, seconded by Councillor Rob Appleyard, it was

**RESOLVED** to approve delegated authority for the lead Cabinet member for Resources and the Section 151 Officer of Bath & North East Somerset Council to agree that there are no changes to the existing Council Tax Support scheme for 2015-16, other than the application of national uprating adjustments and technical changes to ensure legal compliance as soon as practical.

*[Note: The above resolution was passed with all Councillors voting in favour, except for the following Councillors who voted against; John Bull, Nicholas Coombes, Doug Deacon, Liz Hardman, Nathan Hartley, Eleanor Jackson, Robin Moss, June Player.]*

#### **46 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2014**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2014/15 for the first six months of 2014/15.

On a motion from Councillor David Bellotti, seconded by Councillor Andy Furse, it was

#### **RESOLVED**

1. To note the Treasury Management report to 30<sup>th</sup> September 2014, prepared in accordance with the CIPFA Treasury Code of Practice;
2. To note the Treasury Management indicators to 30<sup>th</sup> September 2014; and
3. To approve the proposed amendments to the 2014/15 Treasury Management Strategy set out in paragraphs 5.19-23 and Appendix 8 of the report.

*[Note: The above resolution was passed unanimously.]*

#### **47 MOTION FROM THE INDEPENDENT GROUP - HOUSES IN MULTIPLE OCCUPATION**

On a motion from Councillor June Player, seconded by Councillor Patrick Anketell-Jones, it was

**RESOLVED** that

**Council notes:**

- That landlords of rental properties currently pay income tax on the rental income and Capital Gains Tax on profit made at point of sale, but that this goes direct to central Government and is not passed on to Council.
- That it is a genuine concern that the proliferation of student accommodation and student properties in parts of the authority mean that there are a large number of properties where no contribution is made by either the landlord or tenant to the Council services all residents receive.
- That, if Business Rates were to be applied to student properties, the majority of small investors would pay little or nothing in Business Rates due to the fact that Small Business Rate Relief would apply.

**Council resolves:**

- To refer the matter to the relevant PD&S panel for their study and consideration, together with any relevant officer reports, with the subject to be considered by PD&S as a matter of priority.
- That the PD&S Panel, as part of their deliberations, is specifically asked to consider:
  - Ask that our two MP's lobby the Government to fully compensate the Council for the Council Tax lost from student properties, recognising the tax the Government already receives from landlords of rental properties.
  - The possibility of asking Government to allow the owners/landlords of student accommodation to be charged Business Rates, including any advantages and disadvantages of such a move.

*[Note; The above resolution was passed with 27 Councillors voting in favour, 25 against and 4 abstentions from Councillors Matthew Blankley, Marie Brewer, Francine Haeberling and Lorraine Morgan-Brinkhurst MBE.]*

#### **48 MOTION FROM THE LABOUR GROUP - LIVING WAGE**

During the debate on this item, Councillor Paul Crossley moved, seconded by Councillor Tim Warren, that the meeting continue until 10.30pm in accordance with Council rule 48. This was accepted by the meeting.

On a motion from Councillor David Bellotti, seconded by Councillor Simon Allen, it was

**RESOLVED** that

1. Council notes that, when it last considered this matter on 14 November 2013, it was agreed “to keep low pay under annual review during each future budget round”;
2. Council notes that last year we deleted a lower pay band and the administration’s proposals for 2015-16 indicate further pay band deletions.
3. Council notes national pay negotiations are ongoing and that Employers have offered a £1,065 pay increase on SCP5, a £1,000 pay increase on SCP6, an £800 increase on SCP7 and further tapered increases above up to SCP 11, all from 1<sup>st</sup> January 2015.
4. Council notes that National Employers are also proposing to delete SCP5 from 1<sup>st</sup> October 2015.
5. Council notes that the Low Pay Commission, which is an independent body, advises Government and that recently the Chancellor has increased the national minimum wage to £6.50 per hour, which equates to £12,540 per annum.
6. Council notes that, since the last general election, the take home pay at the national minimum wage rate has increased by £800 due to the raising of the income tax threshold. Lower tax thresholds will continue to rise under the Coalition Government and political parties are considering their stance towards the CBI call for the minimum threshold for National Insurance to be raised to £10,500.
7. Council notes that very few Councils have signed up for accreditation as a Living Wage employer because it would require the Council, within 2 years, to only award contracts to those businesses paying the Living Wage. Our Council policy of ‘Think Local’ for procurement is designed to encourage those very small businesses in our area, that could then well be excluded from applying for contracts.

**Council resolves**

8. To continue to work towards the Living Wage as and when the Council can afford it.
9. To consider low pay and the removal of lower pay bands at its budget meeting on 17<sup>th</sup> February 2015.

*[Notes;*

*1 – Opening the debate, a motion had been moved by Councillor John Bull asking Council to adopt the Living Wage for all Council staff by April 2015, to sign up for*

*accreditation as a Living Wage employer and to influence local employers to pay the Living wage. This motion was replaced with the successful amendment*

*2 - The successful resolution above was carried as an amendment with 41 Councillors voting in favour, 9 against and 4 abstentions.*

*3 – The successful resolution above was carried as the substantive motion with 48 Councillors voting in favour, 0 against and 6 abstentions.]*

#### **49 MOTION FROM THE LABOUR GROUP - FINANCIAL TRANSACTION TAX**

On a motion from Councillor Robin Moss, seconded by Councillor Liz Hardman, it was

**RESOLVED** as set out below;

##### **Council notes that:**

1. local government will see real term cuts in central grant of 43% over the 2010 Comprehensive Spending Review period, meaning a cut of £20bn in annual grant by 2016;
2. extending the current Financial Transaction Tax on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year; and
3. at least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £30bn a year.

##### **Council believes that:**

4. revenues from the FTT could help repair the damage caused by cuts in public services since 2010;
5. local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to council tax benefits; and that
6. whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors.

##### **Council resolves that:**

7. the UK government be urged to argue through international bodies for a global Financial Transaction tax;
8. a letter should be written on behalf of this Council by all four Group Leaders to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State

for Communities and Local Government stating this council's support for extending FTTs; and

9. a further letter should be written to the local MPs outlining this Council's position.

[Notes;

*1 – The underlined wording in resolution 7 above was proposed by Councillor Paul Crossley and accepted by the mover and seconder of the motion;*

*2 – The resolutions above were carried with 29 Councillors voting in favour, 19 against and 1 abstention from Councillor Ian Gilchrist.]*

## **50 REFERRAL FROM RESOURCES POLICY DEVELOPMENT & SCRUTINY PANEL**

The Council noted a referral from the Resources Policy Development & Scrutiny Panel following their consideration of the call-in of the decision to grant a policy loan of £500k to Wilmington Farm solar array. Councillor Robin Moss referred Members to the information report that had been provided.

## **51 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

Councillor Steve Hedges presented a petition of 121 signatures with the following wording;

*“Following a number of accidents and due to the speed of traffic along Upper Bloomfield Road, we request Bath & North East Somerset Council to come up with a solution to improve local resident's safety. Making Upper Bloomfield road a 20 mph area will help, but not everyone obeys the speed limit.”*

He called for a solution to be found, bearing in the mind the number of accidents that have taken place. The Chairman thanked Councillor Hedges for the petition and referred it to the Cabinet member for Transport.

The meeting ended at 10.20 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Council</b>
MEETING DATE:	<b>15 January 2015</b>
TITLE:	<b>Establishment of Avon Pension Fund Pension Board</b>
WARD:	<b>ALL</b>
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b>  Appendix 1 – Proposed Terms of Reference for the Avon Pension Fund Pension Board  Appendix 2 – Amended Terms of Reference for the Avon Pension Fund Committee</p>	

## **1 THE ISSUE**

- 1.1 The Public Service Pension Act 2013 (the “Act”) requires all Local Government Pension Scheme (LGPS) funds to establish a local Pension Board to assist the administering authority in complying with regulations and ensuring effective and efficient governance and administration of the Scheme.
- 1.2 The administering authority is responsible under the regulations for establishing the local Pension Board for the Avon Pension Fund.
- 1.3 The proposed Terms of Reference is set out in Appendix 1.
- 1.4 As the costs of the local pension board will be met by the pension fund, the Board’s budget and related workplan will be submitted to the Committee for approval annually. As a consequence the Terms of Reference for the Pension Committee need to be amended.

## **2 RECOMMENDATION**

The Council is asked to:

- 2.1 Approve the proposed Terms of Reference for the local Pension Board;
- 2.2 Approve the appointment process for Pension Board members;
- 2.3 Agree the delegation of authority to the Strategic Director of Resources in consultation with the Executive Member for Community Resources to provide appropriate officer resource to support the Pension Board;
- 2.4 Approve the amended Terms of Reference for the Avon Pension Fund Committee.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The costs of administering the Avon Pension Fund are recharged to the employing bodies through the employer contribution rates which are set by the actuary every three years as part of the valuation.
- 3.2 The LGPS (Amendment) (Governance) Regulations 2014 provide that the costs of local pension boards are to be regarded as administration costs charged to the pension fund.

### **4 CORPORATE PRIORITIES**

- 4.1 This issue is not relevant to the Avon Pension Fund which is administered by the Council as a completely separate function to its mainstream activities.

### **5 THE REPORT**

- 5.1 In 2010 the government commissioned Lord Hutton to chair an Independent Public Service Pensions Commission to review public service pensions and make recommendations on how such schemes could be made more sustainable and affordable in the long term and fair to both public sector workers and taxpayers.
- 5.2 The recommendations made by the Hutton Report of 2011 were incorporated into the Public Service Pension Act 2013. The Act required all public sector scheme managers, including each administering authority of an LGPS fund, to establish a Local Pension Board (the "Board").
- 5.3 The DCLG has issued draft regulations regarding local Pension Boards for the LGPS funds, the LGPS (Amendment) (Governance) Regulations 2014 (the "Regulations"). In addition the LGPS Shadow Scheme Advisory Board has issued draft guidance ("the guidance") to assist administering authorities which reflect the draft governance Regulations.
- 5.4 The Regulations state that the role of the Board is to assist the administering authority
- a) to secure compliance with:
    - (i) The LGPS (Amendment) Regulations 2014
    - (i) Any other legislation relating to the governance and administration of the Scheme
    - (ii) Requirements imposed by the Pensions Regulator in relation to the Scheme; and
  - b) to ensure the effective and efficient governance and administration of the Scheme.
- 5.5 The guidance states that "assisting the administering authority" should be interpreted as helping the authority, including doing work requested by the authority (meaning the administering authority and any committee to which it has delegated its responsibility). However, the Board does not replace the administering authority or make decisions which are the responsibility of the administering authority.
- 5.6 The Board must be established by 1 April 2015. The guidance suggests that the Board should be fully operational by 31 July 2015.

- 5.7 The responsibility for establishing the Board rests with the administering authority of each fund. An administering authority is given powers under the Regulations to determine the procedures applicable to its Board including voting rights, frequency of meetings and payment of expenses for example. Failure to establish the Board could lead to intervention by The Pensions Regulator, legal action possibly by someone denied representation by the failure to establish a Board or a complaint to Local Government or Pensions Ombudsman citing possible maladministration by the administering authority. It could also be raised as an issue by the external auditor or the Scheme Advisory Board (for the LGPS).
- 5.8 The Regulations are generally not prescriptive but do require an equal number of employer and scheme member representatives with a minimum requirement of no less than four in total. The Regulations do not preclude that other members may also be appointed to the Board. No officer or a councillor of an administering authority who is responsible for any function under the Regulations may be a member of the Board.
- 5.9 It is proposed to have seven Board members comprising two employer representatives, two member representatives, two elected member representatives from the Administering Authority and an independent Chairperson. The Chairperson will be paid a nominal allowance. The Avon Pension Fund will facilitate the nominations process for all Board members; the appointment process will be undertaken by the Strategic Director of Resources.
- 5.10 The proposed Terms of Reference for the Avon Pension Fund Board are set out in Appendix 1.
- 5.11 The Board will require officer support independent from those officers responsible for the Avon Pension Fund to ensure the advice from the officer is not conflicted. The Strategic Director of Resources and Executive Member for Resources will be responsible for ensuring appropriate officer support is provided.
- 5.12 As the expenses of the Board are to be met by the pension fund, the Board's budget and related workplan will be submitted to the Pensions Committee for approval annually. The Terms of Reference for the Pensions Committee are being amended to reflect this and are set out in Appendix 2.

## **6 RISK MANAGEMENT**

- 6.1 The creation of local Pension Boards will strengthen the governance of the Avon Pension Fund, including the oversight of the risk management framework.

## **7 EQUALITIES**

- 7.1 *This report is for information only so an equalities impact assessment is not necessary.*

## **8 CONSULTATION**

- 8.1 The Strategic Director of Resources and the Monitoring Officer were consulted on the draft regulations and proposed Terms of Reference. They were also discussed by the Avon Pension Fund Committee at a committee workshop on 26 September 2014.

## **9 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 9.1 Are contained in the report.

## 10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Business Support) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Andrew Pate  Strategic Director - Resources  Councillor David Bellotti  Cabinet Member for Community Resources
<b>Background papers</b>	The LGPS (Amendment)(Governance) Regulations 2014  LGPS - Draft Guidance on the creation and operation of Local Pension Boards in E&W
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**DRAFT Terms of Reference for the Pension Board for Avon Pension Fund**

**Function and role**

The regulations state that the role of the local Pension Board (the “Board”) is to assist the administering authority

- a. to secure compliance with:
  - i. The LGPS (Amendment) (Governance) Regulations 2014 (the “regulations”)
  - ii. Any other legislation relating to the governance and administration of the Scheme
  - iii. Requirements imposed by the Pensions Regulator in relation to the Scheme; and
- b. to ensure the effective and efficient governance and administration of the Scheme.

The Board has an advisory role in assisting the Administering Authority by making recommendations about compliance, process and governance. The Board does not have a decision making role with regard to strategy or policy nor will it ratify or challenge decisions made by the administering authority. Its role is to have oversight of the governance process for making decisions and agreeing policy.

The Board will exercise its duties in the following areas:

- i. Compliance with the relevant legislation and Codes of Practice set by The Pensions Regulator;
- ii. Policies and processes are in place to deliver the objectives of the pension fund;
- iii. Policies and processes are in place to ensure that employers comply with their obligations under the Scheme and regulations;
- iv. The processes for setting strategy, policy and decision-making are robust;
- v. A framework of controls is in place to ensure fund and employer compliance;
- vi. From time to time the administering authority may consult the Board or ask assistance on specific issues.

The costs of the Board will be met by the Avon Pension Fund (as set out in the regulations) subject to approval of their annual workplan and budget. This may enable the Board to commission independent advice as appropriate. It is important that the Board maintains its independence from the Avon Pension Fund Committee’s decision-making process in order to effectively scrutinise the decision-making process.

**Establishment**

The Board is to be established by 1 April 2015 and must be operational by 31 July 2015. The Terms of Reference must be approved by the Administering Authority and formally adopted by the Board once it is established.

## **Board Membership**

There will be seven Board members comprising two member representatives, two Employer representatives, two elected member representatives from the Administering Authority and an Independent Chairperson. Member representatives can be drawn from the membership and are not restricted to Trades Union representatives. Employer representatives should be representative of the employers within the scheme. No officer or councillor of the administering authority who is responsible for the discharge of any function under the LGPS regulations can be a member of the Board. In respect of the Chairperson the term independent means having no current employment, contractual, financial or other material interest in either the Council or any scheme employer in the Avon Pension Fund, and not being a member of the Avon Pension Fund. The Chairperson can delegate to another Board member if unable to attend a meeting.

## **Appointment process**

The Avon Pension Fund will facilitate the nominations process for all Board members; the appointment process will be undertaken by the Strategic Director of Resources.

## **Role of advisors**

The Board may appoint professional advisors as appropriate to their work plan. The cost will be met within the budget approved by the administering authority. Where possible the advisors should be independent from those used by the administering authority.

## **Role of officers**

Democratic Services will be responsible for providing secretariat services to the Board. The Strategic Director of Resources will ensure appropriate officer support is provided to the Board. Avon Pension Fund officers will be required to provide information to the Board for the Board to fulfil its task.

## **Frequency of meetings**

The Frequency to be determined by Board once agreed workplan, with a minimum of two meetings annually.

## **Voting rights**

The objective is to reach consensus on all issues; however, each Board member has one vote. If necessary the Chairperson has the deciding vote.

## **Board Quorum**

The quorum of the Board shall comprise three members who shall include at least one member and one employer representative. If the Chair has been delegated to another Board member then this cannot be the employer / employee representative for quorum or vote

## **Substitutes**

Substitutes will not be permitted as they would have to be nominated as part of the appointment process.

## **Sub-committees**

Sub-committees will not be permitted.

## **Board workplan and Budget**

The Board will agree its workplan annually and the budget required to deliver it. As the expenses of the Board are to be met by the Avon Pension Fund the Board's workplan and budget will be submitted to the Avon Pension Fund Committee for approval annually. The Board will be required to operate within the approved budget and approved budget purposes. It is envisaged that the Board will review aspects of the pension fund over time rather than react to the regular monitoring cycle of the pension committee.

## **Access to Board papers**

Board meetings will be held in open session with closed sessions where appropriate. The agenda papers will be circulated in advance of meeting in line with council policy. The minutes of meetings will be recorded and published in line with Council policy.

## **Term of office**

Three of the initial appointments (1 Employer Representative, 1 Employee representative and 1 Admin Authority Representative) will be for a 2 year period. All other appointments will be for a 4 year term with the maximum term of Board membership limited to two terms.

## **Code of Conduct**

Board members are required to adhere to the Council's Code of Conduct.

## **Declarations of Interest and Conflicts of interest**

Board members are required to adhere to the Council's policy for declarations of interests. Members must provide information that the administering authority may reasonably require from time to time.

The Board is required to act within its Terms of Reference. The Board should ensure that in addition to the Council Policy it has its own policy for managing conflicts of interest in line with any further stipulations from the Pensions Regulator and members must abide by this policy.

## **Removal from Board**

A Board member can be removed from the Board in the following circumstances (but not limited to):-

- A poor attendance record;
- If a member does not undertake training as requested by the administering authority;
- If a member is In breach of Council's Code of Conduct / Declarations policy;
- If a member has a conflict of interest that cannot be managed in accordance with the Board's conflicts policy;
- If a representative member ceases to represent his constituency e.g. leaves the employer so no longer has the capacity to represent the Fund's employers.

The Council's Standards Committee and Monitoring Officer will determine any removal form the Board.

## **Expenses**

The pension fund will meet reasonable meeting expenses, reasonable training expenses relevant to discharging the role and independent advice required to support work agenda (including legal, technical and other professional advice).

## **Allowances**

An annual allowance will be paid to the Independent Chairperson.

## **Knowledge and Understanding**

The Board are required to agree and maintain a policy and framework to address the knowledge and understanding requirements, as set out in various legislation and the Pension Regulator's Code of Practice, that apply to its members. The knowledge and understanding requirement applies to each Board member individually rather than to the members as a collective group. The policy and framework will be considered in light of the role of the Board; however, Board members will need to understand the duties and obligations of the administering authority in order to be able to assist it.

Board members will be required to undertake training to ensure they acquire the appropriate level of knowledge and understanding and keep a record of the learning activities of individual members and of the Board as a whole.

## **Reporting**

The Board will publish an annual report to Council containing any recommendations on process or governance. This should be circulated to members and employers.

The annual report will cover:

- i. summary of the work of the Board
- ii. details of areas the Board has investigated and how they have been dealt with
- iii. details of conflicts of interest that have arisen in respect of the Board members and how have been managed
- iv. whether there are any risks or other areas of potential concern which the Board wishes to raise with the Administering Authority
- v. details of training a future training needs
- vi. the work plan of the last year and draft work plan for following year
- vii. details of expenses and other costs incurred and anticipated expenses for forthcoming financial year

Direct reporting line if the Board has material concerns – The Strategic Director of Resources.

The Board minutes will be circulated to administering authority (the pension committee) S151 Officer and Monitoring Officer.

The Board is required to report breaches of law or material (and not actioned) breaches of the Code of Practice to the Pensions Regulator.



## **Data protection and Freedom of Information**

For legal purposes the Board is considered a committee of and part of the administering authority legal entity. Therefore the Board must comply with the Council's Data Protection and Freedom of Information policies.

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## TERMS OF REFERENCE

### **1 Avon Pension Fund Committee**

Bath and North East Somerset Council, in its role as administering authority, has executive responsibility for the Avon Pension Fund. The Council delegates its responsibility for administering the Fund to the Avon Pension Fund Committee which is the formal decision making body for the Fund.

#### **Function and Duties**

To discharge the responsibilities of Bath and North East Somerset Council in its role as lead authority for the administration of the Avon Pension Fund. These include determination of all Fund specific policies concerning the administration of the Fund, investing of Fund monies and the management of the Fund's solvency level. In addition, the Committee is responsible for all financial and regulatory aspects of the Fund. At all times, the Committee must discharge its responsibility in the best interest of the Avon Pension Fund.

The key duties in discharging this role are:

1. Determining the investment strategy and strategic asset allocation.
2. Determining the pensions administration strategy.
3. Making arrangements for management of the Fund's investments in line with the strategic policy.
4. Monitoring the performance of investments, investment managers, scheme administration, and external advisors.
5. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
6. Approving the Pension Fund's Statement of Accounts and annual report.
7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's workplan.
8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
9. Considering requests from organisations wishing to join the Fund as admitted bodies.
10. Making representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme.

#### **Delegations**

In discharging its role the Committee can delegate any of the above or implementation thereof to the Sub-Committee (referred to as the Investment Panel) or Officers. The current delegations are set out in Sections 2 & 3 below.

## Membership of the Committee

Voting members (12)	5 elected members from B&NES (subject to the rules of political proportionality of the Council) 2 independent trustees 3 elected members nominated from the other West of England unitary councils 1 nominated from the education bodies 1 nominated by the trades unions
Non-voting members (4)	1 nominated from the Parish Councils Up to 3 nominated from different Trades Unions

The Council will nominate the Chair of the Committee.

## Meetings

Meetings will be held at least quarterly. Meetings will be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

## Quorum

The quorum of the Committee shall be 5 voting members, who shall include at least one Member who is not a Bath & North East Somerset Councillor.

## Substitution

Named substitutes to the Committee are allowed.

## 2 Investment Panel

The role of the Avon Pension Fund Committee Investment Panel shall be to consider, in detail matters relating to the investment of the assets within the strategic investment framework and performance of investment managers in achieving the Fund's investment objectives.

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.
2. Review the Statement of Investment Principles and submit to Committee for approval.
3. Report regularly to Committee on the performance of investments and matters of strategic importance

and have delegated authority to:

4. Approve and monitor tactical positions within strategic allocation ranges.
5. Approve investments in emerging opportunities within strategic allocations.

6. Implement investment management arrangements in line with strategic policy, including the setting of mandate parameters and the appointment of managers.
7. Approve amendments to investment mandates within existing return and risk parameters.
8. Monitor investment managers' investment performance and make decision to terminate mandates on performance grounds.
9. Delegate specific decisions to Officers as appropriate.

### **Panel Membership**

The Panel shall comprise a maximum of 6 voting Members of the Avon Pension Fund Committee, of which 3 shall be Bath and North East Somerset Councillors. The membership shall include the Chairman of the Committee and /or the Vice- Chair and 4 other Members (or 5 if the Chair or Vice-Chairperson is not a member of the Panel).

Note: The appointment of Bath and North East Somerset Councillors to the Panel is subject to the rules of political proportionality of the Council.

Members shall be appointed to the Panel for a term of one year.

The Council will nominate the Chair of the Panel.

### **Panel Meetings**

Though called a "Panel", it is an ordinary sub-committee of the Committee. Accordingly, meetings must be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

The Panel shall meet at least quarterly ahead of the Committee meeting on dates agreed by Members of the Panel.

### **Panel Quorum**

The quorum of the Panel shall comprise 3 Members, who shall include at least one Member who is not a Bath & North East Somerset Councillor.

### **Panel Substitution**

Substitutes for the Panel must be members of Committee or their named Committee substitute.

### **Panel Minutes**

Minutes of Panel meetings (whether or not approved by the Panel) shall appear as an item on the next agenda of the meeting of the Committee that follows a meeting of the Panel.

## **3 Officer Delegations**

Officers are responsible for:

1. Day to day implementation and monitoring of the investment, administration, funding strategies and related policies.
2. The Section 151 Officer has authority to dismiss investment managers, advisors and 3<sup>rd</sup> party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
3. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
4. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
MEETING DATE:	<b>15<sup>th</sup> January 2015</b>
TITLE:	<b>Review of polling districts and Places</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b>  Appendix 1- Guidance booklet  Appendix 2-Proposed polling districts and places (to follow)</p>	

**1 THE ISSUE**

1.1 Council needs to review the current arrangements for polling places and districts and decide whether any changes are desirable.

**2 RECOMMENDATION**

2.1 That Council approves the polling districts and places as set out in Appendix 2

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 There are none

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 It is a legal requirement to review polling places and districts by 31st January 2015.

**5 THE REPORT**

5.1 The review started on the 1<sup>st</sup> December 2014 and concluded on the 2<sup>nd</sup> January 2015. The process followed is described in Appendix 1.

5.2 The majority of comments received have related to the suitability of premises for use as polling stations. By law, the allocation of electors to polling stations and which premises are selected for such use is a matter for the Electoral Registration

Officer rather than the Council; nevertheless the comments received have been considered and where appropriate adopted.

5.3 The recommended arrangements are set out in Appendix 2.

## **6 RATIONALE**

6.1 The review is a legal requirement.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None.

## **8 CONSULTATION**

8.1 All town and parish Councils; Bath and North east Somerset Councillors; members of Parliament; organisations representing those with disabilities; political parties.

## **9 RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Aurora Loi Wright 01225 477431 or Vernon Hitchman 01225395175</i>
<b>Background papers</b>	<i>Copies of all submissions will be published and available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



**Review of Polling Districts,  
Polling Places and Polling Stations  
2014/15**

**Guidance Booklet**

# 1 Introduction

In accordance with the *Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006*, as amended by the *Electoral Registration and Administration Act 2013*, every local authority in the UK is required to conduct a review of polling districts and polling places in its area.

The next compulsory review must be completed by 31 January 2015.

Bath & North East Somerset Council will commence the review on Monday 1 December 2014 and will complete the process by Thursday 15 January 2015.

## Timetable

Notice of Review	Monday	1 December 2014
Distribution of booklet to consultees	Tuesday	2 December 2014
End of consultation period	Friday	2 January 2015
Report to Full Council	Thursday	15 January 2015
Publication of review result	Friday	30 January 2015
Publication of the revised register	Monday	2 March 2015

All notices, comments and representations relating to this review will be published and made available to the public at the following Council locations:

- Guildhall, High Street, Bath, BA1 5AW
- Keynsham Civic Centre, Market Walk, Keynsham, BS31 1FS
- The Hollies, High Street, Midsomer Norton, BA3 2DP

A copy of the notice will also be available to download from the Council website ([www.bathnes.gov.uk/reviews](http://www.bathnes.gov.uk/reviews)).

## 2 Definition of terms

### 2.1 UK Parliamentary constituencies

The *Parliamentary Constituencies Act 1986* defines a parliamentary constituency as “an area having separate representation in the House of Commons”.

Bath and North East Somerset includes two parliamentary constituencies: the constituency of Bath and the constituency of North East Somerset.

UK parliamentary constituency boundaries cannot be changed by this review.

## 2.2 Local government wards

Local government wards are the key building block of UK administrative geography, being the spatial units used to elect local government councillors.

Bath and North East Somerset includes 37 local government wards, which are represented by a total of 65 councillors.

Bath & North East Somerset Council ward boundaries cannot be changed by this review.

## 2.3 Polling districts

A polling district is a geographical area created by the sub-division of a UK parliamentary constituency for the purposes of a UK parliamentary election.

Every local authority in the UK is responsible for dividing its area into polling districts for UK parliamentary elections held within its area, and for keeping the polling districts under review.

When designating polling districts, the local authority must seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances. In addition, and unless there are special circumstances that lead the authority to determine otherwise, each parish must be in a separate polling district.

For European parliamentary elections, the same polling districts as designated for UK parliamentary elections are to be used unless the relevant authority considers that there are special circumstances that make alternative designations appropriate.

For local government elections, a local authority may divide its designated electoral areas (i.e. wards or electoral divisions) into polling districts. Although there is no requirement to sub-divide local government electoral areas into polling districts, it is recognised good practice to do so. When doing so, every effort must be made to ensure that the polling district scheme for local government elections mirrors as closely as possible that agreed for parliamentary elections.

## 2.4 Polling places

A polling place is the geographical area in which a polling station is located.

The polling place for a polling district must be within the area of the district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district. When designating polling places, the local authority must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.

Should a local authority fail to designate a polling place, the entire polling district will be classed as the polling place for that district.

The local authority must keep the polling places under review.

## 2.5 Polling stations

A polling station is the actual room or area where the process of voting takes place, and must be located within the polling place designated for the particular polling district.

Unlike polling districts and polling places, which are fixed by the local authority, polling stations are chosen by the relevant Returning Officer for the election.

When designating polling stations, the Returning Officer must seek to ensure that so far as is reasonable and practicable, the polling stations are accessible to all electors, including those who are disabled.

The election rules permit the Returning Officer to provide one or more polling stations within the same room, and must supply each with a sufficient number of voting compartments.

Returning Officers for parliamentary elections are treated as honorary positions, which are held by a Mayor or Sheriff. It is the Acting Returning Officer who organises the election. The Acting Returning Officer for the parliamentary constituencies of Bath and North East Somerset is the Head of Legal and Democratic Services.

## 2.6 Scope of the review

The review relates to polling districts and polling places for all elections held in Bath and North East Somerset.

## 2.7 Criteria to be followed during the review

As part of the assessment of the suitability of **polling scheme** the following points should be considered:

- Are the polling district boundaries well-defined, e.g. do they follow the natural boundaries of the area? If not, is it clear which properties belong in the polling district?
- Are there suitable transport links within the polling district, and how do they relate to the areas of the polling district that are most highly populated? Are there any obstacles to voters crossing the current polling district and reaching the polling place, e.g. steep hills, major roads, railway lines, rivers?
- Any new polling stations identified should have good access for people with disabilities;
- Ideally all polling stations should be located within their own polling districts;
- No polling station should be shared by two or more Council wards;
- The Acting Returning Officer may use, free of charge, any room in a school maintained or assisted by Bath & North East Somerset Council, or a school in respect of which grants are made out of monies provided by parliament to the person or body responsible for the management of the school;
- Up to 2,500 electors may be allocated to one polling station; if the premises are suitable, two separate polling stations (up to 5,000 electors) may be provided.

## 3 The review process

### 3.1 STAGE 1 – Notification of the review

The review process commences with the publication of the notice of review. Bath & North East Somerset Council will publish the notice on Monday 1 December 2014.

### 3.2 STAGE 2 – Consultation

The consultation stage is for representations and comments to be made on the existing and proposed arrangements for polling districts and polling places in Bath and North East Somerset. There are two aspects of this stage:

- A compulsory submission from the Acting Returning Officer of our two parliamentary constituencies. The Acting Returning Officer will comment on both the existing polling stations and any proposed alternative or additional polling stations. His comments will be available on the review webpage from Friday 8 December 2014.
- Submissions from electors and other interested persons and bodies, including elected representatives and those with expertise in relation to access to premises or facilities for disabled people. Any person or body that makes a comment should suggest alternative polling districts/polling places and should give a reason for the alternative proposal so that it may be given appropriate consideration.

### 3.3 STAGE 3 – The conclusion of the review

After considering all of the comments and representations, Bath & North East Somerset Council will decide on the most appropriate polling districts and polling places.

If the review results in the alteration of one or more polling districts, the Electoral Registration Officer will re-publish a revised electoral register on Monday 2 March 2015.

### 3.4 STAGE 4 – Publishing the conclusions of the review

Once the Council has agreed the proposals at its meeting on Thursday 15 January 2015, details of the new polling districts and polling places will be made available to the public at the following Council locations:

- Guildhall, High Street, Bath, BA1 5AW
- Keynsham Civic Centre, Market Walk, Keynsham, BS31 1FS
- The Hollies, High Street, Midsomer Norton, BA3 2DP

A copy of the notice will also be available to download from the Council website ([www.bathnes.gov.uk/reviews](http://www.bathnes.gov.uk/reviews)).

Along with the decision of the review, the following documents will also be published:

- All correspondence sent to the Acting Returning Officer in connection with the review;
- All correspondence sent to any person whom the Council contacted because they had particular expertise in relation to access premises or facilities for disabled people;
- All representations made by any person in connection with the review;
- the minutes of the meeting held by the Council to consider any revision to the designation of polling districts or polling places within its area as a result of the review;
- Details of the designation of polling districts and polling places as a result of the review.

<b>Bath &amp; North East Somerset Council</b>		
MEETING/ DECISION MAKER:	<b>Council</b>	
MEETING/ DECISION DATE:	<b>15<sup>th</sup> January 2015</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>Proper Officer Designations and allocation of Statutory Roles.</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b>  Appendix 1 – Proper Officer Designations  Appendix 2 – Allocation of responsibilities relating to Elections and Overview and Scrutiny.</p>		

**1 THE ISSUE**

To update the arrangements for the discharge of functions by the ‘proper officer’ of the Council and designation of statutory roles.

**2 RECOMMENDATION**

That Council

2.1 Approve the arrangements set out in Appendix 1

2.2 Authorise the Monitoring Officer & Divisional Director (Legal & Democratic Services) to update the Constitution to give effect to the arrangements approved and

2.3 Approve the arrangements set out in Appendix 2 for the Conduct of Elections and Referendums and the Statutory Scrutiny Officer role.

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 None.

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 Local Government Statutes and Statutory instruments make numerous references to an officer being designated as the ‘proper officer’ for various purposes. The requirement to designate is one that the Full Council needs to

consider and then allocate responsibility for that function to one or more officers who are best placed to discharge those roles.

## 5 THE REPORT

- 5.1 The recent reallocation of responsibilities formerly discharged by the Monitoring Officer & Divisional Director (Legal & Democratic Services) necessitates the transfer of certain 'proper officer' roles to other Divisional Directors.
- 5.2 The opportunity has been taken as part of the process to review existing 'proper officer' roles and other statutory designations and update them to reflect the current arrangements at officer level for the discharge of functions.
- 5.3 It should be emphasised that the designations are not (save in the circumstances set out at 5.1) a change of approach or responsibility but rather an opportunity to ensure that the list of proper officers is up to date and reflects matters such as change of title or previous approved reorganisations.

## 6 RATIONALE

- 6.1 It is desirable to have an up to date list of designations and allocation of statutory roles that reflect the management structure and comply with legal requirements.

## 7 OTHER OPTIONS CONSIDERED

None. The check undertaken has revealed inconsistencies which, if uncorrected, could leave the Council at risk of procedural challenges to decisions.

## 8 CONSULTATION

- 8.1 The Chief Executive and S151 Officer and Group Leaders have been consulted.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Vernon Hitchman, Monitoring Officer &amp; Divisional Director (Legal &amp; Democratic Services)</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## Appendix 1

### Bath & North East Somerset Council

#### Proper Officer Functions

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. Subject to the proper officer appointments set out below, the Chief Executive and each Strategic Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.
3. References to the Monitoring Officer and Divisional Director (Legal & Democratic Services) shall be read as being the Head of Legal & Democratic Services with effect from the 1<sup>st</sup> June 2015.

#### **LOCAL GOVERNMENT ACT 1972**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive  Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive  Monitoring Officer & Divisional Director (Legal & Democratic Services)
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive  Monitoring Officer & Divisional Director (Legal & Democratic Services)
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Manager  Monitoring Officer & Divisional Director (Legal & Democratic Services)
100B(2) Inserted by Local Government (Access to Information Act 1985)	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services

	to items during which the meeting is likely not to be open to the public.	Manager
100B((7)(c))	To supply to the press additional material supplied to members of the Council in connection with the item to be discussed.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
100C(2)	To prepare a written summary of proceedings taken by a Committee in private.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
100D(1)	To compile a list of background papers to a report to a Committee.	Strategic Director, Divisional Director or other officer in whose name the report is written.
100D(5)(a)	Identifying background papers of reports.	Strategic Director, Divisional Director or other officer in whose name the report is written.
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Divisional Director, Business Support
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying disputed boundaries.	Divisional Director, Property
210	To exercise certain residual functions relating to charities.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
225	To receive and retain documents deposited with the Local Authority.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
229	To certify, for the purpose	Monitoring Officer &

	of any legal proceedings, that a document is a photographic copy of the original document.	Divisional Director (Legal & Democratic Services) (generally) and all Divisional Directors and Strategic Directors within their areas of responsibility
234	To sign any notice, order or other document on behalf of the Authority, any document purporting to be so signed being deemed to be issued by the Authority.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
236	To send to the Council of every Parish in the area a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
238	Certification of copy of byelaws.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
<b>Schedule 12</b> (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive  Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Manager

## REGISTRATION SERVICES

4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Customer Services
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions	Head of Customer Services

	under the Marriage Act 1949. Head of Customers Services	
4	In relation to the approval of premises for the solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Head of Customer Services

**MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005**

	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees and offer discounts where applicable.	Head of Customer Services
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**LOCAL GOVERNMENT ACT 1974**

30(5)	Giving public notice of receipt of report by a Local Commissioner	Monitoring Officer & Divisional Director (Legal & Democratic Services)
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**HIGHWAYS ACT 1980**

59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive	Divisional Director, Environmental Services
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	weight or extraordinary damage.	
205(3)(4) & (5)	To undertake duties in relation to private street works.	Divisional Director, Environmental Services
210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Divisional Director, Environmental Services
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Divisional Director, Environmental Services
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Divisional Director, Environmental Services
Section 321	Authentication of notices, consents, approvals, orders, demands, licenses, certificates or other documents.	Divisional Director, Environmental Services
Schedule 9, Paragraph 4	Signing plans showing proposed improvement or building lines.	Divisional Director, Environmental Services

#### **LOCAL GOVERNMENT FINANCE ACT 1988**

116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer"	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
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#### **LOCAL GOVERNMENT AND HOUSING ACT 1989**

2	To receive on a deposit a list of politically restricted posts.	Head of Human Resources
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political	Chief Executive (as Head of Paid Service)

	restriction or for designation of posts as politically restricted.	
15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Democratic Services Manager

### FOOD SAFETY ACT 1990

49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Divisional Director, Environmental Services
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### LOCAL GOVERNMENT ACT 2000

#### SECTION 9G AND 9GA: MEETINGS AND ACCESS TO INFORMATION ETC

#### LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)

Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
Regulation 10	Informing the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and making available for public inspection notices relating to this.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 13	Producing a written	Monitoring Officer &

	statement of decisions made by individual Cabinet Members.	Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 15 and Regulation 2	Making available for inspection a list of background papers.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Democratic Services Manager

**LOCAL GOVERNMENT ACT 2000  
SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) PETITIONS AND  
DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)**

Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local	Monitoring Officer & Divisional Director (Legal & Democratic Services)  Electoral Services
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	Government Act 2000.	
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### LOCALISM ACT 2011

29	Establish, maintain and publish a Register of Interests.	Monitoring Officer & Divisional Director (Legal & Democratic Services)
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### LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

1 (Part 11)	Notifications to the Cabinet concerning appointments and dismissals.	Head of Human Resources
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### REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

21, 22, 27, 28 AND 29	<p>The Senior Responsible Officer for RIPA.</p> <p>Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources and communications data checks.</p>	<p>Monitoring Officer &amp; Divisional Director (Legal &amp; Democratic Services)</p> <p>Chief Executive.</p>
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### FREEDOM OF INFORMATION ACT 2000

36	Acting as a "qualified person" in respect of information held by the Council.	<p>Monitoring Officer &amp; Divisional Director (Legal &amp; Democratic Services)</p> <p>Chief Executive.</p>
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## **Appendix 2 – Arrangements relating to Elections and Scrutiny**

### **1 RECOMMENDATION**

- 1.1 That under the Representation of the People Act 1983 and all related legislation with effect from 1<sup>st</sup> June 2015, Dr Jo Farrar be appointed as Electoral Registration Officer.
- 1.2 That under Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1<sup>st</sup> June 2015 Dr Jo Farrar be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area.
- 1.3 That the Council's Electoral Registration Officer be authorised to act in respect of all related electoral, poll or referendum duties, including in relation to parliamentary elections, elections to the European Parliament and national and regional polls or referenda.
- 1.4 That it be agreed that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the Peoples Act or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for her in connection with the election or poll).
- 1.5 That it be agreed that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council will indemnify the Returning Officer up to the value of such excess.
- 1.6 That the Head of Legal & Democratic Services (with effect from 1<sup>st</sup> June 2015) and the Electoral Services Officer be appointed as Deputy Electoral Registration Officers.
- 1.7 That the Policy Development and Scrutiny Lead Officer be designated as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

### **2 FINANCIAL IMPLICATIONS**

- 2.1 Fees for all National Elections or Referenda or Polls are set nationally by government. Such Elections are intended to be carried out at no cost to the Local Council tax payer.

2.2 It is open to the Council to agree a rate of fees and charges that cover all aspects of the running of Local and Parish and Town Elections so that it may be satisfied as to the cost-effectiveness of the arrangements. A report upon this will be discussed with other authorities in the area and will be submitted to Council for approval in advance of any relevant Elections from June 2015 onwards.

### **3 THE REPORT**

3.1 The Council is required by law to designate one of its officers as Electoral Registration Officer with responsibility for the administration of the Register of Electors and various other assorted responsibilities. Such a designation is a personal one whereby the officer takes upon himself or herself certain individual responsibilities independent of the Council itself.

3.2 The Council is also required to designate one of its officers as Local Returning Officer. Such a person is to be personally responsible for the administration of Local Elections at both principal Council and parish and town Council level. All other responsibilities for the running of Elections, Referenda or Polls (principally Parliamentary and European) are by law conferred upon the person who is the Electoral Registration Officer as set out in 5.1 above.

3.3 Since the Council's inception in 1996, the above two roles have been performed by the Monitoring Officer & Divisional Director (Legal & Democratic Services).

3.4 He will be retiring on the 31<sup>st</sup> May 2015 and arrangements need to be put in place to discharge the roles outlined in 3.1 and 3.2. It is proposed that the Chief Executive should fulfil these roles.

3.5 Section 9FB of the Localism Act 2000 requires the Council to designate an officer as its Scrutiny Officer. The officer best placed to fulfil this role is the Policy Development & Scrutiny Officer and it is recommended that the post holder be so designated.

**Council 15 January, 2015**

## **Quality Contract Scheme**

### **Labour Group to move:**

- 1 Council notes that buses are a key part of the B&NES Transport Strategy yet the current services often do not serve the needs of residents and are viewed as expensive and unreliable.
- 2 Council further notes the powers contained within the Transport Act 2000, as amended, to set up a Quality Contract Scheme (QCS) which would allow the Authority to plan the bus route network, set the fares and award contracts to run services or local networks.
- 3 Council recognises, however, that under a QCS there is a revenue risk to the Council in that it would be responsible for meeting any shortfall in fares income to cover the operating costs of the contracts.
- 4 Council also recognises that where a decision has been made to proceed with a QCS in the North East, this has been a joint decision between multiple local authorities.
- 5 For the reasons outlined in 3 and 4 (above), Council believes that significantly more work is required to determine whether a QCS is the best way forward for the provision of buses in B&NES.
- 6 Council therefore asks, in the first instance, the Planning, Transport and Environment Policy Development and Scrutiny Panel to undertake further work into the potential, including advantages and disadvantages, for a QCS in B&NES with a report back to the new Council at the meeting immediately following the Annual meeting in 2015.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING</b>	<b>Council</b>
<b>MEETING DATE</b>	<b>15<sup>th</sup> January 2015</b>
<b>TITLE:</b>	<b>Petition for debate – A Safe Crossing for St Saviours Schools</b>
<b>WARD:</b>	
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	

## **1 THE ISSUE**

- 1.1 An electronic and paper petition has been received calling on the Council to take immediate action and install a pedestrian crossing to safeguard pedestrians at St Saviours Schools and Nursery. According to the Council’s petition scheme, if a petition with signatures of more than 1% of the electorate is received from people who live, work and study in Bath & North East Somerset which meets the criteria, it triggers a debate at Council.

## **2 RECOMMENDATION**

- 2.1 That a debate takes place.

## **3 THE REPORT**

- 3.1 The text of the petition reads as follows; “The high volume of traffic commuting through Larkhall at peak times is placing the safety of our children, their parents and carers, and local residents at risk. We are petitioning Bath & North East Somerset Council for a range of safety measures, including a pedestrian crossing patrolled by a crossing patrol officer, to enable people to cross safely between St Saviour’s Infant and Junior schools. Our children have a right to walk to school in safety – your signature really will help bring about this change.”
- 3.2 Council, if it wishes, can make recommendations to Cabinet but cannot amend executive policy. Decisions on the amount of money to be allocated to particular uses or proposals are matters for full Council to decide. How any money allocated is spent is a matter for Cabinet, not full Council, to decide.
- 3.3 The lead petitioner will address Council at the start of the item.

#### 4 FINANCIAL IMPLICATIONS

- 4.1 Financial implications would depend upon what action, if any, might result from any Cabinet decision arising from this.

<b>Contact person</b>	<i>Jo Morrison, Democratic Services Manager (ext 4358)</i>
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	