

Democratic Services

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Date: 13 May 2015

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To: All Members of the Council

Chief Executive and other appropriate officers
Press and Public

Dear Member

Council: Thursday, 21st May, 2015

You are invited to attend the Annual Meeting of the **Council** to be held on **Thursday, 21st May, 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:

Conservative	Brunswick Room, Ground floor
Liberal Democrat	Kaposvar room, 1st floor
Labour	Labour Group room
Independent	Independent Group room
Green	Meeting Room 1, 2nd floor

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 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 currently Councillors Tim Warren (Conservative Group), Liberal Democrat Group to be confirmed, Independent Group to be confirmed and Robin Moss (Labour 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. ELECTION OF CHAIRMAN 2015/16

It is a legal requirement that the first formal business at the Annual General meeting shall be the election of a Councillor to be the Chair(man) of the Council. The term of office of the Chair(man) expires on the election of his/her successor at the Annual meeting of the Council in 2016.

The present Chair(man) of the Council is Councillor Martin Veal who will preside over the election of his successor.

Once the new Chair(man) is elected, he will make and sign the Declaration of Acceptance of Office, and receive the Chain of Office from the former Chair(man), after which he may address the Council.

The newly elected Chair(man) will preside from this point in the proceedings.

3. ELECTION OF VICE-CHAIRMAN 2015/16

4. APOLOGIES FOR ABSENCE

5. MINUTES (Pages 9 - 18)

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

6. 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.

7. 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.

8. 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.

9. REPORT OF URGENT DECISION BY THE CHIEF EXECUTIVE

In accordance with the rules within the Constitution concerning Chief Officer's action (Urgency Part 4G, rule 3) it is reported that the Chief Executive has taken the following decisions since the last meeting of Council;

Urgent decisions by Chief Executive

On 19th March 2015, the Chief Executive was asked to consider reports on amendments to the Council Capital programme and borrowing limits.

She subsequently approved;

- An increase in the capital budget for Odd Down Sports Ground of up to £290K to cover an additional scope of works, to be funded by a Revenue Contribution to Capital (RCCO) from the Outturn underspend for 2014/15.
- The capital project for a new Primary School in the Ensleigh Development to be fully approved with a total budget of £4m funded by Basic Needs Grant and available Developer's contributions from 2015/16 onwards.
- An increase in Council borrowing limits by £7 million from the 2015/16 allocation to fund additional capital expenditure and a consequent adjustment to the capital programme.

These decisions were deemed as urgent and were taken following consultation with Political Group Leaders, the Monitoring Officer and the Section 151 Officer.

10. NOTIFICATION OF MEMBERS ELECTED ON 7TH MAY 2015 (Pages 19 - 20)

11. APPOINTMENT OF LEADER

The Council is required to elect a Councillor to be the Leader of the Council for the 4 year term from May 2015 AGM to May 2019 AGM.

The Council is asked to note that all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, the executive delegation scheme and frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

12. APPOINTMENT OF COMMITTEES & PANELS, & OTHER ANNUAL BUSINESS
(Pages 21 - 86)

This report invites the Council to consider its non-executive and regulatory committee arrangements for the Council year May 2015 – May 2016, and associated annual business. It is anticipated that an update report will be issued prior to the meeting, in the light of discussions underway between political groups.

13. MONITORING OFFICER APPOINTMENT (Pages 87 - 88)

This report seeks confirmation of the designation of the Head of Legal and Democratic Services (Maria Lucas) as the Council's Monitoring Officer with effect from 1 June 2015.

14. 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.

15. PLEDGE TO CHILDREN IN CARE (Pages 89 - 96)

Following the publication of 'Care Matters: Time for Change' in June 2007, there has been a requirement for all Local Authorities to develop and publish a Pledge to their Looked after Children and Care Leavers. The Pledge sets out the services and support children should expect to receive.

Since the implementation of our Pledge in 2008 Bath & North East Somerset's Pledge to Children in Care has continued to be updated to reflect current regulations, guidance and best practice. The new Council following local elections is invited to affirm its commitment to the Pledge.

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.

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 17th February, 2015

Present:- **Councillors** Councillor 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, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, 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, David Veale, Martin Veal, Tim Warren and Brian Webber

Apologies for absence: **Councillors** Loraine Morgan-Brinkhurst MBE, Geoff Ward and Chris Watt

64 EMERGENCY EVACUATION PROCEDURE

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

65 DECLARATIONS OF INTEREST

Councillor Nigel Roberts declared an 'other' interest due to his work at the RUH (subject of a proposed amendment on the budget item).

Councillor Simon Allen declared an 'other' interest due to his position as a stakeholder governor at the RUH (subject of a proposed amendment on the budget item).

66 MINUTES - 15TH JANUARY 2015

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

RESOLVED that the minutes of 15th January 2015 be approved as a correct record and signed by the Chairman.

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

The Chairman made the customary announcements regarding mobile phones and the meeting being webcast. He checked everyone had received all the supplementary information and reminded Members that a recorded vote was needed

on all budget items. At this point, the Monitoring Officer explained the voting process.

The Chairman informed Council of the letters of support he had received from various other Councils following the tragic accident in Lansdown Lane last week and invited the Council to stand in silence as a mark of respect for those affected.

He concluded by congratulating the Roman Baths for winning Gold in the Large Visitor Attraction category of the South West Tourism Excellence awards.

68 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business but the Chairman took the opportunity to thank Members for their support to him in his role as Chairman, as this meeting might be the final Council meeting for some Councillors.

69 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

David Redgewell made a statement covering various bus and rail issues. The full statement can be viewed via the link from the minutes. The Chairman thanked David Redgewell for his statement which was referred to the Cabinet Member for Transport.

[This statement was taken after the budget item.]

70 BUDGET & COUNCIL TAX 2015/16 AND MEDIUM TERM FINANCIAL OUTLOOK

The Council considered a report presenting the Cabinet's medium term financial plan, and revenue and capital budgets for the 2015/16 financial year together with a proposal for a Council tax level for 2015/16.

In addition to the reports circulated with the agenda, all Councillors had received a copy of the draft minute of the Resources Policy Development and Scrutiny Panel meeting held on 9th February with the Panel's comments on the budget proposals. Councillors also received Appendix 8 – Formal Council Tax Setting resolutions (incorporating precepts from Parishes, Fire and Police) and updated budget proposals (attached online).

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was **RESOLVED** that the Council suspends Council rule 42, Content and Length of Speeches, for the duration of this debate so as to enable variations to be permitted to the length of speeches by the Cabinet Member for Community Resources, the Conservative, Independent and Labour Groups and the Chair of the Resources Policy Development and Scrutiny Panel.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED

1. that the Council approve:
 - a) The General Fund net revenue budget for 2015/16 of £119.914m with no increase in Council Tax.
 - b) That no Special Expenses be charged other than Town and Parish Council precepts for 2015/16.
 - c) The adequacy of reserves at Appendix 1 Table 8 with a risk-assessed level of £10.5m.
 - d) The individual service cash limits for 2015/16 summarised at Appendix 1 Table 4 and detailed in Annex 1.
 - e) That the specific arrangements for the governance and release of reserves, including invest to save proposals, be delegated to the Council's Section 151 Officer in consultation with the Cabinet Member for Community Resources and the Chief Executive.
2. That the Council include in its Council Tax setting, the precepts set and approved by other bodies including the local precepts of Town Councils, Parish Councils and the Charter Trustees of the City of Bath, and those of the Fire and Police Authorities.
3. That the Council notes the Section 151 officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves (Appendix 1, Annex 2) and approves the conditions upon which the recommendations are made as set out throughout Appendix 1.
4. That in relation to the capital budget the Council:
 - a) approves a capital programme of £57.873m for 2015/16 and notes items for provisional approval in 2015/16 and the programme for 2016/17 to 2019/20 as shown at Appendix 1, Annex 3 (as amended by the document attached to these minutes), including the planned sources of funding.
 - b) delegates implementation, subject to consultation where appropriate, of the capital programmes set out in Annex 3i to Annex 3iv to the relevant Strategic Director in Consultation with the appropriate Cabinet Member.
 - c) approves all other delegations as set out in the budget report.
 - d) approves the Minimum Revenue Provision Policy as shown at Appendix 1, Annex 4
 - e) approves the Capital Prudential Indicators as set out in Appendix 1, Table 6.
5. That the Council agree the Council's proposed pay policy statement, including the provision in respect of minimum pay rates in 2015/16 as set out at Appendix 4 delegating implementation arrangements to the Employment Committee where appropriate.

6. That the Council increases the “think local” financial limit to provide local businesses with the opportunity to obtain contracts up to £50,000 (increased from the current £25,000).
7. That the Council notes the approach to Community Assets as set out in Appendix 5 including the following area in the “FURTHER POTENTIAL COMMUNITY ASSET TRANSFERS” section;-
 - Land at the Paddock, Keynsham (Subject to Due Diligence)
8. That the Council notes the approach to tackling poverty as set out in Appendix 6.
9. That the Council notes the issues raised in Appendix 7 and agree that the proposals in the budget properly reflect the Council’s duties under the Equalities Act 2010.
10. That the Council approves the technical resolutions that are derived from the budget report, and all figures in that report, including the precepts for towns, parishes and other precepting bodies as set out in Appendix 8.
11. That, if it continues to be the case that the money contained within the Affordable Housing Reserve is not required to support the delivery of affordable housing at Western Riverside, this money be made available to support an increase in the proportion of affordable housing in other major developments in the authority;
12. To ask that the Cabinet give consideration to using any unused money in the affordable housing capital budget identified above for the same purpose;
13. To earmark up to £55,000 within the Financial Planning Reserve to enable the commissioning and production of;
 - A transport strategy for the Somer Valley;
 - A transport strategy for the Chew Valley and rural areas
14. To instruct officers to open discussions with the Royal United Hospital to explore the possibility of providing financial support to the hospital, in the form of a market loan or other form of investment, to enable a greater increase in on-site parking provision than currently planned, so that the Council can give consideration to such a proposal in a future Budget, if these discussions prove fruitful;
15. To earmark up to £10,000 within the Financial Planning Reserve to support initial work and feasibility in relation to the above, if initial discussions prove fruitful;

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2015/16 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES:

16. That the 2015/16 expenditure is funded as follows:

	Total £
2015/16 Gross Expenditure	321,059,224
2015/16 Income (service income and specific grants)	192,121,074
Core Funding:	
Revenue Support Grant	20,504,292
Retained Business Rates*	31,581,233
Use of Reserves	819,098
Collection Fund Surplus	1,578,177
2015/16 Gross Income	246,603,874
Council Tax Requirement (excluding Parish Precepts)	74,455,350

* Before Tariff Payment

17.

- a) That it be noted that on the 19th December 2014 the Divisional Director of Business Support (as authorised section 151 officer) agreed 61,950.62 Band D property equivalent as the Council Tax Base for the year 2015/16 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 35(5) of the Local Government Finance Act 1992.
- b) The amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate is given as Annex 1 (1).

[Annex 1 (1) gives Band D Tax base by parish]

18. That the following amounts be now calculated by the Council for the 2015/16 financial year in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992, as amended:

- a. **£323,288,909** (=£321,059,224 (gross expenditure) +£2,229,685 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act.

[This is the gross expenditure incurred in performing functions and charged to the revenue account, contingencies for revenue, any financial reserves to be raised, financial reserves to meet prior year deficit not yet provided for, any amounts transferred from its general fund to its collection fund in accordance with section 97(4) of the Local Government Finance 1988 Act, and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]

- b. **£246,603,874** (gross income including use of reserves) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the 1992 Act.

[This is the income estimated to accrue which will be credited into the revenue account for the year in accordance with proper practices, any amounts transferred in the year from the collection fund to the general fund in

accordance with section 97(3) of the 1988 Act, any amounts which will be transferred from the collection fund to the general fund pursuant to a direction under section 98(4) of the 1988 Act and will be credited to the revenue account for the year, and financial reserves used to provide for items in Section 31A(2)]

- c. **£76,685,035** being the amount by which the aggregate at 18(a) above exceeds the aggregate at 18(b) above calculated by the Council in accordance with Section 31A(4) of the 1992 Act as its Council Tax requirement for the year.
- d. **£1,237.84** being the amount at 18(c) above divided by the amount at 17(a) above, calculated in accordance with Section 31B of the 1992 Act, as the basic amount of Council Tax for the year.

[This is the average Council tax including B&NES and parish precepts]

- e. **£2,229,685** being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the 1992 Act.

[This is the total of parish precepts]

- f. **£1,201.85** being the amount at 18(d) above less the result given by dividing the amount at 18(e) above by the amount at 17(a) above, calculated by the Council, in accordance with Section 34(2) of the 1992 Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

[This is the B&NES Council tax only excluding parish precepts]

- g. The amounts given by adding to the amount at 18(f) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 17(b) above, calculated by the Council, in accordance with section 34(3) of the 1992 Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate are given at Annex 1 (3).

[Annex 1 (3) gives the Band D Council tax for each area including the parish precepts]

- h. The amounts given by multiplying the amounts at 18(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands are given in Annex 1 (4).

[Annex 1 (4) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

19. That it be noted that for the year 2015/16 the Police & Crime Commissioner for Avon and Somerset has determined the amount in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

20. Avon and Somerset Police

Valuation Bands

A	B	C	D	E	F	G	H
£116.52	£135.94	£155.36	£174.78	£213.62	£252.46	£291.30	£349.56

21. That it be noted that for the year 2015/16 Avon Fire Authority met on 6th February 2015 to determine the amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

22. Avon Fire Authority

Valuation Bands

A	B	C	D	E	F	G	H
£44.40	£51.80	£59.20	£66.60	£81.40	£96.20	£111.00	£133.20

23. That, having calculated the aggregate in each case of the amounts 20, 22 and 18(h) above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2015/16 financial year for each of the categories of dwellings shown, as listed in Annex 1 (5).

24. On average (for a Band D, 2 adult household) the Council Tax for 2015/16 will be as follows:

<i>Reference Band D 2014/15 £</i>		£ Band D 2015/16	% Increase on 2014/15
1,201.85	Bath and North East Somerset Council	1,201.85	0.00
35.72	Average Parish Precept	35.99	0.76
65.30	Avon Fire Authority	66.60	1.99
171.37	Avon and Somerset Police	174.78	1.99
1,474.24	Total Tax charged	1,479.22	0.34

[Overall annual increase in average Band D Council Tax is £4.98]

25. The Council's basic amount of Council Tax for 2015/16 is not determined to be excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

Notes;

1. *The above motion was carried, with 34 Councillors voting in favour and 28 Councillors abstaining;*

Councillors voting in favour – Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, Neil Butters, Bryan Chalker, Nicholas Coombes, Paul Crossley, Gerry Curran, Doug Deacon, David Dixon, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Nathan Hartley, Steve Hedges, Dave Laming, Malcolm Lees, David Martin, Doug Nicol, June Player, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds

Councillors abstaining – Patrick Anketell-Jones, Colin Barrett, Matthew Blankley, John Bull, Anthony Clarke, Sally Davis, Peter Edwards, Michael Evans, Terry Gazzard, Charles Gerrish, Francine Haerberling, Alan Hale, Liz Hardman, Eleanor Jackson, Les Kew, Marie Longstaff, Barry Macrae, Robin Moss, Paul Myers, Bryan Organ, Vic Pritchard, Liz Richardson, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Tim Warren, Brian Webber

2. *A variation to the motion was put forward by Councillor Liz Richardson and accepted as a minor adjustment by the mover and seconder of the motion. This wording forms resolutions 11 & 12 above.*
3. *A variation to the motion was put forward by Councillor Michael Evans and accepted as a minor adjustment by the mover and seconder of the motion. This wording forms resolution 13 above.*
4. *A variation to the motion was put forward by Councillor Anthony Clarke and accepted as a minor adjustment by the mover and seconder of the motion. This wording forms resolutions 14 & 15 above.*

71 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2015/16

Councillors considered a report which fulfilled the Council's legal obligation under the Local Government Act 2003 to approve a Treasury Management Strategy and an Investment Strategy before the start of each financial year, in accordance with the CIPFA Code and the CLG Guidance.

The report is also on the agenda to be scrutinised by the Corporate Audit Committee on 26th March 2015.

On a motion from Councillor David Bellotti, seconded by Councillor Tim Warren, it was

RESOLVED to agree that;

1. The actions proposed within the Treasury Management Strategy Statement (Appendix 1 of the report) are approved;
2. the Investment Strategy, as detailed in Appendix 2 of the report, is approved; and
3. the changes to the authorised lending lists detailed in Appendix 2 and highlighted in Appendix 3 are approved.

[Note – this item was passed unanimously]

72 COMMUNITY INFRASTRUCTURE LEVY (CIL) ADOPTION

The Council considered a report recommending approval of the B&NES Community Infrastructure Levy (CIL). Following the examination hearings on the 8th January 2015, the Examiner recommended approval of the CIL, with modifications. The Council can only approve the CIL if it accepts the Examiner’s modifications.

On a motion from Councillor Tim Ball, seconded by Councillor Liz Richardson, it was

RESOLVED

1. To approve the B&NES Community Infrastructure Levy as modified by the Examiner (Attachment 1 to the report) with a commencement date of 6th April 2015;
2. To delegate responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Homes and Planning, to make minor amendments and to correct any errors to the documentation before CIL comes into effect; and
3. Agree that the CIL charging schedule is kept under review and any proposed adjustments to the charging schedules are reported to Cabinet before 6th April 2017 for recommendation, if appropriate, to Council.

[Note – this item was passed unanimously]

The meeting ended at 8.55 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

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Agenda Item 10

Name	Political party	Ward
Councillor Patrick Anketell-Jones	Conservative Party	Lansdown
Councillor Rob Appleyard	Liberal Democrats	Lambridge
Councillor Tim Ball	Liberal Democrats	Twerton
Councillor Colin Barrett	Conservative Party	Weston
Councillor Cherry Beath	Liberal Democrats	Combe Down
Councillor Jasper Martin Becker	Conservative Party	Widcombe
Councillor Sarah Bevan	No politics, just Peasedown	Peasedown
Councillor Colin David Blackburn	Independent	Westmoreland
Councillor Lisa Brett	Liberal Democrats	Walcot
Councillor Marie Longstaff	Conservative Party	Keynsham East
Councillor John Bull	Labour Party	Paulton
Councillor Neil Butters	Liberal Democrats	Bathavon South
Councillor Jonathan Charles Carr	Green Party	Abbey
Councillor Anthony Clarke	Conservative Party	Lansdown
Councillor Matt Cochrane	Conservative Party	Bathwick
Councillor Paul Crossley	Liberal Democrats	Southdown
Councillor Christopher J Dando	Labour Party	Radstock
Councillor Fiona Lorraine Darey	Conservative Party	Walcot
Councillor Matthew Paul Davies	Conservative Party	Weston
Councillor Sally Davis	Conservative Party	Farnborough
Councillor Douglas Deacon	Independent	Timsbury
Councillor Emma Clare Dixon	Conservative Party	Saltford
Councillor Michael Evans	Conservative Party	Midsomer Norton North
Councillor Andrew Furse	Liberal Democrats	Kingsmead
Councillor Charles Gerrish	Conservative Party	Keynsham North
Councillor Ian Gilchrist	Liberal Democrats	Widcombe
Councillor Bob Goodman	Conservative Party	Combe Down
Councillor Francine Haeberling	Conservative Party	Saltford
Councillor Alan Hale	Conservative Party	Keynsham South
Councillor Liz Hardman	Labour Party	Paulton
Councillor Donal Hassett	Conservative Party	Newbridge
Councillor Steve Hedges	Liberal Democrats	Odd Down
Councillor Deirdre Mary Horstmann	Conservative Party	Radstock
Councillor Eleanor Jackson	Labour Party	Westfield
Councillor Steve Jeffries	Conservative Party	Bathwick
Councillor Les Kew	Conservative Party	High Littleton
Councillor Barry Macrae	Conservative Party	Midsomer Norton North
Councillor Paul May	Conservative Party	Publow and Whitchurch
Councillor Shaun McGall	Liberal Democrats	Oldfield
Councillor Alison Millar	Liberal Democrats	Bathavon North
Councillor Robin Moss	Labour Party	Westfield
Councillor Paul Myers	Conservative Party	Midsomer Norton Redfield
Councillor Michael Raphael Luke Norton	Conservative Party	Lyncombe
Councillor Lisa O'Brien	Conservative Party	Keynsham South
Councillor Bryan Organ	Conservative Party	Keynsham East
Councillor Lin Patterson	Green Party	Lambridge
Councillor Chris Pearce	Conservative Party	Kingsmead
Councillor June Player	Independent	Westmoreland
Councillor Vic Pritchard	Conservative Party	Chew Valley South
Councillor Joe Rayment	Labour Party	Twerton
Councillor Liz Richardson	Conservative Party	Chew Valley North
Councillor Caroline Roberts	Liberal Democrats	Newbridge
Councillor Nigel Roberts	Liberal Democrats	Odd Down
Councillor Dine Romero	Liberal Democrats	Southdown

Councillor Will Sandry	Liberal Democrats	Oldfield
Councillor Mark Grosvenor McNeill Shelford	Conservative Party	Lyncombe
Councillor Brian Simmons	Conservative Party	Keynsham North
Councillor Peter Joseph Michael Turner	Conservative Party	Abbey
Councillor David Veale	Conservative Party	Bathavon West
Councillor Martin Veal	Conservative Party	Bathavon North
Councillor Karen Walker	No politics, just Peasedown	Peasedown
Councillor Geoff Ward	Conservative Party	Bathavon North
Councillor Tim Warren	Conservative Party	Mendip
Councillor Karen Ruth Warrington	Conservative Party	Clutton
Councillor Chris Watt	Conservative Party	Midsomer Norton Redfield

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	21 st May 2015
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 <u>Current</u> political proportionality and committee chairing arrangements</p> <p>Appendix 2 <u>Current</u> Terms of Reference of Panels and Committees in the Council's Constitution</p> <p>Appendix 3 Revised Planning Code of Conduct</p>	

1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and Regulatory Committee arrangements for the Council Year May 2015 to May 2016 and associated annual business. It is anticipated that an update report will be issued prior to the meeting in the light of discussions underway between political groups.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve a structure for non-executive and regulatory decision making, and the Scrutiny function as set out in the Constitution and identified in its current form in this report at Appendix 2;
- 2.2 Note the current political proportionality as set out in Appendix 1 and any update following the formation of political groups;
- 2.3 Approve the terms of reference for Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly;
- 2.4 Approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality and the nominations made by the political groups;

- 2.5 Appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated (current arrangements are as set out in Appendix 1);
- 2.6 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;
- 2.7 Determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
- 2.8 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as out lined in paragraph 6.1;
- 2.9 Appoint members to Avon Fire Authority on a proportionality basis to be determined;
- 2.10 Determine if it wishes to make an allocation of Political Assistants to eligible groups as set out in Section 8; and if so
- 2.11 Approve the allocation of Political Assistants to qualifying groups in accordance with section 8;
- 2.12 Approve the attached Planning Code of Conduct for inclusion in the Council's Constitution as set out in paragraph 9;
- 2.13 Note, in light of the decision taken earlier on the agenda to appoint a Leader, that the Leader will publish in due course, a scheme of delegation of executive functions;
- 2.14 Note the position regarding the frequency of meetings (as set out in Section 10) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis;
- 2.15 Note that an Independent Panel to consider members' allowances is being convened and will report its recommendations in due course
- 2.16 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies;
- 2.17 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Any financial implications will depend upon the number and nature of allowances payable under the decision making structure, and number of meetings to support, and the meeting will be updated as necessary.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Council is required to put in place arrangements for the effective discharge of its business.

5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

5.1 The Council's Constitution sets out the approved executive, non-executive and regulatory decision making structure and the Council's policy development and scrutiny arrangements. The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 2 to this report. Appendix 1 to this report lists the relevant Committees etc, the present allocation of seats to political groups in accordance with the political proportionality pre May 2015 and the approved nomination rights for chairing those bodies.

5.2 Nominations are invited from the political groups for the appointment by the Council of Members to the bodies listed in Appendix 2 and for the Chairs of the Overview and Scrutiny Panels and the Regulatory and Non-Executive Committees (excluding the Standards Committee).

5.3 Avon Pension Fund Pension Board

Following the approval of the Terms of Reference at the meeting on 15 January 2015 the regulations were amended as follows:

1. Elected members of the administering authority can only be appointed as employer or employee members;
2. 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.
3. Voting rights restricted to employer and employee members; therefore an independent chairperson who is not an employer or employee representative will not be permitted to vote.

As a result the Terms of reference have been amended to reflect the change in the regulations by expanding the Board membership to three employer members, three employee members and an independent chairperson.

5.4 Avon Pension Fund Committee

The Avon Pension Fund Committee Terms of Reference are amended to reflect changes in the regulations with regard to Administering Authority discretions which were approved by the Committee at its meeting on 27 March 2015.

5.5 Development Management Committee

The Divisional Director for Development has proposed the Development Control Committee is renamed as the Development Management Committee to reflect the name of the department in line with central Government advice and publicity. Government decided that the continued use of the word "control" was not helpful when the emphasis across the country is to increase the level of

development - houses and jobs. As such, the department is tasked with managing development rather than controlling it.

5.6 Working Group - Options to strengthen community representation and civic governance within Bath

Council in May 2014 established this cross-party working group. It met 7 times from May to July 2014, and published an Interim report for consultation which can be found here;

http://www.bathnes.gov.uk/sites/default/files/interim_report_july_2014_5.docx

This, and the consultation findings along with recommendations were reported to September Council which resolved:

1. To note the interim report of the working group to strengthen community representation and civic governance within Bath and thank its members for their work so far;
2. To agree that the working group continue its work, based on the next steps set out in the report, to provide an evidence base for the newly-elected Council in May 2015 to determine this issue; and
3. To agree to extend the life of the working group, as currently comprised, to deliver the remit set out in 2 above."

Subsequent to this, the working group has met 5 further times and at its last meeting agreed to meet again after the election, but prior to the Bath City Conference, which it wishes to see used as an engagement process on this matter.

6 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

- 6.1 The trend towards collective scrutiny by West of England Councils and participation in a wider range of scrutiny activity on a regional basis is likely to continue. For this reason, it is proposed that any Panel should be able to participate in informal joint working with other Councils when it is expedient and cost-effective for there to be a collective approach.

7 PROPORTIONALITY

- 7.1 At the time of preparation and despatch of this report, no notification had been received of the formation of political groups such as to trigger the requirement to review. It is anticipated that notification will be received prior to the 21st in which case an update report will be prepared for Council incorporating revised proportionality figures and consequent allocation of seats based on the existing number of seats on each committee.

- 7.2 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub Committees but the basic principles are:-

- a) not all the seats on the body shall be allocated to one particular party;

- b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
- c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;
- d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.

7.3 Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub Committees, and to make the actual appointments. A Committee or Sub Committee must, however comprise at least two voting members.

7.4 The law also deals with the allocation of committee places to members who do not belong to any political group. It indicates that, where there are members of the Council who do not belong to a political group, a proportion of seats on each body to which appointments are made, equal to the proportion of authority members who do not belong to a political group, will be allocated to the Member(s) concerned. Thus, if there were sixty five seats on Committee/Panels and two independent members, two seats would be available to them. Council will decide which of the available seats will be so allocated and to whom.

7.5 Discussions are in hand between political groups as to the number and remit of decision making bodies and the consequent allocation of nomination rights to groups.

7.6 A revised political proportionality table will be issued as soon as practicable.

7.7 The allocation of seats will be based on the rules set out in paragraphs 7.2 and 7.3 above, with Conservatives having 57%, Liberal Democrats 23%, Labour 9% and the remaining percentage of places according to whether further political groups are formed. This is currently under discussion.

8 POLITICAL ASSISTANTS

8.1 Since its inception, this Council has offered to each of the Political Groups which qualify, the support of a Political Assistant. These are Officers who are specifically recruited to give political support and advice directly to members of the group. They hold fixed term contracts and their terms of office expire on the day of the annual general meeting of the Council in a year of ordinary election (ie the date of this meeting).

8.2 The Local Government and Housing Act, 1989 is the legislation governing such appointments. That legislation sets down eligibility criteria for a Political Assistant, on the basis that the Council first agrees to allocate such posts to all eligible political groups. The criteria are:

- the political group must have at least 10% of the total Council membership;
- no more than 3 x Political Groups with 10% or more seats to qualify;
- where there is only one Political Group with 10% or more seats, then that group and one other only shall qualify.

8.3 The Council will need to determine therefore (a) whether it wishes to make an allocation of Political Assistants to eligible groups and (b) if it does, then to which groups will such an allocation be made.

9 PLANNING CODE OF CONDUCT

9.1 The attached revised Planning Code of Conduct was considered by the Standards Committee and Development Control Committee, whose comments are incorporated.

10 COUNCIL MEETING SCHEDULE

10.1 The frequency of Full Council, Committee and Panel meetings is decided by the Council. The pattern of meetings previously approved was based on the Full Council meeting six times a year (in May, July, September, November, January and February) and it is now recommended that the January meeting is moved to March. The general pattern of Committee and Policy Development & Scrutiny Panel meetings was based on a meeting cycle of once every two months. The Development Control Committee meets on a monthly cycle. The Licensing Sub-Committee meets as required to deal with the applications. Committees and Panels have discretion to vary their schedule of meetings according to workload, but Members need to be aware that there are resource and workload implications if there are significant changes made to the overall frequency of meetings.

10.2 Once meeting dates are arranged, they will be available online and can be downloaded by Members.

11 OTHER ISSUES

11.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution part 4b, rule 16 refers). This Council has decided that will happen on an annual basis.

11.2 No such decisions were taken in the previous year.

12 RISK MANAGEMENT

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

13 EQUALITIES

13.1 Equalities Impact Assessments have been carried out on the Access to the Democratic process and the Overview & Scrutiny Strategic and Democratic function and are available for public inspection.

14 ADVICE SOUGHT AND CONSULTATION

14.1 The Council's Chief Executive, Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

14.2 Group Leaders have been consulted on relevant aspects of this report.

Contact person	Jo Morrison, Democratic Services Manager, ext 4358
Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	

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POLITICAL PROPORTIONALITY TABLE – AGREED JULY 2014

individual proportionality								
Licensing Sub-Committee	3					<i>LD</i>		
Pensions Investment panel	3	1	2			<i>C</i>		3
Optional proportionality								
Health & Wellbeing Board	3	3 (as appointed by the Leader)	1 (observer)	1 (observer)	1 (observer)			
Licensing Committee	12	5	5	1	1	<i>LD</i>		

Notes

1. DC Committee – by agreement of the Leader, one LD place is to be filled by an Independent member.
2. Standards Committee – by agreement of the Leader, one LD place is to be filled by a Labour member
3. Wellbeing Panel – by agreement of the Ind Group Leader, the Ind place is to be filled by a Labour member.

TERMS OF REFERENCE

Policy Development and Scrutiny Panels - General Terms of Reference

Role of Overview and Scrutiny¹ Panels

Overview and Scrutiny Panels allow citizens to have a greater say in Council matters by holding public inquiries into some matters of local concern. These lead to reports and recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery.

Overview and scrutiny bodies also monitor the decisions of the Cabinet and other executive persons/bodies. They may of their own volition, or be asked to, ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. The “call-in” rules and procedure are set out in Part 4D-1 of this Constitution.

Overview and Scrutiny bodies may also be consulted by the Cabinet or by the Council on forthcoming decisions and on the development of policy.

The proceedings of all overview and scrutiny bodies will be conducted in accordance with the Overview and Scrutiny Procedure Rules set out in this Constitution.

Within their allocated remits, each Panel

- (i) has broad-based responsibility for Overview and Scrutiny in its particular area of responsibility, in line with the Council's objectives
- (ii) scrutinises Performance Management information for the allocated performance areas on a scheduled basis and advises the Cabinet accordingly
- (iii) receives and carries out work as allocated, including
 - (a) determination of Call-Ins of executive decisions made but not yet implemented,
 - (b) carrying-out of in-depth reviews, as set out in their Overview and Scrutiny Work Plan
 - (c) undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity
 - (d) offering overview advice and reports of policy development issues
 - (e) evaluating the impact of Council and Cabinet decisions and policies
 - (f) undertaking scrutiny of agreed Action Plans and Policies, to ensure compliance (including those required by the District Auditor)
 - (g) reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council’s functions;
 - (h) dealing with any relevant Councillor Call for Action
 - (i) carries out its roles within the Council’s petition scheme.

¹ Overview and Scrutiny is the legal and generic term for the function carried out by Policy Development and Scrutiny Panels

- (iv) may send communications and reports directly to other Overview and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
- (v) may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights)
- (vi) may invite participants to give evidence, either verbally or in writing, on any issue contained within their Overview and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
- (viii) may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Overview and Scrutiny Procedural Rules
- (ix) may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers

All Overview and Scrutiny Panels may also:

- **on scrutiny issues**

- i) review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to individual decisions and over a period of time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and Officers about their decisions and performance*, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects (*this does not relate to the performance review (“appraisal”) process which is a staff managerial responsibility);
- iv) make recommendations to the Cabinet arising from the outcome of the scrutiny process;
- v) invite any person to give evidence and answer questions (subject to the Overview and Procedure Rules)

- **on overview issues**

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- (ii) conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (v) carry out in-depth reviews of key local issues, subject to the provisions of the

Overview and Scrutiny Work Plan.

(vi) request reports from Officers and Cabinet Members.

Meeting Frequency:

Panels will determine their own frequency relevant to the requirements of the Overview and Scrutiny Work Plan, and within resources allocated to them.

Policy Development and Scrutiny Panel Remits

HOUSING AND MAJOR PROJECTS

Panel remit is –

- Housing, Housing delivery and travellers
- Housing choices for vulnerable people
- Projects (Development and Major Projects)
- West of England Partnership

Membership: 3 Liberal Democratic Members, 2 Conservative Members; 1 Independent Member; 1 Labour Member.

Chair is nominee of Labour Group, Vice Chair is nominee of Liberal Democrat Group

RESOURCES

Panel remit is –

- Revenues & Benefits and Council Connect
- Risk and assurance
- Property
- Finance
- Improvement and performance; Legal and democratic services
- Strategy and Performance
- Change Programme
- Public Sector Partnerships

Membership: 4 Conservative Members; 2 Liberal Democrat Members and 1 Labour Member

Chair is nominee of Labour Group, Vice Chair is nominee of Liberal Democrat Group

EARLY YEARS, CHILDREN AND YOUTH

(Designated Curriculum Complaints Panel)

(Designated Panel for determining appeals for transport to school/college for post 16 Learners with learning difficulties and/or disabilities)

Panel remit is –

- Learning and inclusion
- Children, young people and family support
- Safeguarding children
- Primary, secondary and further education

- Improving environment and opportunities for disadvantaged teenagers
- Corporate Parenting, including transition of vulnerable/looked after children to Adult care
- Health, commissioning and planning (Children)²

Membership: 3 Conservative Members, 3 Liberal Democrat Members, 1 Labour Member

Chair is nominee of Conservative Group, Vice Chair is nominee of Liberal Democrat Group

PLANNING TRANSPORT AND ENVIRONMENT

(Designated Flood Risk Management scrutiny Panel)

Panel remit is –

- Planning
- Transport Development (transport planning/policy, major transport infrastructure)
- Major Transport Schemes
- Highways, Parking and Transport
- Environmental Services
- Natural Environment/Green Infrastructure

Membership: 3 Conservative Members and 4 Liberal Democrat Members

Chair is nominee of Conservative Group, Vice Chair is nominee of Liberal Democrat Group

ECONOMIC AND COMMUNITY DEVELOPMENT

(Statutory Crime and Disorder Panel)

Panel remit is –

- Economic Enterprise and Business Development
- Tourism (Heritage Services, Destination Management, Arts & Festivals including the film office)
- World Heritage Management
- Community Safety
- Leisure and Culture (Sport & Active Lifestyles, Libraries)
- Big Society/3rd Sector Funding Initiatives
- Improve the quality of life of the communities (older people and of children, young people and families) at risk and narrow the gap between the worst performing wards / neighbourhoods and other areas across the district.

Membership: 3 Conservative Members, 3 Liberal Democrat Members, 1 Labour Member and 1 Independent Member

Chair is nominee of Labour Group, Vice Chair is nominee of Liberal Democrat Group

² When relevant, issues will also be referred to the Wellbeing Panel

In addition to General Terms of Reference

Further to the Police and Justice Act 2006 (and associated regulations), the designated Crime and Disorder Panel in relation to responsible authorities (or co-operating bodies or persons) may

- a. review the decisions and performance at least once per year;
- b. with reasonable notice, require the attendance of an officer or employee to answer questions, and more recently to include the new Police and Crime Commissioner
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

WELLBEING

(Delegated Panel for the statutory health scrutiny function under the Health & Social Care Act 2012)

Panel remit is –

- Adult health and social care
- Public Health (Improving health and reducing health inequalities)
- Health Scrutiny
- Healthwatch
- *[When relevant - Health, commissioning and planning (Children)].³*

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Wellbeing Panel. Councillors on the Wellbeing Panel therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

Membership: 4 Conservative Members, 4 Liberal Democrat Members; 1 Labour Member

Chair is nominee of Conservative Group, Vice Chair is nominee of Liberal Democrat Group

In Addition to General Terms of Reference

Further to the Local Government and Public Involvement in Health Act 2007 (and associated regulations), the designated Health Scrutiny Panel may

- a. receive referrals from the Local Healthwatch and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them (either by Council or by the delegated Panel), and
- c. keep the referrer informed of the panel's actions and decisions in relation to the matter.

³ Principal responsibility rests with Early Years, Children and Youth Panel – Wellbeing Panel to be involved when relevant

HEALTH SCRUTINY: Background

Local Authorities with social services powers are required to ensure that the Council has the power to scrutinise the planning, provision and operation of health services. This power may be undertaken by the Full Council, a designated health scrutiny committee/panel or any other method that the Council deems appropriate. This power relates to reviewing, scrutinising and reporting on NHS services and institutions, and helps the Council build on existing health partnerships and other work to tackle causes of ill-health and health inequalities.

Under the Health and Social Care Act 2012, this function will now apply to any provider of health care services including private and third sector suppliers.

Provisions of the Health Scrutiny Regulations

- The council's overview and scrutiny body can scrutinise any NHS Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.
- Local NHS bodies must provide any information the council reasonably requires (excluding information about individuals), and NHS staff can be required to attend and provide information.
- Scrutiny reports can be made to the council and to NHS bodies. If requested, the NHS body must respond within 28 days.
- NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.
- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.
- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.

Reporting Arrangements

Following any health overview & scrutiny topic undertaken, the Panel will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

JOINT HEALTH SCRUTINY FUNCTION

Working across Local Authority Boundaries

Some health issues will be specific to the B&NES area whilst others (e.g. performance of large hospitals or regional health services with a wide catchment area) will extend beyond the B&NES local authority boundaries. In such cases, B&NES will adopt the following approach:

Protocols for a Joint Health Scrutiny Committee for cross-boundary overview and scrutiny of health issues and institutions have been established with the other Councils in the former Avon area (as agreed at Council November 2003).

Membership

The membership of each Joint Health Scrutiny Committee should be made up of not more than 3 Councillors from each Council participating in the review(s) being undertaken by that Committee.

The requirement to observe political proportionality in making appointments to these Joint Committees has been waived by all four Councils so as to give each Council maximum flexibility in making its appointments.

The three B&NES Councillors participating in the Joint Health Scrutiny will be agreed by and appointed from the Panel designated as the health overview and scrutiny panel, as and when it is agreed to participate in a Joint Health Scrutiny Committee.

It is intended that these arrangements form the basis for constituting Joint Health Overview and Scrutiny Committees with other neighbouring local authorities e.g. Somerset or Wiltshire County Councils.

Terms of Reference

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.
- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

Health Services located within B&NES

E.g. Royal United Hospital (RUH), Bath.

B&NES Council will take the lead on any health overview & scrutiny activities based in its area and invite participation from neighbouring authorities that have an interest. Neighbouring authorities may provide a Member of their council for co-opted membership.

Health Services located elsewhere but used by B&NES residents

E.g. Bristol Royal Infirmary (BRI)

B&NES Council would expect that a 'host' local authority would take the lead on a major issue within its area, given that they are likely to have the majority of residents affected by the service. In such cases, B&NES could seek to have representative(s) from the health overview and scrutiny panel co-opted (on a reciprocal agreement, as above) to the host authority's own Health Overview & Scrutiny arrangements so that it may contribute and represent B&NES residents on the specific topic.

A Member of the B&NES Wellbeing Policy Development and Scrutiny Panel would attend such joint meetings, as are relevant, and report back to the rest of the Panel at B&NES' own Health Overview & Scrutiny meetings.

South Western Ambulance Service (North Area) Joint Health Overview and Scrutiny Committee

Terms of Reference

Aims and Objectives

To collectively scrutinise the planning, design and delivery of services provided by the South Western Ambulance Service NHS Foundation Trust (SWAS) to:

- Hold SWAS to account for its performance for the North Area, which is the area formerly covered by the Great Western Ambulance Service NHS Trust i.e. B&NES, Bristol, Gloucestershire, North Somerset, South Gloucestershire, Swindon, Wiltshire
- To review and develop policy that affects all local authorities in the SWAS (North Area)
- To scrutinise the impact of the services provided by SWAS on all local communities in the North Area served by the Trust,
- Any issue in relation to the planning, design or delivery of healthcare services by SWAS that impacts on two or more local authorities within the North Area served by the Trust
- To act as the body which will be formally consulted in the event of a decision by two or more participant HOSCs or by SWAS itself that a proposal by SWAS or its lead commissioner to vary or develop services constitutes a "substantial variation"
- To review the impact of legislative changes which directly or Indirectly affect the provision of ambulance services in the SWAS North Area

To have specific responsibility (but not limited to):

- The scrutiny of performance against national and local response time targets
- The scrutiny of performance against other national and local Targets
- The scrutiny of the strategic direction of the planning, design and delivery of healthcare services provided by SWAS
- The scrutiny of the commissioning of ambulance services within the North Area served by the SWAS
- The remit of the South Western Ambulance Service (North Area) Joint Health Overview and Scrutiny Committee excludes:
 - The scrutiny of any matters relating to the planning, design and delivery of healthcare services provided by SWAS that impacts on a single local authority, without first seeking the approval of the relevant local authority
 - The scrutiny of individual cases
 - The scrutiny of the management of staff

Rationale

Local authority Health Overview and Scrutiny Committees (HOSCs) have statutory powers to scrutinise the provision of healthcare services to their local communities. HOSCs have an important role in:

- Involving local people and community organisations in scrutiny activity
- Developing a dialogue with service providers and other stakeholders outside the council
- Taking up issues of concern to local people
- Reviewing whether goals are being achieved
- Examining what can be done to solve problems and enhance performance and achievement
- Assisting SWAS achieve their aims through providing practical support where possible and appropriate

Where health services are delivered by a single provider across a number of local authority areas, as is the case with ambulance services provided by the SWAS, it is recognised that there are benefits of the relevant local authorities coming together to scrutinise the planning, design and delivery of these services in partnership.

This will ensure:

- A co-ordinated approach to the scrutiny process

- A common understanding of issues affecting all local authorities within the SWAS North Area
- A single forum for the discussion and review of issues affecting all local authorities within the SWAS North Area
- An identified body to respond to proposals to vary or develop services that have been determined to be a “substantial variation” by two or more local authority HOSCs or by SWAS

Legal Framework

From April 2013 (under the Health and Social Care Act 2012 and 2013 Regulations) the power of health scrutiny will rest with local authorities, and local authorities have flexibility to determine how to discharge the health scrutiny functions. It could be by full Council, by a Committee appointed under Section 102 of the Local Government Act 1972, by an overview and scrutiny or a joint overview and scrutiny committee.

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 state in Part 4, Paragraph 30:

“ two or more local authorities may appoint a joint committee (a "joint overview and scrutiny committee") of those authorities and arrange for relevant functions in relation to any (or all) of those authorities to be exercised by the joint committee subject to such terms and conditions as the authorities may consider appropriate.”

Task Groups

The Joint Committee may establish a task group comprising of at least two members to carry out an in depth review of a specific issue. A named lead officer will administer each Task Group, with additional support by other local authority scrutiny officers as appropriate.

As part of its decision as to whether to establish a Task Group, the Joint Committee will consider any funding and resource implications.

Scrutiny by Individual HOSCs

Individual HOSCs retain the right to scrutinise any matter relating to the planning, design or delivery of ambulance services within their area.

It is requested that individual HOSCs advise the Joint Committee of their intention to carry out such a review in order to:

- Prevent duplication
- Identify whether the issue also impacts on other local authorities
- Identify any support that could be provided by the Joint Committee

The final decision to scrutinise an issue remains with the individual HOSC.

The Joint Committee will ensure that copies of its agenda, minutes and work programme are sent to the Chairs of all individual HOSCs.

Membership

Each participating local authority will nominate 3 members of their HOSC to sit on the Joint Committee. Substitutes may attend if required. The following local authorities are members of the Joint Committee:

- Bristol City Council
- Gloucestershire County Council
- North Somerset Council
- South Gloucestershire Council
- Swindon Borough Council
- Wiltshire Council
- Bath and North East Somerset

The Joint Committee shall be entitled to appoint a number of nonvoting co-optees. This will include a representative from Healthwatch.

The next election of the Chair and Vice-Chair will take place at the meeting in autumn 2015, and annually thereafter. In the absence of the Chair, the Vice-Chair will chair the meeting. In the event that both are absent, a member of the Joint Committee from the local authority at which the meeting is being hosted will be appointed to act as Chair. The Chair will not receive a Chair's allowance.

All meetings of the Joint Committee will be held in public. A 15 minute public forum will be held at the start of every Joint Committee meeting.

Administrative Support

Scrutiny Officers from the participating local authorities will support the Joint Committee. The Scrutiny Officer from Bristol City Council will be the lead officer to co-ordinate support arrangements.

Agenda papers and minutes will be made available on the website of the lead local authority. Each local authority will be responsible for displaying agenda papers and minutes on their own websites.

Support arrangements will be reviewed on an annual basis unless there are unforeseen circumstances.

Funding

Participating local authorities are not required to make a financial contribution for the support of the Joint Committee.

Individual local authority Scrutiny Officers will be responsible for printing papers for their members.

The venue for meetings of the Joint Committee will be rotated amongst the participating local authorities. The host local authority will meet the costs of providing hospitality.

Frequency of Meetings

The Joint Committee will meet on a six monthly basis. Additional meetings may be arranged if required.

Attendance at Meetings and Provision of Information

As outlined in the Health and Social Care Act 2001, and re-iterated in the 2013 Regulations, NHS organisations and now health service providers, are obliged to respond to requests for information made by the Joint Committee and to attend meetings of the Joint Committee if required.

This duty also extends to scrutiny reviews being carried out by individual HOSCs.

Review of Terms of Reference

The effectiveness of the Joint Committee and its Terms of Reference will be reviewed on an annual basis. The next review will take place in spring 2015.

WEST OF ENGLAND JOINT SCRUTINY COMMITTEE

Membership: 1 Liberal Democrat Member; 1 Conservative Member; 1 Labour Member

Background

The West of England Partnership comprised the 4 Councils that were previously Avon (Bristol, Bath and North East Somerset, South Gloucestershire, North Somerset), in order to jointly progress key infrastructure projects and funding bids. In 2011, this was changed to the statutorily based Local Enterprise Partnership.

There are no statutory powers to establish a joint overview and scrutiny committee, therefore each of the four Councils established their own politically balanced scrutiny body (September 2008) comprising three non-executive Councillors.

These meet together in public session, known as the West of England Joint Scrutiny Committee:

- and will conduct overview and scrutiny on behalf of the Local Enterprise Partnership (statutory);
- and may also meet individually in their own right and as and when necessary to consider their authority's position on a particular issue.

Political makeup of each is at the discretion of each Council. Substitute members may be appointed where a designated member is unable to attend.

Bath and North East Somerset Council's West of England Partnership Joint Scrutiny Committee

This comprises 3 non-executive Councillors with the politically proportionate balance of 1:1:1, being allocations for Liberal Democrat; Conservative; Labour. Each Group will also nominate a reserve Councillor. Substitutes to be allowed. For the avoidance of doubt, a substitute takes the place of the committee member for the entire meeting.

Reporting Arrangements

Members of this Scrutiny Committee may be requested to provide a briefing to a B&NES Panel Chair, or to attend Panel with a related remit, to discuss the activities of the Joint Scrutiny Committee.

Terms of Reference

Three members have been nominated to a West of England Scrutiny Committee by each of the four authorities to meet jointly as the the West of England Joint Scrutiny Committee. It will conduct an overview and scrutiny function on their behalf of the Local Enterprise Partnership (LEP).

The Committee shall be concerned with the aspects of the Local Enterprise Partnership that relate to public funding and resources. Within the LEP structure the Committee shall:

1. scrutinise any relevant proposals from the Joint Transport Executive Committee, Planning Housing and Communities Board and the Strategic Leaders Board in relation to the activities outlined in their terms of reference;
2. scrutinise other relevant proposals related to public funding and resources made from the Local Enterprise Partnership Board and the Skills Sub-Group;
3. review actions taken and decisions made by these bodies related to public funding and resources;
4. make reports or recommendations to these bodies, as appropriate and/or the constituent authorities' respective Overview and Scrutiny Committees or equivalent.
5. scrutinise the activities of private sector companies, recognising that the private sector is not under the same obligation to appear in public or have regard to recommendations made by a Scrutiny committee in the same way that public service providers are required to do so.

[NB : for the most part, this Committee will hold its meetings “jointly” with the equivalent scrutiny committees of the 3 partner authorities].

As a general rule (taking account of the limited resources available), sub groups will only be contemplated where absolutely necessary and should be of a task and finish variety.

*It follows that if members wish to amend the ToR that it will be necessary to make recommendations to the leaders and chief executive of the participating unitary authorities via their respective overview and scrutiny management committees

Where scrutiny is focussing on the activities of the Local Economic Partnership and/or executive committees/bodies, only those authorities involved in or affected by the executive committee activity should be involved in the scrutiny.

Work Programme

A work programme will be developed for approval by the Joint Scrutiny Committee

Chair/Vice Chair

The Chair and Vice Chair of the Committee will be agreed at the annual meeting.

Expert Witnesses

It shall be for the Joint Committee to decide whether expert witnesses are necessary. Expert witnesses will only be sought where it is clear that there is a significant gap in the expertise which is readily available to the committee. Expert witnesses can only be appointed in an advisory capacity and do not have voting rights.

Quorum and Voting Arrangements

As the Joint Scrutiny Committee is a combined meeting of the LEP scrutiny bodies of the 4 unitary authorities, a “quorum” will require that a minimum of 2 representatives per authority attend the meeting. In the event of one or more of the component scrutiny bodies not being quorate, a combined meeting may still take place but the minutes should indicate which scrutiny bodies were quorate and which were not.

Voting - meetings will aim for consensus. In the event of members considering it necessary to have a formal vote on a matter before them then each component authority's scrutiny body will vote separately, and the outcomes will be recorded in the minutes.

The Chair of the Joint Scrutiny Committee will not have a casting vote.

Where the Joint Scrutiny Committee is responding to consultation on proposals by a LEP executive committee/body, then the scrutiny report will make clear the outcome of any voting which took place.

Meeting Frequency:

The Committee will determine their own frequency relevant to the requirements of the Overview and Scrutiny Work Plan, and within resources allocated to them.

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
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.

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.

Officer Delegations

Officers are responsible for:

1. Day to day implementation and monitoring of the investment, administration, funding strategies and related policies.
2. Appointment of specialist advisors to support the Committee in discharging its functions.
3. The Section 151 Officer has authority to dismiss investment managers, advisors and 3rd 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).
4. 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
5. Under its wider delegated powers, the Section 151 Officer has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.
6. 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.

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 three member representatives, three employer representatives 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. The appointment of the Chair will be following an advertised competitive process, which shall be subject to the Board's approval of the successful candidate.

The selection process for employer and employee reps will take into account their capacity to fulfil the role as set out in the Role and Person Specification.

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 three meetings annually.

Voting rights

The objective is to reach consensus on all issues; however, each employer and employee rep has one vote. The Under Regulation 106 (7) of the LGPS Regulations 2013 the Independent Chairperson is explicitly excluded from having the right to vote.

Board Quorum

The quorum of the Board shall comprise three members who shall include at least one member and one employer representative.

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 work plan and Budget

The Board will agree its work plan 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, having taken advice from the Strategic Director of Resources, 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

Two of the initial appointments (one employer representative and one member representative) will be for a two year period. All other appointments will be for a four 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. If there is an unsatisfactory annual review of individual members

If there is a vote of no confidence in the Chairperson by the Board then the Administering Authority will conduct a process to appoint another Chairperson

The Council's Standards Committee and Monitoring Officer will determine any removal from 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.

Where any breach of duty is committed or alleged to have been committed by the Administering Authority (the Pensions Committee) the Board shall:

1. Discuss the breach or alleged breach that is identified with Pension Committee Chair and the proposed actions to be taken by the Board
2. Enable the Chair of the Committee to review the issue and report back the Board on the breach
3. The Board will determine action and if sufficiently material will report the breach to the Pensions Regulator or the Scheme Advisory Board as set out in the regulations.

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.

CORPORATE AUDIT COMMITTEE

Powers and Duties

The Council has delegated to this Committee its powers and duties relating to the following matters:

The Council delegates to the Corporate Audit Committee the following responsibilities:

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To approve the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year.
3. To approve the Internal Audit Plan within the budget agreed by the Council and to monitor its delivery and effectiveness (including the implementation of audit recommendations).
4. To consider, prior to signature by the Leader of the Council and Chief Executive, the Annual Governance Statement (including the list of significant issues for action in the ensuing year), as prepared in accordance with the statutory requirements and guidance; and to monitor progress on the significant issues and actions identified in the Statement.
5. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
6. To review periodically the Council's key financial governance procedures, i.e. Financial Regulations, Contract Standing Orders, Anti-Fraud & Corruption Policy and to recommend any necessary amendments.
7. To consider the annual Audit & Inspection Letter from the External Auditor and to monitor progress on accepted recommendations.
8. To monitor and promote good corporate governance within the Council and in its dealings with partner bodies and contractors, including review of the Council's Code of

Corporate Governance and in any such other ways as the Committee may consider expedient (within the budget agreed by the Council).

9. To consider and make recommendations of any other matters relating to corporate governance which are properly referred to the Committee or which come to its attention.

10. To make an annual report to Council on the work [and findings] of the Committee, including (if necessary) any measures necessary to improve the effectiveness of the Committee.

In all of the above, the Committee will, as appropriate, wish to develop effective liaison with the following:

A. the Standards Committee of the Council with regard to matters of ethical governance;

B. the relevant Policy Development and Scrutiny Panel(s) - to complement but not to duplicate the exercise of their legitimate role in checking compliance with Council processes and policies and in reviewing policies and practice;

C. relevant Cabinet Members, in particular the Leader and the Cabinet Member for Resources, whose portfolios include executive functions related to the matters covered by these terms of reference

D. the Council when developing the Council's Code of Corporate Governance

Membership

The membership of the Committee shall be 7 Councillors (3 Liberal Democrat, 2 Conservative, 1 Independent Group) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Liberal Democrat Group.

Frequency of Meetings

The Committee will hold 4 meetings each Council year in the months of June/July, September/October, December/January and March/April. Additional meetings may be arranged to deal with the volume of business if required.

DEVELOPMENT CONTROL COMMITTEE

Functions

1. The Committee will exercise all the Council's powers and duties in respect of Development Control (subject to the scheme of delegation set out in the Constitution and the provisions of Section 7 below).

The Committee will act in accordance with the Local Plan and Local Development Framework elements of the Council's Policy Framework.

2. The Committee is granted delegated authority to establish Development Control working practices and protocols for operation on a District-wide basis by this and all other area-based committees.

In exercising the above powers and duties, the Committee may also:

a. establish such sub committees and working parties as are considered helpful in exercising the above functions.

b. delegate any of its functions to a sub committee and to delegate any of its non-policy making functions to Officers (see delegation scheme).

3. To monitor service delivery and service trends and to make recommendations.
4. To be a body of influence across its geographical area of responsibility and with the community in its area.
5. To engage in consultation with the community and specifically with other bodies which have an interest in the span of responsibility of this Committee.
6. To participate with others in joint initiatives on planning.

Limitation on delegation

7. The exercise of this delegated authority is subject to the Divisional Director, Development, or the Group Manager (or any of the other Managers specifically listed in the delegation scheme when standing in for the Group Manager) being authorised, in exceptional circumstances, to refer any decision or determination of the Development Control Committee which is clearly contrary to policy and against officer advice, to a subsequent meeting of the Development Control Committee. When such a decision or determination is referred, it shall be of no effect until the Committee has fully reconsidered the matter in the light of all the information originally before the Committee plus such additional information and advice as the Divisional Director, Development or the Group Manager considers necessary. Further to such reconsideration, the Committee shall be entitled to make such decision or determination as it sees fit.

Frequency

Monthly

Membership

13 Members in the political proportion – 6 Liberal Democrat, 5 Conservative, 1 Labour Member and 1 Independent Member; chaired by a Liberal Democrat Member.

The quorum for this Committee shall be 7 Members.

EMPLOYMENT COMMITTEE

To exercise all powers and duties of the Council under section 112 of the Local Government Act, 1972 relating to its role as an employer, except those reserved to the Restructuring Implementation Committee.

To hear staff appeals requiring Member level involvement, under accepted national or Council schemes of conditions of service.

To conduct investigatory hearings requiring Member level involvement under accepted national or Council schemes of conditions of service.

To determine on behalf of the Council its powers and duties as an employer relating to pensions.

The Committee's Span of Responsibility

All matters relating to the role of the Council as an employer except those reserved to the Restructuring Implementation Committee.

All appeals or investigatory hearings requiring Member consideration including those relating to disciplinary, capability, grievance, and redundancy matters for all staff, including teachers.

Membership

The Committee when meeting to consider ordinary business, or as a hearing will comprise 3 Members in the political proportion 2 Conservative Members and 1 Liberal Democrat Member, chaired by a Conservative Member.

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

1. Statement of purpose

1.1 By working together the Board will aspire to reduce health inequalities and improve health and wellbeing in Bath and North East Somerset.

1.2 To achieve these aims the Board will work collaboratively with partners to join up commissioning and provision across the NHS, social care, public health and other areas related to health and wellbeing (where appropriate).

2 Roles and responsibilities

2.1 The Board will be responsible for:

- developing a joint strategic needs assessment (JSNA) and pharmaceutical needs assessment (PNA)
- preparing the joint health and wellbeing strategy (JHWS)
- considering whether the commissioning arrangements for social care, public health and the NHS are in line with the JHWS
- considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
- reporting formally to the NHS Commissioning Board, Clinical Commissioning Group, and council leadership if local commissioning plans have not had adequate regard to the JHWS
- The Better Care Fund for B&NES including sign off and ongoing oversight and audit.

2.2 The Board will seek to:

- influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA, PNA and JHWS
- promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
- influence planning, transport, housing, environment, economic development and community safety in order to address the wider determinants of health and wellbeing
- work collaboratively with the B&NES Public Services Board
- strategically performance manage key activity against the key priorities of the JHWS

2.3 Responsibility for the scrutiny of health and wellbeing will continue to lie with the Council's Policy Development and Scrutiny Panels.

3. Scope

3.1 The Boards' scope shall be set out within the Joint Health and Wellbeing Strategy.

3.2 The Health and Wellbeing Board may consider services beyond health and social care enabling the Board to look more broadly at factors affecting the health and wellbeing of the B&NES population.

4. Accountability

4.1 Accountability for the discharge of statutory responsibilities remains with the Council, CCG and Local Healthwatch.

4.2 The Board is responsible for working with the Children's Trust Board to deliver strategic commitments and outcomes, in line with the JHWS.

4.3 Accountability for safeguarding lies with the Local Safeguarding Adults Board, Children's Trust Board and Local Safeguarding Children's Board.

4.4 The Safeguarding Children Board, the Safeguarding Adult Board and the Children's Trust Board will report to the board on relevant performance outcomes against the JHWS priorities, through a regular performance reporting process.

5. Membership

5.1 Membership of the Board is:

- B&NES Council x 6 (Chief Executive, Director of Public Health, Director of People and Communities Services, Leader of the Council, Cabinet Member for Wellbeing, Cabinet Member for Early Years, Children and Youth)
- Clinical Commissioning Group x 3 (CCG Chair x 1, CCG Board member x 1, CCG lay member x 1)
- Healthwatch B&NES x 2
- NHS England (non-voting status)

5.2 In the event of members considering it necessary to have a formal vote, all Board members will have a voting right, except the Bath, Gloucestershire, Swindon and Wiltshire Area Team who will not have a voting right.

5.3 The Board will be co-chaired by the Council's Cabinet Member for Wellbeing and the Chair of the Clinical Commissioning Group. Chairing of each meeting will alternate between the two co-chairs and matters of agenda planning will be considered jointly. Co-chairs will also be able to provide cover and support to each other in the absence of one of them.

5.4 The quorum for the meeting will be six members of the Board with two members of the Clinical Commissioning Group, one member of Healthwatch B&NES and three members of the Council.

5.5 Board members may nominate a named substitute from an appropriate member of their organisation or service.

6. Wider engagement

6.1 By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:

- Taking responsibility for good public engagement
- Clarity about purpose
- Harnessing a range of engagement methods
- Engaging with everyone
- Committed to cultural change
- Providing access to information
- In partnership
- Feeding back engagement results
- With Healthwatch B&NES
- Evaluating engagement

6.2 The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.

6.2 The Council's overview and scrutiny function offers an opportunity for broader engagement on key issues.

6.3 It is intended that one representative of each Political Group on the council, not currently represented on the board, be invited to Board meetings in an observer capacity.

7. Business management

7.1 The Board is a statutory committee of the Council and will be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.

7.2 The Board will act in accordance with the Council's committee procedures.

7.3 Formal Board meetings shall be held in public. The Board may resolve to hold closed sessions in accordance with the Access to Information rules.

7.4 The Board will develop an operating model and work programme framed by the JHWS which will guide its work.

7.5 The Board will meet 6 times per year (bi-monthly).

7.6 The Board may establish sub-committees to lead on issues such as the JSNA, joint commissioning and health inequalities.

JOINT COMMITTEE FOR THE OVERSIGHT OF JOINT WORKING

Statement of purpose:

To oversee the operation of joint working partnership arrangements established between the B&NES Council and the B&NES CCG and described in the Joint Working Framework.

Roles and responsibilities

The joint committee is formally established to monitor and oversee the operation of partnership arrangements, and in particular:-

- pooled fund arrangements;
- the exercise of any NHS functions by the Council;
- the exercise of any health-related local authority functions by the CCG.

Accountability

The committee will be constituted as a joint committee of the Council and CCG and will provide reports to the Health & Wellbeing Board, B&NES Council (via the Wellbeing Policy Development & Scrutiny Panel) and B&NES CCG annually and by exception as required.

Membership

Membership will include:

- Two members of the B&NES CCG governing body
- The Executive Members responsible for Adult Social Care and Children's Services
- The Council's Chair of Audit Committee
- B&NES CCG Chair of Audit Committee

Practical Arrangements for Conducting the Committee's Business

The chair will be rotated by the B&NES Council and B&NES CCG representatives.

A quorum will require 2 B&NES Council members and 2 B&NES CCG members.

Other CCG and Council Executive members and officers may be in attendance as appropriate.

The Committee will meet twice a year in May and November and as required to meet business needs.

The May meeting will be a public meeting and will include an annual review of the arrangements, evaluating their success and considering external views and relevant organisational/legislative developments.

In monitoring the partnership arrangements the Committee is also expected to consider the management and staffing arrangements that support the partnership arrangements as

set out in the Joint Working Framework including the agreement under Section 113 of the Local Government Act 1972.

The Committee may act as a forum to try to resolve any disputes not resolved through normal management arrangements or through the offices of the B&NES CCG Chair and B&NES Council's CEO – as set out in the Joint Working Framework.

The committee will be supported by the B&NES Council's Democratic Services.

LICENSING COMMITTEE

Status of the Committee

The Licensing Committee is a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of licensing policies, the setting up of a Committee and the resolution not to issue casino licences.

Licensing policies shall be the responsibility of the Cabinet Member for Neighbourhoods except where there is a statutory requirement for Full Council to determine policies.

The setting up of a Licensing Committee shall be the responsibility of Full Council.

Membership of the Committee

The Committee shall comprise 12 elected members of the authority in the political group proportion (5 Cons: 5 Lib Dem: 1 Labour: 1 Independent), or such other proportion agreed by the Council from time to time.

The Monitoring Officer and Divisional Director (Legal and Democratic Services) shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

The Committee shall be chaired by a nominee of the Liberal Democrat Group.

The Council's objectives on Licensing

In exercising its functions the Committee must have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

- the prevention of crime and disorder ;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

In addition the Committee will have regard to the statutory licensing objectives under the Gambling Act 2005, i.e.

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition the Committee will, where applicable, have regard to –

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

The Committee will also have regard to the Council's visions:-

- Where everyone fulfils their potential
- With lively, active communities
- Unique places with beautiful surroundings

Powers and Duties of the Committee

1. At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
2. To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

*Animal Boarding Establishments Act
1963*

Animal Welfare Act 2006

Breeding of Dogs Act 1973

Breeding of Dogs Act 1991

*Caravan Sites and Control of
Development Act 1960*

Charities Act 2006

Dangerous Wild Animals Act 1976

Environmental Protection Act 1990

Fireworks Act 2003

Food Act 1984

Food Safety Act 1990

Gambling Act 2005

Game Act 1831

Guard Dogs Act 1975

Highways Act 1980 Part VIIA

House to House Collections Act 1939

*Petroleum (Regulation) Acts
1928 & 1936*

Poisons Act 1972

Police Factories, etc.

*(Miscellaneous Provisions)
Act 1916*

*Public Health (Control of
Disease) Act 1984*

Public Health Acts

Amendment Act 1907

*Riding Establishments Act
1964*

*Riding Establishments Act
1970*

Scrap Metal Dealers Act 2013

Theatres Act 1968

Town Police Clauses Act 1847

Town Police Clauses Act 1889

Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Mobile Homes Act 2013
Local Government (Miscellaneous Provisions) Act 1982
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Pet Animals 1951 (Amendment) Act 1983

Transport Act 1981
Vehicles (Crime) Act 2001
Violent Crime Reduction Act 2006
Zoo Licensing Act 1981

4. To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
5. To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
6. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

The Committee will meet in full to consider any matters on which it is asked or required to submit a recommendation to the Council.

Substitutions will be permitted at meetings of the Licensing Committee from among other members of the Council, in accordance with non-Executive Committee Procedure Rule 11, as set out in the Constitution.

The Committee has delegated to the Sub-Committee and Officers the power to determine applications in the circumstances set out in the tables below.

The Committee has appointed a Sub-Committee to act as a hearing Panel as follows:

- Licensing (Regulatory) Sub-Committee [3 Members – proportionality to be determined] – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above.

(Chairing nomination rights for the Sub-Committee are allocated to the **TBC** Group).

Substitutes for the Sub Committee will be drawn from the membership of the Licensing Committee. Any member of the Licensing Committee substituting at Sub-Committee meetings will do so in accordance with the wishes of the political group arranging the substitution.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
LICENSING ACT 2003				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement			If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor			If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor				All cases
Application for transfer of Premises Licence			If a police objection is made	All other cases
Application for interim authorities			If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate			All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases	
Determination of a police and/or			Where a police/environmental	All other cases

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
environmental health officer objection to a standard Temporary Event Notice			health officer objection is made and not withdrawn	
Issue of a Counter Notice where police and/or environmental health officer object to a late Temporary Event Notice				All cases
Issue of a Counter Notice where the entitlement of the number of Temporary Event Notices has been exceeded				All cases
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises			If a relevant representation is made	All other cases
Applications for the classification of unclassified films			All cases	
GAMBLING ACT 2005				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence			X	
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Decision to initiate criminal proceedings.				X
Power to make Orders disapplying exempt gaming and the automatic entitlement to gaming machines in relation to specified premises.				X
Functions relating to the registration and regulation of small society lotteries.				X
To appoint an Advisory Panel		X		
Stage 1 of an application for a casino licence			X	
Stage 2 of an application for a casino licence		X		

OTHER				
MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Determination of applications for hackney carriage/private hire drivers' licences where applicants are aged 70 or over with no medical problems				X
Determination of new applications for a Sex Establishment		X		
Determination of uncontested renewal applications for a Sex Establishment				X
Determination of designated Public Place Orders		X		
Agreement of standard conditions to licences		X		

REGULATORY (ACCESS) COMMITTEE

The Committee is granted delegated authority to exercise all the Council's powers and duties in respect of:

- (1) Modification Orders, Reclassification Orders and Public Path Orders
- (2) Commons Registration (including Town and Village Greens)

***Note 1** – *The Service Manager: Highways and Team Leader: Highways and Drainage have been delegated general as well as specific responsibility in respect of these functions.*

***Note 2** – *The Committee's delegated authority is framed in such a way that it will be able, if appropriate, to deal with matters other than strict "quasi-judicial" functions relating to Public Rights of Way. This would, however, be within the overall policy framework set by the Council.*

Membership:

5 members of the Council in the political proportion - 2 Liberal Democrat Members, 2 Conservative Members and 1 Independent Group Member.

Chaired by nominee of the Independent Group

RE-STRUCTURING IMPLEMENTATION COMMITTEE**The Committee's Span of Responsibility**

To determine all necessary arrangements for implementing the indicative senior management structure.

To decide on numbers of 1st and 2nd Tier officers and the span of work responsibility allocations for those officers.

To determine appointments to or dismissal from the posts of Director and other JNC Officers reporting to the Chief Executive, or Head of Paid Service, subject to there being no objection to the appointment / dismissal being lodged by the Leader of the Council.

To recommend to the Council the appointment or dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.

Membership

The Committee shall comprise 4 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour Member, 1 Independent Member.

STANDARDS COMMITTEE

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) To recommend to the Council one or more Codes of Conduct and Practice or protocols for members and/or employees of the Council;
- (d) To monitor and from time to time review such Codes and Protocols and make recommendations to the Council;
- (e) To make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for members and employees of the Council;
- (f) To liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (g) To provide advice and guidance to members, co-opted members and employees and to make arrangements for training in connection with any matter within the terms of reference of the Committee.

- (h) To consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) To oversee the effectiveness of the Council's constitutional arrangements from an ethical perspective including Standing Orders and the Terms of Reference of Committees and internal and external codes of conduct and make recommendations to the Council on any desirable or necessary changes concerning matters of accountability, transparency, good administration or the promotion of high standards of conduct in the administration of local government.
- (j) To recommend to the Council a Code of Practice on relations between members and officers.
- (k) To develop support mechanisms for councillors in all their roles, in conjunction with a member level steering panel.
- (l) To oversee the democratic decision making process and make recommendations to the Council from time to time on any desirable or necessary changes.
- (m) To consider the Council's procedures for investigating and responding to complaints and other procedures referred to it by the Monitoring Officer.
- (n) To oversee the register of member interests.
- (o) To approve a code of practice on planning issues.
- (p) To undertake such other functions as the Secretary of State may by regulations refer to a local authority Standards Committee.
- (q) To consider and determine the Council's response to any Internal or District audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (r) To recommend to the Council from time to time as necessary the appointment of co-opted members to the Committee following open advertisement, short listing and interview.
- (s) To exercise the functions at (a) to (g) above and (x) below in relation to the Parish Councils wholly or mainly in the B&NES area and the members of those Parish Councils.
- (t) Considering i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.
- (u) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (v) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring office of any matter which is referred by an ethical standards officer, the Standards Board or a Case Tribunal to the monitoring officer.
- (w) Determination, following complaint by a majority of members of an Overview and Scrutiny Panel, of whether or not a Member of the Cabinet, or the Chair of a Committee (including Overview and Scrutiny Panels) has acted without good cause or reason either in breach of any requirement of the Constitution or in breach of the Council's Local Code of Conduct for Councillors.
- (x) To consider and determine any allegations of misconduct against Members of the Council

Membership of the Standards Committee

5 x elected members (voting) - 3 Liberal Democrat, 1 Conservative and 1

Independent

3 x independent members selected by an independent panel (non-voting)

3 x parish representatives

Quorum

3 members, at least one of whom shall be an independent member, for ordinary business.

When considering parish matters, the quorum of 3 shall include the parish representative.

The quorum for considering individual cases shall be 5 members.

PARISH LIAISON MEETING

Membership

1. Bath & North East Somerset Council will appoint representatives to the Parish Liaison meetings in such numbers as it decides. One of its representatives (usually the Chair of Council) will chair each meeting.
2. The Parish and Town Councils will each be entitled to send their nominated representative and Clerk to the meetings
3. The Local Councils Association for the Council's area will be entitled to send representation to the meetings in their own right
4. Officers of Bath & North East Somerset Council will attend meetings as necessary to advise and assist discussion

Purpose

5. The Liaison Meeting will provide an opportunity for the discussion of issues of common interest, identified by the Council or by Parish/Town Councils (individually or collectively), that are relevant for discussion in this forum
6. Items of relevance are likely to be those:
 - That have direct impact on all, or a significant number of, Parish/Town Councils
 - That support an effective working partnership between tiers of local government
 - Relating to the Parish Charter
 - Where a collective view from Local Councils would be helpful
7. Items that are not likely to be relevant for the Liaison meeting include;
 - Those that relate to a single, or small number of, Parish/Town area(s)

- Those for which other effective channels of communication exist (including issues that are already the subject of detailed consultation)

8. The infrequency of Liaison Meetings means that it is not a practical forum through which to engage in routine consultation

EDUCATION (SCHOOL APPEALS) PANELS

Function

To hear and to determine appeals under the School Standards and Framework Act 1998, School Admissions (Appeal Arrangements) (England) regulations 2012, School Admissions Code 2012, Education Act 2002 as amended by Education Act 2011, School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and Education and Inspections Act 2006 relating to school admission, exclusion and reinstatement matters as applicable, within the general framework contained in the Code of Practice on Procedure produced by the local authority associations.

Membership

No fixed membership - panels are constituted from independent persons in accordance with the provisions of the above legislation and Code of Practice. Councillors are not eligible to serve.

Timetable

Meetings fixed as and when necessary.

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MEMBERS' PLANNING CODE OF CONDUCT

Introduction

1. **The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Your role as a Member of the Development Control Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who has been elected to provide and implement policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised. **The guiding principle is that you should always be fair to all parties including having, and being seen to have, an open mind.**
2. **When the Code applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
3. It would be impossible for the Code to cover all situations which might arise and so it instead sets out a series of principles to guide Members. This means that Members will need to exercise their judgment when applying the Code. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

Relationship to the Code of Conduct for Members

4. **Do** apply the rules in the Council's Code of Conduct for Members first, which must always be complied with. This is both the rules on interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
5. **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Code of Conduct for Members and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
6. **Do** always consider how your actions would be perceived by a member of the public.

Development Proposals and Personal Interests

7. **Do** disclose the existence and nature of your interest as required by the Code of Conduct for Members.
8. **Do** take into account when approaching a decision that the Principle of Integrity in the Code of Conduct for Members is defined in terms that "Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties."

It is therefore advisable that you:

9. **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Member. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

10. **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a Member may place additional limitations on you in representing the proposal in which you have a personal interest.

Exercising Discretion in the Planning Process

(natural justice, predisposition and predetermination)

11. **Don't** restrict your discretion by approaching the decision with a closed mind.

12. **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

13. **Do** keep at the front of your mind that, when you come to make the decision, you are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments.

14. **You must** keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides.

15. **You are not** required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised.
16. **You are only entitled** to take account of material considerations and must disregard considerations irrelevant to the question and legal context at hand; and you are to come to a decision after giving what you feel is the right weight to those material considerations and you must explain your planning reasons for doing so.
17. **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
18. **Do** consider yourself able to take part in the debate on a proposal when you are also a member of a consultee body, for example the parish council, provided:
- the proposal does not substantially affect the well-being or financial standing of the consultee body;
 - you make it clear to the consultee body that you must reserve judgement and the independence to make up your own mind as and when the application comes before the Development Control Committee and you hear all of the relevant information;
 - you declare your position on the consultee body at the meeting of the Development Control Committee to determine the application AND consider whether your membership of the consultee body has in any way prejudiced your ability to determine the application. If it has then

you should not vote on the application but you can consider exercising your right to speak as a local ward Member.

19. **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have acted as an advocate for your views or those of local electors and restricted your discretion so that you no longer have an open mind; but you do not have a disclosable or other personal conflict of interest. Where you wish to do this, you should:

- advise the Chair and officers that you wish to speak in this capacity before commencement of the item; and
- remove yourself from the seating area for Members of the Committee for the duration of that item.

Contact with Applicants, Developers and Objectors

20. It is not necessary or practical for 'everyday' contact between Members and the public on planning matters to be documented. However, any significant meetings or correspondence should be subject to the provisions set out below.

21. **Do** refer those who approach you for planning, procedural or technical advice to officers.

22. **Do** make written notes of any significant conversations with applicants, developers and objectors and pass them to officers for inclusion on the planning file. The same applies to emails and letters.

23. **Don't** agree to any meeting with applicants, developers or groups of objectors without first consulting with officers. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Group Manager - Development

Management who will organise it. He will ensure that an officer attends. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

24. **Don't** participate in any negotiations on behalf of the Council; these should be carried out by officers who can update Members as necessary.
25. **Do** report to the Group Manager – Development Management any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

26. **Don't** attend a planning presentation without requesting an officer to be present.
27. **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals. Where possible questions should be raised well in advance in the meeting and be directed to the case officer.
28. **Do** remember that the presentation is a fact finding exercise and is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Control Committee.
29. **Do** be aware that whilst you may express any view on the merits or otherwise of the proposal presented, you should always make it clear that any views are personal and provisional and do not bind the Council.

Development Proposals Submitted by Members and Officers

30. Planning applications submitted by Members, Council employees within Planning Services or someone who is privately employed in any capacity (e.g. as agent or consultant) who has direct links with the Planning Service will be considered by the Council's Development Control Committee. This ensures that the public can see that such applications are dealt with in a fair and transparent manner. Members and employees have the same rights as any other member of the public.
31. **Do** ensure that if you submit a planning application, you play no part in its consideration. If you are a Member of the Development Control Committee then you should appoint an agent or representative to address the Committee on your behalf.
32. **Do** ensure that if you discuss your application with an officer, you do not seek to improperly influence their decision.
33. **Do** inform the Monitoring Officer in writing of your application.
34. **Do** treat proposals for the Council's own development with the same impartiality and transparency as those of private developers.

Lobbying of Members

35. **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or to give such a firm point of view that it amounts to the same thing.
36. **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions

impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

37. **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.

38. **Do** copy or pass on any lobbying correspondence you receive to the Group Manager and case officer at the earliest opportunity and well in advance of a relevant Development Control Committee meeting. This means that officers will then be aware of what information Members have been sent and can address any issues arising from it.

39. **Do** promptly refer to the Group Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 planning obligation or otherwise.

40. **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

41. **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have restricted your discretion or breached this Planning Code through:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a Ward Member.

Lobbying by Members

42. **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and therefore step away from the Committee when it comes to make its decision.
43. **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society). However, you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
44. **Don't** excessively lobby fellow Members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
45. **Don't** decide how to vote on any application at any political group meeting as this means that you will have made up your mind before you have heard all the competing arguments.

Site Visits/Inspections

46. Most planning applications can be determined on the basis of the material presented at the Committee meeting and, as site visits are resource intensive, they should only be undertaken where there are exceptional or unusual circumstances.

47. **Do** try to attend site visits organised by the Council where possible.

48. **Don't** request a site visit unless you are available to attend it and you feel it is strictly necessary because, for example:

- it is difficult to make an informed judgment without seeing the site;
or
- there are specific site factors which need to be carefully addressed.

49. **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

50. **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

51. **Don't** hear representations from any party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

52. **Don't** express opinions or views to the applicant or third parties.

53. **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias. If you wish to observe the site on your own, you should confine yourself to viewing it from public vantage points.

Public Speaking at Meetings

54. **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking as this may give the appearance of bias.

55. **Do** ensure that you comply with the Council's procedures in respect of public speaking.

Officers

56. **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Group Manager which may be incorporated into any committee report).

57. **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's and their own professional codes of conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Decision Making

58. **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that you provide planning reasons and that the request is made in time. Members who make such requests will be expected to attend the Committee meeting.

59. **Do** come to meetings with an open mind and demonstrate that you are open-minded.

60. **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

61. **Do** come to your decision only after careful consideration of all of the relevant information. If you feel there is insufficient time to digest new information or

that there is simply insufficient information before you, then request that further information is provided. If necessary, defer or refuse.

62. **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. If Members require a break during a meeting then a request should be made to the Chair.

63. **Don't** make criticisms about the professional conduct or competence of officers in public. Any concerns should be raised with the officer's manager.

64. **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Where an officer recommendation is overturned, or Committee makes a decision which is contrary to policy, the mover and seconder of the motion must be prepared to give evidence at any appeal.

65. **Do** listen carefully to advice from officers concerning the prospects of successfully defending a planning decision at appeal or in Court. Where officers advise that there is a high risk of a costs award or legal challenge against the Council, Members must give detailed reasons for departing from that advice which will be recorded.

Training

66. **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

67. **Do** attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plan beyond the

minimum referred to above and thus assist you in carrying out your role properly and effectively. Attendance is compulsory and Members who are unable to attend must provide evidence of their unavailability to the Chair of the Development Control Committee.

Regular Reviews of Decisions

68. **Do** participate in the annual review of and visit to completed developments, the purpose of which is to evaluate the quality of the development and decision making.

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Bath & North East Somerset Council		
MEETING:	COUNCIL	
MEETING DATE:	21 May 2015	AGENDA ITEM NUMBER
TITLE:	Designation of Monitoring Officer	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 This report seeks confirmation of the designation of the Head of Legal and Democratic Services (Maria Lucas) as the Council's Monitoring Officer with effect from 1 June 2015.

2 RECOMMENDATION

That the Council

- 2.1 Designate the post of Head of Legal and Democratic Services as the Council's Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 (*as amended by Schedule 5 paragraph 24 of the Local Government Act 2000*) with effect from 1 June 2015.

3. FINANCIAL IMPLICATIONS (Finance, Property, People)

- 3.1 There are no resource implications arising from this report.

4. THE REPORT (including statutory considerations and basis for proposal)

- 4.1 The Local Government Act 1972 and the Local Government and Housing Act 1989 (Section 5, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000) introduced the statutory office of '*Monitoring Officer*'.
- 4.2 The Monitoring Officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do. S/he has three main roles
- To report on matters s/he believes are, or are likely to be, illegal or amount to maladministration.
 - To be responsible for Matters relating to the conduct of Councillors and Officers.
 - To be responsible for the operation of the Council's Constitution.
- 4.3 This is one of the three statutory officer posts which every local authority is required to appoint, the others being the Head of Paid Service and Chief Financial

Officer. In order to ensure separation of roles, the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service

- 4.4 The designation of the Monitoring Officer is a non-executive function and is provided for in the Council constitution.
- 4.5 With the retirement of the Divisional Director – Legal and Democratic Services (who is currently designated as the Council’s Monitoring Officer), the Council needs to designate another person to this post.
- 4.6 It is recommended that Maria Lucas, Head of Legal and Democratic Services (appointed as the successor to the previous Monitoring Officer and taking up her appointment on 1 June 2015) be designated as the Council’s statutory Monitoring Officer.
- 4.7 The designated Monitoring Officer is required to nominate a deputy (s) to act in the event that s/he is unable to perform her/his duties. Ms Lucas will address this after she has commenced employment and advise the Council accordingly.

5 RATIONALE (including other options considered)

- 5.1 This was considered by the Restructuring Implementation Committee on 15 January 2015 are part of the proposals for the future management of the Legal and Democratic Service. The Committee resolved to recommend to Council that the person appointed to the post of Head of Legal and Democratic Services be appointed additionally its Monitoring Officer.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has not been undertaken. The Council has a statutory duty to designate one of its officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by the relevant legislation.

7 CONSULTATION

- 7.1 None –this is a statutory requirement. The postholder is aware of the preparation of this report and support its recommendations.

8 ADVICE SOUGHT

- 8.1 The Council’s Monitoring Officer (Divisional Director – Legal and Democratic Services) has had an opportunity to input to this report and has cleared it for publication.

Contact Person	<i>Dr Jo Farrar, Chief Executive – telephone 01225 477400</i>
Background papers	Local Government Act 1972 (<i>Section 151</i>) Local Government and Housing Act 1989 (<i>Section 5</i>) Local Government Act 2000 (<i>Schedule 5 paragraph 24</i>) Report to the Restructuring Implementation Committee – 15 January 2015
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	21st May 2015	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Pledge to Children in Care	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – A copy of the Pledge. Alternatively on http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Children-and-Young-People/ChildreninCare/pledge_online_b-active.pdf</p>		

1 THE ISSUE

Following the publication of 'Care Matters: Time for Change' in June 2007, there has been a requirement for all Local Authorities to develop and publish a Pledge to their Looked after Children and Care Leavers. The Pledge sets out the services and support children should expect to receive.

Since the implementation of our Pledge in 2008 Bath & North East Somerset's Pledge to Children in Care has continued to be updated to reflect current regulations, guidance and best practice. The new Council following local elections is invited to affirm its commitment to the Pledge.

2 RECOMMENDATION

Council is asked to approve the Bath and North East Somerset Council Pledge to Children and Young People in Care.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

There are no direct financial implications arising from re-approving the Pledge. The Pledge sets out standards for corporate parenting which can be met within existing capacity and resources.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Pledge is a requirement from 'Care Matters', the aim of which was to establish and promote best practice for Children in Care. The Pledge enables the participation of Children in Care about matters which affect them (article 12 UN Convention of the rights of the child). The Pledge provides a way to improve the life chances of disadvantaged teenagers and young people.

5 THE REPORT

- 5.1 The Local Authority has statutory duties under the Children Act 1989 to identify children in need including those in need of protection from abuse or neglect, and to provide services to promote and safeguard their welfare. These include duties to look after those children who need to come into public care, towards whom the Council has duties effectively to act as a 'corporate parent'. These duties are established in the Children Act 1989 as amended by subsequent legislation, and requirements for their implementation are detailed in Regulations and Guidance.
- 5.2 Children come into care for a variety of reasons. These include abuse or neglect, absent parenting, family breakdown or homelessness at age 16 or 17. Children may be in care by order of a court (particularly in cases of abuse or neglect); or by agreement with parents; or at the request of young people (aged 16-17) who are homeless. Children may also be remanded into care when facing criminal charges.
- 5.3 Elected Members are ultimately accountable for the quality of corporate parenting provided to these children – the Council collectively acts as corporate parent. The overall duty of the Council, and therefore all elected Members, as corporate parent is to safeguard and promote the welfare of children in care. As a corporate parent we should all ask the question 'would this be good enough for my child?' The Pledge to Children in Care provides a means to address this question in more detail as it covers key aspects of corporate parenting. The Pledge also sits alongside other initiatives and ambitions we have developed (The Virtual School, The Looked After health team, Independence training) to try and close the gap between the outcomes for children in care and those who have never been in care.
- 5.4 Corporate parenting – just like parenting in a family – does not stop when a child becomes an adult at 18. We have a duty to support young people moving on from care – often known as 'care leavers' – until they are 21 at least, and until they are 25 if they continue in or return to further or higher education. The Pledge therefore contains standards for our continuing support to care leavers. Recent legislation promotes the opportunity of 'Staying Put' for those wishing to remain with their carers beyond age 18, and this scheme is established in Bath & North East Somerset.
- 5.5 In 2008 the Council adopted a Pledge to Children in Care at a meeting of full Council. The Pledge sets out 10 promises covering standards of service children

in care are entitled to. These standards are drawn from the legal framework within which the Council acts as a corporate parent and set local standards for best practice in this context. The selection of standards for inclusion in the Pledge was based on what young people told us locally was most important to them.

- 5.6 The Pledge sets a benchmark against which young people, elected Members, staff, carers and partners can judge whether corporate parenting in Bath and North East Somerset is delivering the ambitions for our children in care and care leavers. An In Care Council has been established to monitor whether these standards are met from a young people's perspective. This is a group of young people in care supported by local charity 'Off The Record' and commissioned by the Council to support young people's participation in service improvement. Members of the In Care Council will sometimes attend meetings of the Corporate Parenting Members Group to ensure elected Members are able to hear young people's views on their experience of being in care.
- 5.7 Over the course of the coming year the In Care Councils will be invited to refresh the Pledge by surveying children in care on how it is being delivered and consider if the current priorities are the right ones.
- 5.8 The Corporate Parenting Members Group meets quarterly and all elected Members are welcome to attend. The next meeting is scheduled for June and will include an informative induction for Members.

6 RATIONALE

- 6.1 There is a requirement for Children's Services to publish a Pledge to children in their care. This informs children of what they can expect, and contains promises that can be measured and judged. Our Pledge aligns us to good practice nationally and the OFSTED inspection of Children's Services will consider how the pledge is being delivered.

7 OTHER OPTIONS CONSIDERED

- 7.1 Due to the requirement for a Pledge to be published, no other options have been considered.

8 CONSULTATION

- 8.1 *Cabinet Member; Staff; Service Users; Section 151 Finance Officer; Monitoring Officer*
- 8.2 The Council's original Pledge was drawn up in 2008 in consultation with young people, staff and the Cabinet Member for Children's Service. An updated version was presented in 2011 following discussion with the Corporate Parenting Members Group and In Care Council. The updated Pledge was shared with the Section 151 Finance Officer and Monitoring Officer.
- 8.3 The content in the Pledge attached to this report is unchanged since 2011 so wider consultation has not taken place. At this time the purpose is to invite Members to renew their commitment to The Pledge.

9 RISK ASSESSMENT

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

Contact person	<i>Pete Campbell, Service Manager Care Outcomes</i> <i>01225 477914</i>
Background papers	<i>'The Care Matters: Time for Change' publication can be seen at https://www.gov.uk/government/publications/care-matters-time-for-change</i>
Please contact the report author if you need to access this report in an alternative format	

What is the Pledge?

The In Care Council help to monitor this pledge to make sure B&NES Council are supporting young people in care.

To get a copy of the pledge on DVD please contact your social worker or go online to see the full pledge.

We Promise



Bath & North East
Somerset Council



off the record

1 Social Worker

- You will have your social worker's contact details so you can reach them when you need to.
- Your social worker or someone else in the team will return your call within two working days.
- Your social worker will be in touch with you regularly; every 1 – 6 weeks depending on your needs.

2 Decision Making

We will involve you in the decisions that affect your life. This means we will:

- Ask you what you want.
- Listen to what you say.
- Act on what you have told us.

We can try to promise to do every thing that you ask, but when we can't make a promise, we will explain why.

3

Care Plan

- You will have an up to date care plan that is designed to meet your needs and consider your religion, race and cultural needs
- It will be written down. You will be given a copy and it will be acted on.
- It will be reviewed at least every 6 months.
- Meetings to review the plan will be run by an Independent Reviewing Officer. You will know their name and how to contact them.

4

Where You Live

- We will find a home that suits you.
- You will be cared for and supported as one of the family.
- If you move, we will try to keep you at the same school (if that's what you want).
- Before you move (except in an emergency), we will offer you an independent advocate.
- If you move your Independent Reviewing Officer will review your care plan within 4 weeks.

5

Friends & Family

- We will help you stay in touch with your family, friends and other people who are important to you.
- If you are not allowed to see someone, your social worker will make sure you understand the reasons why.

Come and join the In Care Council to improve the services for children and young people in care.

Phone: **01225 312 481**

Email: **ICC@offtherecord-banes.co.uk**



In Care, We Care.



6

Education

- We will help you do the best you possibly can in school and will make sure you get a place at the best school for you.
- Each school has a named teacher for children in care. Their job is to look after your needs.
- You'll be fully involved in plans to support you in school. These plans will be in your Personal Education Plan, (PEP).
- We will offer you high quality work experience opportunities.

7

Hobbies & Interests

- We will encourage you to develop your talents, interests and hobbies and to support you to do the things you enjoy.
- We will celebrate your successes and achievements.



8

Health

- We will take an interest in your health and encourage you to be healthy.
- We will make sure you get regular health and dental checkups.
- You will be given the name, address, phone number and email for the nurse for children and young people in care who can give you confidential advice and help to be as healthy as you can.

Are we keeping our promises?

You can let us know how well we are doing by sending your comments to:



Charlie Moat

Care and Young
People Service
Manager

Phone: 01225 477914

Email: charlie_moat@bathnes.gov.uk



Sarah Watts

Complaints
Procedure
Manager

Phone: 01225 477931

Email: sarah_watts@bathnes.gov.uk

9

Moving on

- You can stay in care until you are 18 – you may even be able to stay after 18.
- We will support you to move on from care.
- We will support you to do what you decide.
- A pathway support plan will be created and reviewed every 6 months and after care, which you will receive.
- If you want to go back to education or training between 21 and 25, we will make a new plan to support you. We will stay in touch until you are 21 (25 if you're in education.)

10

Problems & Worries

- We will work hard to sort out any problems or worries you have.
- If we can't do what you ask, we will explain the reasons why.
- We will make sure you know how to get an independent advocate – that's someone who will listen to you and work with you to get things changed.
- We will make sure you have all the information you need to make a complaint, contact details can be found on this side of this pocket pledge. We promise to always take your complaints seriously.



Children's Rights & Advocacy Service

Do you want to **stop**, **start** or **change** something in your life?

“Yes” then Contact Shout Out!



FREEPOST
RSZB-CZKY-XKTL
Shout Out!
Off the Record
Open House
Centre,
Manvers Street,
Bath, BA1 1JW

Phone: 01225 312 481

Email: advocacy@offtherecord-banes.co.uk