

## TERMS OF REFERENCE

### Policy Development and Scrutiny Panels - General Terms of Reference

#### Role of Overview and Scrutiny<sup>1</sup> 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

---

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

- (i) carries out its roles within the Council's petition scheme.
- (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 Conservative Members; 3 Liberal Democrat Members; 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
- Policy and partnerships
- 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)<sup>2</sup>

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/3<sup>rd</sup> 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 and 1 Labour Member

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

#### **In addition to General Terms of Reference**

Further to the Police and Justice Act 2006 (and associated regulations), the designated

---

<sup>2</sup> When relevant, issues will also be referred to the Wellbeing Panel

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;
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

## **WELLBEING**

(Designated Panel for statutory health scrutiny)

### **Panel remit is –**

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

Health Scrutiny - The Health and Social Care Act 2001 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. 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, 1 Independent 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 Involvement Network (LINK) relating to the Council's social care services and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them, and
- c. keep the referrer informed of the panel's actions and decisions in relation to the matter.

## **HEALTH SCRUTINY: Background**

Local Authorities with social services powers are required to ensure that their overview and scrutiny function has the power to scrutinise the planning, provision and operation of health services. This power relates to reviewing, scrutinising and reporting on NHS

---

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

services and institutions, and helps the Council build on existing health partnerships and other work to tackle causes of ill-health and health inequalities.

The power does not relate to private health services and providers. Councils are not responsible for performance managing the NHS. In exercising this power, the designated health overview and scrutiny panel (Wellbeing Policy Development and Scrutiny Panel) will report in its own right, not on behalf of the Council.

### **Provisions of the Health Scrutiny Regulations**

- The council's overview and scrutiny body can scrutinise any Strategic Health Authority, Primary Care Trust 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 overview and scrutiny committee of the council about proposals for substantial development or variation of NHS services in the area. The overview and scrutiny committee can refer the 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.
- 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 and the Strategic Health Authority.

### **JOINT HEALTH SCRUTINY COMMITTEE**

#### **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 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.

---

## **LOCAL ENTERPRISE PARTNERSHIP (LEP) OVERVIEW & SCRUTINY COMMITTEE**

(For participation in the 4xUnitary Authority Joint Scrutiny Committee; no standing Chair)

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 Local Enterprise Overview and Scrutiny Committee. They may also meet individually in their own right and as and when necessary to consider their authority's position on a particular issue.

Each Council's scrutiny body comprises 3 members. 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 Local Enterprise Partnership Overview and Scrutiny Panel**

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 the Bath and North East Somerset Local Enterprise Partnership Overview and 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 Local Enterprise Partnership Overview and Scrutiny Panel and Joint Scrutiny Committee.

## **Terms of Reference**

3 members nominated to a West of England Scrutiny Committee by each authority, the West of England Joint Scrutiny Committee being the 4 Joint Scrutiny Committees meeting together to conduct business relating to the 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 Stakeholder Group 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.

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**

### **Functions and Duties**

To discharge the responsibilities of Bath and North East Somerset Council in its role as the administering authority of the Avon Pension Fund. These include determination of investment policy objectives, ensuring appropriate investment management arrangements are in place including the appointment of investment managers and monitoring investment performance; commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations; considering requests from organisations wishing to join the Fund as admitted bodies; making representations to Government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and all aspects of benefit administration. At all times, the committee must discharge its responsibility in the best interest of the Avon Pension Fund.

### **Membership**

Voting Members (12)

5 Elected Members of Bath and North East Somerset Council in the political proportion of; 2 Conservative Members and 3 Liberal Democrat Members (with a Liberal Democrat Group nominee chairing the Committee).

2 Co-opted Independent Voting Members appointed following a competitive selection process.

3 Unitary Authority Elected Voting Members appointed by the Councils of Bristol City, North Somerset and South Gloucestershire

1 Voting representative appointed by the Higher and Further Education Institutions contributing to the Avon Pension Fund

1 Voting representative appointed by the Trade Unions representing employees contributing to the Avon Pension Fund

#### Non-Voting Members (4)

1 non-voting representative appointed by the Parish Councils in the former Avon area

3 non-voting representatives appointed by the Trade Unions representing employees contributing to the Avon Pension Fund

[An allowance to be paid to the independent voting members of the Avon Pension Fund 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 3 voting members.

#### **Substitution**

Named substitutes to the Committee are allowed.

---

## **AVON PENSION FUND COMMITTEE - INVESTMENT PANEL**

### **1. Functions and Purpose**

1.1. The role of the Avon Pension Fund Committee (APFC) Investment Panel shall be to consider, in greater detail than the APFC is able, matters relating to the management and investment of the assets of the Avon Pension Fund and to advise the APFC on such matters.

1.2. Among other things, the Panel shall:

- recommend strategic investment objectives, policy and strategic asset allocation

- regularly review in detail and assess the performance of the investment managers, investment advisors, custodian and actuary
- recommend appointment and termination of investment managers and professional service providers as required
- review the Statement of Investment Principles and submit to APFC for approval
- make recommendations to the APFC on matters relating to investment strategy and management as the Panel considers appropriate. This will include issues of a more urgent nature, where the view of the Panel would be taken into consideration. (The section 151 Officer has delegated powers regarding urgent actions, and these would be exercised having consulted the Chair of the Panel).
- review any legislative changes which have implications for investment governance and make recommendations to the APFC as appropriate

1.3. The Panel has no delegated powers, but can only make recommendations to the APFC.

## **2. Membership**

2.1. The Panel shall comprise a maximum of 6 voting Members of the APFC, 3 of whom shall be Bath and North East Somerset Councillors in the political proportion of 2 Conservative Members, 1 Liberal Democrat Member (with a Conservative Group nominee chairing the Panel). The membership shall include the Chairman of the APFC and /or the Vice- Chair and 4 other Members (or 5 if the Vice-Chairperson is not a member of the Panel). The appointment of Bath and North East Somerset Councillors to the Panel is subject to the rules of political proportionality of the Council.

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

## **3. Meetings**

3.1. Though called a "Panel", it is an ordinary sub-committee of the APFC. 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.

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

## **4. Quorum**

4.1. 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.

## **5. Substitution**

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

## **6. Minutes**

- 6.1. 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 APFC that follows a meeting of the Panel.

---

## **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 (Conservative 4; Liberal Democrat 3) 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, Planning & Transport Development, or the Development Manager in consultation with the Committee Chair 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, Planning & Transport Development or the Development 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

12 Members in the political proportion – 6 Liberal Democrat, 5 Conservative and 1 Labour 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.

---

## **LICENSING COMMITTEE**

### **Status of the Committee**

The Licensing Committee shall be 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 Members for Neighbourhoods and Transportation 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 Solicitor to the Council 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 will have regard to the Council's visions of:-

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

In addition, the Committee will 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.

The Committee will also 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.

### **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:

<i>Animal Boarding Establishments Act 1963</i>	<i>Local Government (Miscellaneous Provisions) Act 1976</i>
<i>Animal Welfare Act 2006</i>	<i>Local Government (Miscellaneous Provisions) Act 1982</i>
<i>Breeding of Dogs Act 1973</i>	<i>Performing Animals (Regulation) Act 1925</i>
<i>Breeding of Dogs Act 1991</i>	<i>Pet Animals Act 1951</i>
<i>Caravan Sites and Control of Development Act 1960</i>	<i>Pet Animals 1951 (Amendment) Act 1983</i>
<i>Charities Act 2006</i>	<i>Petroleum (Regulation) Acts 1928 &amp; 1936</i>
<i>Dangerous Wild Animals Act 1976</i>	<i>Poisons Act 1972</i>
<i>Environmental Protection Act 1990</i>	<i>Police Factories, etc (Miscellaneous Provisions) Act 1916</i>
<i>Fireworks Act 2003</i>	<i>Public Health (Control of Disease) Act 1984</i>
<i>Food Act 1984</i>	<i>Riding Establishments Act 1964</i>
<i>Food Safety Act 1990</i>	<i>Riding Establishments Act 1970</i>
<i>Gambling Act 2005</i>	<i>Scrap Metal Dealers Act 1964</i>
<i>Game Act 1831</i>	<i>Theatres Act 1968</i>
<i>Guard Dogs Act 1975</i>	<i>Town Police Clauses Act 1847</i>
<i>Highways Act 1980 Part VIIA</i>	<i>Town Police Clauses Act 1889</i>
<i>House to House Collections Act 1939</i>	<i>Transport Act 1981</i>
<i>Hypnotism Act 1952</i>	<i>Vehicles (Crime) Act 2001</i>
<i>Licensing Act 2003</i>	<i>Violent Crime Reduction Act 2006</i>
	<i>Zoo Licensing Act 1981</i>

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 appointed 2 Sub-Committees to act as hearing Panels as follows:

- Licensing (Gambling and Licensing) Sub-Committee [3 Members - 2 Liberal Democrat, 1 Conservative] – this Sub-Committee hears and determines all applications made under the Licensing Act 2003 and the Gambling Act 2005 relating to Premises Licences, Personal Licences and gaming and club machine permits;
- Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee [3 Members – 2 Conservative, 1 Liberal Democrat] - this Sub-Committee hears and determines all applications relating to licences for hackney carriage and private hire vehicles/drivers/operators, Street Trading Consents and all applications relating to licences, permits and or consents for any other functions not covered by the other Sub-Committee.

(Chairing nomination rights for both Sub-Committees are allocated to the Liberal Democrat Group).

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

The Committee has approved a scheme for substitutions with regard to the Sub Committees. Substitutes will only be drawn from the membership of the Licensing Committee and the scheme allows for any member of the Licensing Committee to substitute at Sub-Committee meetings 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
<b>LICENSING ACT 2003</b>				
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 objection to a Temporary Event Notice			All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases
Determination of the removal of a Designated			If a relevant representation is	All other cases

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
Premises Supervisor or Personal Licence Holder at community premises			made	
Applications for the classification of unclassified films			All cases	
<b>GAMBLING ACT 2005</b>				
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
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				X

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
temporary use notice				
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
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		
<b>OTHER</b>				
Determination of applications for hackney carriage/private hire drivers' licences where applicants are aged 70 or over with no medical problems				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 Divisional Director, Environmental Services (Deputy – Service Manager, Highways & Parking) has 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 Conservative Members 2 Liberal Democrat Members; and 1 Independent Group Member.

Chaired by nominee of the Independent Group

**PUBLIC RIGHTS OF WAY FUNCTIONS – DELEGATED POWERS**

**A. LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS (INCLUDING PUBLIC RIGHTS OF WAY)**

1. The powers and duties of the Authority under Part IX of the Highways Act 1980 (Lawful and Unlawful Interference with Highways and Streets) except as listed below:

Service Manager – Highways

Team Leader, Highway Maintenance and Public Rights of Way

2. The authorisation of stiles and gates on footpaths, bridleways and restricted byways (section 147 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

3. The power to provide and maintain safety barriers on public highways (section 66 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

**B. IMPROVEMENT OF HIGHWAYS (PART V OF THE HIGHWAYS ACT 1980) (INCLUDING PUBLIC RIGHTS OF WAY)**

1. The powers and duties of the Authority under Part V of the Highways Act 1980 (Improvement of Highways)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

**C. MISCELLANEOUS PUBLIC RIGHTS OF WAY FUNCTIONS**

1. The erection and maintenance of sign posting of footpaths and bridleways (section 27 of the Countryside Act 1968)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

2. Proceedings in respect of false and misleading notices (section 57 of the National Parks and Access to the Countryside Act 1949 and section 132 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

3. Any proceedings in respect of the prohibition on keeping bulls on land crossed by public rights of way (section 59 of the Wildlife & Access to the Countryside Act 1981)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

4.) The appointment of wardens for Public Rights of Way (section 62 of the Wildlife & Access to the Countryside Act 1981)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

5. The making and confirmation of Definitive Map Modification Orders (section 53(3) of the Wildlife & Countryside Act 1981)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

6. The making, confirmation and abandonment of Public Path Orders (sections 26, 118 and 119 of the Highways Act 1980 and section 257 of the Town & Country Planning Act 1990)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

7. The certification of new paths created by Public Path Orders (sections 118 and 119 of the Highways Act 1980 and Section 257 of the Town & Country Planning Act 1990)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

8. The powers and duties of the Authority to recover costs for Public Path Orders (the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

9. The entering into of permissive path agreements for footpaths, bridleways, restricted byways, byways open to all traffic and cycletracks

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

10. The creation of footpaths, bridleways and restricted byways by dedication or deed of declaration (sections 25 and 38 of the Highways Act 1980 and at common law)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

11. The power of entry for purposes connected with certain orders relating to footpaths and bridleways (section 293 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

12. Power to require information as to ownership of land (section 297 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way

Senior Rights of Way Officer

13. Power to use vehicles and appliances on footways and bridleways (section 300 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

14. Power to authorise motor vehicle trials on public paths (sections 13 and 33 of the Road Traffic Act 1988)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

15. The power to make permanent Traffic Regulation Orders affecting public rights of way (section 1 of the Road Traffic Regulation Act 1984)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

16. The power to discharge of, and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

17. The power to enter into agreements relating to compensation and the execution of works on a public right of way (sections 119(5) and 278 of the Highways Act 1980)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

18. The power to enter into Parish Agency Agreements for the clearance of vegetation on public rights of way within specific parishes

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

#### **D. MANAGEMENT OF ACCESS LAND (PART 1 COUNTRYSIDE & RIGHTS OF WAY ACT 2000)**

1. The powers and duties of the Authority as an Access Authority (Part I of the Countryside & Rights Of Way Act 2000)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

#### **E. COMMON LAND & TOWN AND VILLAGE GREENS**

1. The powers and duties of the Authority as Commons Registration Authority (the Commons Act 2006)

Team Leader, Highway Maintenance and Public Rights of Way  
Senior Rights of Way Officer

---

## **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 1<sup>st</sup> and 2<sup>nd</sup> 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 3 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour 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 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 or a Case Tribunal to the Monitoring officer.
- (w) Determination, following complaint by a majority of members of a Policy Development and Scrutiny Panel, of whether or not a Member of the Cabinet, or the Chair of a Committee (including Policy Development 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**

3 x elected members (and 3 x elected member substitutes) 1 (+1) from Conservative, Liberal Democrat and Labour groups

3 x independent members selected by an independent panel one of the independent members shall chair the Committee

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. The 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

---

## **BATH & NORTH EAST SOMERSET ADOPTION & PERMANENCE PANEL**

### **1 Principles**

#### **Purpose**

The Adoption and Permanence Panel considers all proposals for children in the care of Bath and North East Somerset to be adopted; additionally it considers all other permanent placements for children under the age of 12. The Adoption and Permanence Panel considers whether prospective adopters assessed by our Adoption Service are suitable adoptive parents.

## **Law and Policy**

- The Adoption and Children Act 2002
- The Adoption Agencies Regulations 2005 and Guidance 2011
- The Children Act 1989
- Adoption National Minimum Standards 2011
- Fostering National Minimum Standards 2011
- Bath and North East Somerset Permanence Planning Policy

## **Standards**

The Adoption and Permanence Panel will operate according to the requirements of the Adoption National Minimum Standards and the Adoption and Children Act 2002 welfare checklist.

The welfare of children throughout their lives will be the paramount consideration in forming recommendations.

The Adoption and Permanence Panel will be properly constituted and Panel members will have suitable qualities and experience.

Panel members will be appropriately vetted and police checked through enhanced disclosures from the Criminal Records Bureau.

Panel members will be suitably inducted and trained and will have annual appraisals.

Good practice, consistency of approach and fairness will be promoted by Panel members in assessing cases.

The minutes of Panel meetings will be accurate and informative, and clearly summarise the Panel's discussion, reasons for conclusions reached and recommendations made.

## **Monitoring and Quality Assurance**

The Panel will monitor the quality and effectiveness of its decision making by receiving reports (including disruption reports) on the outcomes of decisions taken up to the point of adoption orders being made.

The Panel will receive quarterly monitoring reports and other appropriate management information from the agency and will monitor the quality and effectiveness of the agency's policies and practice in respect of looked after children for whom permanence is the plan.

Any policy, practice or training concerns that arise at the Panel will be reported to the relevant Divisional Director.

The Panel will provide an Annual Report reviewing its work over the year.

The Panel will promote the Council's Equal Opportunities Policy by:

- Ensuring that the racial, cultural, linguistic and religious needs of children are taken fully into account.

- Ensuring that the discussions and decisions made at Panel are non - discriminatory and not influenced by assumptions and stereotypes that exist about people's race, class, culture, religion, disability, gender, sexuality or age.

## **Responsibility**

Agency Decision Maker – Divisional Director – Safeguarding Social Care and Family Services

Manager of Adoption Service - Family Placement Team Manager

Agency Adviser - Family Placement Team Deputy Manager

## **2 Panel Responsibilities**

**In relation to adoption cases**, the Adoption and Permanence Panel will make **recommendations** to the agency on:

2.1 Whether a child should be placed for adoption.

2.2 Whether a prospective adopter is suitable to adopt a child.

2.3 Whether a child should be placed for adoption with a particular prospective adopter.

2.4 The Panel may also provide **advice** to the agency on the following:

When recommending that a child be placed for adoption:

- a. The arrangements which the agency proposed to make for allowing any person contact to the child.
- b. Whether an application should be made for a placement order in respect of the child

When recommending that a prospective adopter is suitable to adopt a child

- c. The number of children they may be suitable to adopt, their age range, sex, likely needs and background.

When recommending whether a child should be placed for adoption with a particular prospective adopter

- d. The agency's proposals for the provision of adoption support services for the adoptive family
- e. The arrangements the agency proposes to make for allowing any person contact with the child
- f. Whether the parental responsibility of any parent or guardian or the prospective adopter should be restricted and if so the extent of any such restrictions.

2.5 The Panel will consider six-monthly progress reports on all unmatched children recommended to be placed for adoption.

2.6 The Panel will review all approved prospective adopters every 2 years and any approved prospective adopters the agency no longer considers suitable.

**In relation to long term fostering and other permanent placements**, the Adoption and Permanence Panel will give advice to the agency on:

2.7 Whether a child under 12 year should be placed for long term (permanent) fostering;

2.8 Whether a child under 12 years should be placed with a particular carer under a residence order;

2.9 Whether a child under 12 years should be placed with a particular carer under a special guardianship order

2.10 Whether an approved foster carer is suitable to provide a permanent placement for a child under 12 years

2.11; Whether a child should be placed for long term fostering with a particular foster carer

2.12 Whether a person is suitable to provide care for a specific child under the age of 12 years under a Residence Order

2.13 Whether a person is suitable to provide care for a specific child under the age of 12 under a special guardianship order.

**For all cases**, in considering the recommendation to make or advice to give, the Panel must bear in mind that the welfare of the child is the paramount consideration and shall:

2.14 Take into account and give consideration to all reports and information passed to the Panel;

2.15 Request any further information that the Panel considers necessary;

2.16 Consider whether all other possible options have been explored and discounted;

2.17 Obtain legal and medical advice on each case presented to the Panel.

2.18 Invite applicants to be adoptive parents or other long term carers to attend the Panel which considers their application.

### **3 Panel Composition, Quoracy and Terms of appointment**

3.1 The Adoption and Permanence Panel members will be drawn from a central list maintained by the agency adviser and must, as far as possible, be gender balanced and reflect the composition of the community.

The membership will comprise:

- An Independent Chairperson who is not a permanent employee of the authority and who has the necessary skills and experience.

- At least 2 social workers with at least three years relevant post qualifying experience in child care social work including direct experience in adoption work. One will also be in a managerial post.
- One elected member of the Local Authority where possible. (This will ideally be a member of the Council's Policy Development and Scrutiny Panel for Early Years, Children and Youth, and/or Corporate Parenting Group).
- At least one Medical Adviser, appointed by the Primary Care Trust.
- At least 5 independent members with relevant experience such as adopters, adopted persons, birth parents, foster carers (not registered with Bath and North East Somerset) care leavers or members of relevant voluntary or community organisations.
- One or more Vice-Chairs will be drawn from the membership of the panel

3.2 The Panel will also have a Legal Adviser, an Agency Adviser and a note taker.

3.3 The term of appointment of members, other than elected Members, will be for 2 years. Members will normally hold office for no more than three terms in total. Members may, however, serve for fewer terms in order to achieve turnover of experience, or more terms in order to retain particular expertise. In so far as is achievable, appointments will be managed in such a way as to result in a change of membership each year.

3.4 In order to be quorate, at least 5 members of the Panel must be present, including the Chair or Vice-Chair, a social worker and an independent member.

#### **4 Frequency of meetings**

4.1 The Panel will meet monthly on the second Thursday of the month.

Arrangements can be made in exceptional circumstances for a special panel to avoid delay.

## **BATH AND NORTH EAST SOMERSET FOSTERING PANEL**

### **1 Establishment and Membership of the Fostering Panel**

- (ii) The Bath & North East Somerset Fostering Panel is convened in accordance with the Fostering Services Regulations 2002.
- (iii) The Fostering Panel will be chaired by an independent person who has the necessary skills and experience.
- (iii) The Fostering Panel will consist of no more than 10 members (including the independent chair) and shall include:
  - (a) Two Social Workers employed by the Fostering Service, one of whom has child care expertise and the other of whom has expertise in the provision of a Fostering Service;
  - (b) At least one elected member of the Local Authority to serve for up to 3 years (and not more than two consecutive terms); and
  - (c) At least 4 other person (in the Regulations referred to as "Independent Members") including at least one person who is, or within the previous 2 years

has been, a foster carer for a Fostering Service provider other than the one whose fostering panel this is.

- (iv) The Fostering Service shall appoint a member of the Fostering Panel as vice chair, who will act as Chair if the person appointed as Chair is absent or that post is vacant.
- (v) A Fostering Panel member shall hold office for a term not exceeding three years, and may not hold office for the Panel of the same Fostering Service for more than two consecutive terms.
- (vi) Any Panel member may resign their office at any time by giving one month's notice in writing to the Fostering Service provider.
- (vii) If the Fostering Service is of the opinion that any member of the Fostering Panel is unable or unwilling to carry out the duties required, it may terminate their membership at any time by giving them notice in writing.
- (viii) A person shall not be appointed as an independent member of the Fostering Panel if:
  - a. They are a foster carer approved by the Fostering Service provider
  - b. They are employed by the Fostering Service Provider
  - c. They are an elected member of the Local Authority.

## **2 Meetings of the Fostering Panel**

- i. Quorum - No business shall be conducted by the Fostering Panel unless at least five of its members, including the person appointed to chair the Panel or the Vice Chair, at least one of the social workers employed by the Fostering Service and at least two of the independent members are present.
- ii. Frequency - The Bath & North East Somerset Fostering Panel will normally meet monthly.
- iii. The Fostering Panel shall make a written record of its proceedings and reasons for its recommendations.
- iv. The recommendations of the Fostering Panel will be presented to the Fostering Service decision maker (Divisional Director – Children, Young People & Family Support Services).

## **3 Functions of the Fostering Panel**

- (i) The functions of the Fostering Panel in respect of the cases referred to it by the Fostering Service are:
  - (a) To consider each application for approval and to recommend whether or not a person is suitable to act as a foster carer.
  - (b) Where it recommends approval of an application, to recommend the terms on which approval is to be given
  - (c) To recommend whether or not a person remains suitable to act as a foster carer, and whether or not the terms of their approval remain appropriate
    - On the first review carried out in accordance with Regulation 29(1) of the Fostering Services Regulations



- On the occasion of any other review when requested to do so by the Fostering Service in accordance with Regulation 29(5) of the Fostering Service Regulations – this being any written representation of the proposed agency decision.
- (ii) The Fostering Panel shall also:
- (a) Advise on the procedures under which Reviews in accordance with Regulation 29 are carried out by the Fostering Service and periodically monitor their effectiveness.
  - (b) Monitor the quality of assessments carried out by the Fostering Service provider and
  - (c) Give advice and make recommendations on any matters arising from panel business.

NOTE: "Recommend" means recommend to the Fostering Service decision maker

---

## **SOCIAL SERVICES INDEPENDENT REVIEW PANEL**

### **Functions and Duties**

1. To review the keeping of a child or young person in Secure Accommodation for the purposes of securing his/her welfare:
  - (a) within one month of the inception of the placement;
  - (b) at intervals not exceeding three months where the child or young person continues to be kept in such accommodation.
2. To be satisfied whether or not that the criteria for keeping a child or young person in Secure Accommodation continue to apply.
3. To be satisfied whether or not that the placement in such accommodation in a community home continues to be necessary.
4. To be satisfied whether or not any other description of accommodation would be appropriate for him/her.

### **Membership**

5 Members in the political proportionality of 2 Liberal Democrat Members; 2 Conservative Members and 1 Labour Member.