

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.
- (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;

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

- (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: 2 Conservative Members; 3 Liberal Democrat Members; 1 Labour Member, 1 Independent 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)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)

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

- 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

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;
- 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

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

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 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 (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.

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 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 (Revised April 2014)

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. 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 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

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

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. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
8. Considering requests from organisations wishing to join the Fund as admitted bodies.
9. 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
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	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. 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).
3. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
4. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

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.

OFFICER DELEGATIONS - DEVELOPMENT CONTROL COMMITTEE

1. General Delegations

The Divisional Director of Development and the following Officer(s) (“Designated Officers”) and their duly appointed deputies are within the Authority’s approved procedures (but subject to all relevant legislation and the Council’s Standing Orders, Financial Regulations, Strategy and Programme) authorised to take decisions on behalf of the Council in respect of matters of managerial or professional responsibility and to put into effect approved schemes of the Council’s Strategy and Programme.

	<u>Designated Officer(s)</u>	<u>Deputies</u>
	Divisional Director, Development	Group Manager - Development Management Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning

		Principal Planning/Enforcement Officer Principal Planning Officer Senior Planning/Conservation Officer Senior Enforcement/Planning Officer Planning/Conservation Officer Archaeology Officer Senior Arboricultural Officer Planning Information Officer Technical Support Coordinator Technical Support Officer Group Manager – Policy and Environment
	Monitoring Officer	Planning and Environmental Law Manager Principal Solicitor

2. Specific Officer Delegations

- (i) Listed below are those matters falling within the remit of the Committee (“Functions”) and delegated by the Committee to the Officers shown (“Nominated Officers”)
- (ii) Unless otherwise stated, reference to Function is to the relevant one arising under the Town and Country Planning Act 1990 as subsequently amended or re-enacted, including any Regulations or Orders made under that Act.
- (iii) Reference to any other Act includes any amendments to, or re-enactment of, that Act and/or any Orders or Regulations made under that Act.
- (iv) Reference to any Order or Regulations include reference to any Order or Regulations amending or revoking and re-enacting that Order or those Regulations with or without modification.
- (v) Nominated Officers are to:-
- a. perform all functions on behalf of the Council and in the Council’s name,
 - b. act, subject to statutory requirements, within any relevant aspects of the Council’s Strategy and Programme,
 - c. consult with the appropriate professional or technical Officer of the Authority in respect of matters not within the competence of the Nominated Officer; and

d. maintain an adequate record of action taken.

SCHEME OF DELEGATION – PLANNING & RELATED APPLICATIONS & ENFORCEMENT

A	<u>PLANNING APPLICATIONS</u>	<u>Nominated Officers</u>
1	<p>To determine all applications for planning and other permissions including Listed Building Consent and Conservation Area <u>except</u> where:</p> <p>1 A Ward Member has, before a delegated decision is made and within four weeks of the publication of the Weekly List containing that application, submitted in writing to:</p> <p>development_control@bathnes.gov.uk</p> <p>a request, for the attention of the relevant case officer, that the application be referred to Committee specifying the planning reasons for the request and such referral has been agreed by the Chair of Development Control Committee, taking into account:-</p> <ul style="list-style-type: none"> • Relevant material considerations raising significant planning concerns • Significant implications for adopted policy • The nature, scale and complexity of the proposed development. <p>(NB the Ward Member will be expected to attend the Committee meeting at which the application they referred is to be discussed.)</p> <p>2 An application has been subject of a letter of objection, comment or support from the Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application.</p> <p>3 The Divisional Director, Development and/or the Group Manager, Development Management considers that the application should be considered by Committee.</p> <p>4 The applicant is a Councillor for Bath and</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer

	<p>North East Somerset or a Council employee who works within Planning Services.</p> <p>5 The application is one in connection with either a Councillor for Bath and North East Somerset Council or a Council employee or someone who is privately employed in any capacity (e.g. as agent or consultant) and who has direct links with the Planning Service.</p> <p>NB No nominated officer may determine an application in respect of which they have also acted as Case Officer.</p>	
B	<u>PRIOR NOTIFICATIONS</u>	<u>Nominated Officers</u>
1	<p>Applications for Prior Approval in accordance with the provisions of the General Permitted Development Order 1995 as amended or other Regulations that impose a strict deadline for the issuing of a decisions, or where the application cannot be reported to Committee in time for a decision notice to be supplied to the applicant prior to the expiry of the statutory period, shall be determined under delegated powers, and not be reported to Committee, even if one of the exceptions numbered A1 – 5 above applies.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning Information Officer
C	<u>PLANNING ENFORCEMENT</u>	<u>Nominated Officers</u>
1	<p>The issue of Discontinuance/ Enforcement Stop Notice(s) and making applications for and enforcing injunction(s) in cases of urgency.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	<p>The issue of Temporary Stop Notices.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and

		<p>Planning</p> <ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer
3	<p>The issue of Planning Contravention Notices and notice under Section 330 Town & Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
4	<p>The issue of Breach of Condition Notices.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
5	<p>The issue of Enforcement Notices in the following circumstances:</p> <p>(i) where planning permission has been granted for development but the development is subsequently not carried out in accordance with the approved plans;</p> <p>(ii) where the owner of the property has been notified in advance by the Council in writing that planning permission is required for the development, but the development is subsequently carried out without the required planning permission;</p> <p>(iii) where the unauthorised development relates to a material change of use (other than to use as a dwelling house);</p> <p>(iv) where the unauthorised development relates</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer

	<p>a temporary use of land;</p> <p>(v) where time is of the essence to keep the unauthorised development within the control of the Council as local planning authority</p> <p>(vi) Where unauthorised development has been carried out and a retrospective application has been refused/dismissed on appeal.</p> <p>(vii)Where unauthorised development has been carried out and an application for planning permission could not address the harm caused and therefore is unlikely to be granted</p>	
6	<p>The issue of Notices requiring the proper maintenance of land adversely affecting the amenity of a neighbourhood.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
7	<p>To authorise prosecution proceedings where :</p> <p>a) The requirements of an Enforcement Notice have not been carried out as specified in the notice.</p> <p>b) The requirements of a Breach of Condition Notice have not been complied with.</p> <p>c) Where unauthorised works have been carried out to a listed building where significant irreversible harm has been caused.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
D	<u>ADVERTISEMENTS ENFORCEMENT</u>	<u>Nominated Officers</u>
1	<p>To take appropriate action (whether prosecution, injunction proceedings or enforcement) in respect of the unauthorised display of an advertisement.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning

		<ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer
E	<u>LISTED BUILDINGS AND CONSERVATION AREAS ENFORCEMENT</u>	<u>Nominated Officers</u>
1	<p>The issue of Listed Building Enforcement Notices in the following circumstances:-</p> <p>(i) Where Listed Building Consent has been granted for works and the works have not been carried out in accordance with that Consent.</p> <p>(ii) Where the owner/occupier of the property has been notified in advance by the Council in writing that Listed Building Consent is required for the proposed works and the works are subsequently carried out without the required Listed Building Consent.</p> <p>(iii) Unauthorised works have been carried out to a listed building and an application for retrospective listed building consent has been refused or an appeal in respect of the unauthorised works has been dismissed.</p> <p>(iv) Where unauthorised works have been carried out to a listed building and an application for listed building consent could not address the harm caused and would therefore unlikely to be granted.</p>	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	To determine not to take listed building enforcement action for unauthorised works where it is considered NOT to be expedient to do so.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
3	Making applications for and enforcing injunctions in cases of urgency.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning

		<ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer
4	To take action to commence prosecution proceedings in respect of unauthorised demolition of buildings or works to buildings.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
	NOTE: In all the above circumstances, the Officer using the delegations would have to be satisfied in each case that it is expedient to take (or not to take) Enforcement action. The decision with reasons is to be documented, and subsequently be provided to the Ward Councillor(s) for the Ward(s) in which the land or premises in question are situated and reported to the next available meeting of the Development Control Committee.	
F	<u>LISTED BUILDINGS/CONSERVATION AREAS</u>	<u>Nominated Officers</u>
1	Issue of Building Preservation Notices and Emergency Building Preservation Notices	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	Deciding whether small changes to proposals which have previously been granted Listed Building Consent or Planning Permission for Demolition by the Council will materially affect the character of the building or the proposal.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer

3	Approving minor details required by a condition imposed on a grant of Listed Building Consent or Planning Permission for Demolition	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Senior Conservation Officer • Conservation Officer
4	Decisions as to whom to consult on applications for Listed Building Consent and Planning Permission for Demolition	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
5	Decisions as to whether Listed Building Consent or Planning Permission for Demolition is necessary	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
6	The determination of the validity of applications for Listed Building Consent or Conservation Area Consent and the issuing of directions requiring further information in support of an application for Listed Building Consent or Planning Permission	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management

	for Demolition and verification of particulars of information given in respect of an application.	<ul style="list-style-type: none"> • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
7	Deciding to whom to direct notification of a receipt of a Listed Building Consent or Conservation Area Consent application	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
8	Setting the precise wording of notices, conditions imposed and other notes on Listed Building Consents or Planning Permission for Demolition and reasons for refusals to reflect the intentions of Committee when making its decision.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
9	The submission of applications to the Secretary of State for Scheduled Monument Consent to carry out minor works of repair and minor alterations to Council owned buildings	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and

		<p>Planning</p> <ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer • Conservation Officer
10	Deciding whether or not a planning application requires to be publicised as affecting the character or appearance of a Conservation Area	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Conservation Officer
11	Deciding whether or not a Planning Application requires to be advertised as affecting the setting of a Listed Building	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning Officer • Planning Officer
12	Service of Urgent Works and Repair Notices in respect of Listed Buildings in cases of urgency	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management
13	Making Directions under Article 4 of the Town and Country Planning (General Development) Order 1988 as regards Conservation Areas	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning

		<ul style="list-style-type: none"> • Principal Planning/Enforcement Officer
14	Countersigning a Listed Building Heritage Partnership Agreement	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer
15	Deciding an application for a Certificate of Lawfulness of Works to a Listed Building	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer
16	Responding to consultations from Dioceses and Parochial Parish Councils regarding works to Listed Buildings under the Faculty procedures	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Senior Conservation Officer • Archaeology Officer
G	<u>ADVERTISEMENTS</u>	<u>Nominated Officers</u>
1	Applications for consent under the Town and Country Planning (Control of Advertisements) Regulations 2007	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer

		<ul style="list-style-type: none"> • Principal Planning Officer
2	Deciding where no formal application under the advertisement regulations need be submitted for the display of a banner across the highway	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
H	<u>MISCELLANEOUS</u>	<u>Nominated Officers</u>
1	Approving non-material amendments of proposals which have been previously approved by the Council under the provisions of the Town and Country Planning Act.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning Information Officer
2	Approving details required by a condition imposed on the grant of Planning Permission	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer
2	Approving minor material amendments	<ul style="list-style-type: none"> • Divisional Director, Development

(a)	of proposals which have been previously approved by the Council under the provisions of the Town and Country Planning Act	<ul style="list-style-type: none"> • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
3 (a)	Decisions as to the requirement for environmental assessments under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in connection with submitted or proposed planning applications	<ul style="list-style-type: none"> • Divisional Director, Development Management • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
(b)	Decisions as to the scope of environmental assessments in connection with proposed planning applications	<ul style="list-style-type: none"> • Divisional Director, Development Management • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
(c)	Decisions as to the requirement for further information to be submitted for an environmental assessment.	<ul style="list-style-type: none"> • Divisional Director, Development Management • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
4	Decision as to whether to advertise applications	<ul style="list-style-type: none"> • Divisional Director, Development Management

		<ul style="list-style-type: none"> • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Technical Support Co-Ordinator • Technical Support Officer
5	Decisions as to whom to consult on all applications e.g. Ministry of Agriculture	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer
6	Consultation under Pastoral Measure 1983	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
7	Informal Decisions as to whether planning permission is necessary.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and

		<p>Planning, & Enforcement and Planning</p> <ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer • Technical Support Co-Ordinator • Technical Support Officer • Planning Information Officer
8	Determining applications for Certificates of Existing Lawful use or Development or Proposed Use or Development	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
9	Determining applications for Certificates of Alternative Development under the Land Compensation Act 1961	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
10	To determine applications received under the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Development Procedure) Order 1995 as it applies to agricultural permitted developments and notifications for demolition.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement

		<p>Officer</p> <ul style="list-style-type: none"> • Principal Planning Officer
11	Making observations on prospective development in the environs of the District	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer
12	Consultation from adjoining District Councils in relation to planning applications within their district	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer
13	Determination of validity of planning applications and the issuing of directions requiring further information in support of an application for planning permission and verification of particulars of information given in respect of an application	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer

		<ul style="list-style-type: none"> • Senior Planning/Conservation Officer • Planning/Conservation Officer • Planning Information Officer • Technical Support Co-Ordinator • Technical Support Officer
14	Dealing with any matters relating to fees for development control applications	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer • Planning Information Officer • Technical Support Co-Ordinator • Technical Support Officer
15	Deciding to whom to direct notification of a receipt of planning or other applications	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer • Planning Information Officer

		<ul style="list-style-type: none"> • Technical Support Co-Ordinator • Technical Support Officer
16	Settling the precise wording of notices, conditions imposed on permissions or consents and reasons for refusals to reflect the intentions of the Committee when making its decision	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer
17	Determining applications for the erection of overhead electricity lines and telecommunications apparatus	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
18	To determine notifications received under the Town and Country Planning (General Permitted Development) Order 1995 for alterations or extensions to a dwellinghouse where no objections are received from the adjoining premises.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer • Planning Information Officer

19	To determine notifications received under the Town and Country Planning (General Permitted Development) Order 1995 for alterations or extensions to a dwellinghouse where objections are received from the adjoining premises.	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Planning/Conservation Officer • Planning/Conservation Officer
I	<u>HAZARDOUS SUBSTANCES</u>	<u>Nominated Officers</u>
1	Dealing with all aspects for hazardous substances consent under the Planning (Hazardous Substances) Act 1990	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	Service of hazardous substances contravention notices under Section 24 of the Planning (Hazardous Substances) Act 1990	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
J	<u>TREES AND WOODLANDS</u>	<u>Nominated Officers</u>
1	Making Tree Preservation Orders and confirming Orders except where objections are received	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management

		<ul style="list-style-type: none"> • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	The modification of Tree Preservation Orders prior to confirmation	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
3	The decision not to confirm a Tree Preservation Order	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
4	The variation of Tree Preservation Orders except where objections are received	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer

5	The revocation of Tree Preservation Orders except where objections are received	<ul style="list-style-type: none"> • Principal Planning Officer • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
6	In an emergency, to authorise the felling of trees which are the subject of Tree Preservation Orders or within designated Conservation Areas where the trees are considered to be unsound and dangerous	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
7	Approving species for replacement required by a condition imposed on the grant of planning consent	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
8	To investigate and take appropriate action (whether to prosecute or not) in respect of unauthorised works to protected trees	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development

		<p>Management, Conservation and Planning, & Enforcement and Planning</p> <ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Enforcement Officer
9	To determine applications relating to surgery and/or felling of trees protected by a Tree Preservation Order	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
10	To determine whether or not to make a Tree Preservation Order following receipt of a notification to undertake tree work in a conservation area	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
11	To investigate and take appropriate action relating to reports of dangerous trees under the Local Government (Miscellaneous Provisions Act) 1976	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer

		<ul style="list-style-type: none"> • Principal Planning Officer
12	To undertake inspections in relation to complaints relating to high hedges under the Anti-social Behaviour Act 2003	<ul style="list-style-type: none"> • Senior Arboricultural Officer • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Enforcement Officer
K	<u>HEDGEROWS</u>	<u>Nominated Officers</u>
1	The powers and duties of the Authority under the Hedgerow Regulations 1997 introduced under Section 97 of the Environment Act 1995	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Senior Enforcement Officer
L	<u>PUBLIC PATH ORDERS (PLANNING)</u>	<u>Nominated Officers</u>
1	The powers and duties of the Authority under Part X of the Town and Country Planning Act 1990 except where valid objections have been received	<ul style="list-style-type: none"> • Divisional Director, Development or Divisional Director Environmental Services
2	The powers and duties of the Authority under the Local Authorities' Recovery of Costs for Public Path Orders Regulations 1993	<ul style="list-style-type: none"> • Divisional Director, Development or Divisional Director Environmental Services
M	<u>APPEALS</u>	<u>Nominated Officers</u>
1	In consultation with the Chair and Spokespersons of the Development Control Committee agree amendments to applications and to amend/remove reasons for refusal relating to these applications which have been decided by the Committee or by Officers under the terms of the Scheme of Delegation and are now the subject of an appeal	<ul style="list-style-type: none"> • Group Manager - Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement

		<p>Officer</p> <ul style="list-style-type: none"> • Principal Planning Officer • Senior Planning/Conservation Officer • Senior Enforcement/Planning Officer • Planning/Conservation Officer
N	<u>GENERAL</u>	<u>Nominated Officers</u>
1	Authorisation of any Officer under any Act	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
2	The institution and conduct of all civil and criminal proceedings by the Authority	<ul style="list-style-type: none"> • Planning and Environmental Law Manager • Principal Solicitor
3	Defence of all legal proceedings against the Authority	<ul style="list-style-type: none"> • Planning and Environmental Law Manager • Principal Solicitor
4	Issue and service of notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning and Environmental Law Manager • Principal Solicitor
5	Authority to appear before the appropriate licensing or regulatory authority on behalf of the Authority in respect of all matters falling within the remit of the Committee and express formal objections or make general comments as	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management

	appropriate	<ul style="list-style-type: none"> • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning and Environmental Law Manager • Principal Solicitor
6	Making objections or representations on all applications received in pursuance of the Authority's licensing functions where matters fall within the remit of the Committee	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer
7	The institution and conduct of all necessary proceedings and procedures to implement and enforce any decision of the Authority including (for example) any agreement, licence, permit or consent	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning and Environmental Law Manager • Principal Solicitor • Plus all Nominated Officers for the Function in question
8	The Instruction and Selection of Counsel (including all legal consultants)	<ul style="list-style-type: none"> • Planning and Environmental Law Manager • Principal Solicitor
9	Authority to engage Consultants for Commissions not exceeding £10,000	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development

		<p>Management</p> <ul style="list-style-type: none"> • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning and Environmental Law Manager • Principal Solicitor • Plus all Nominated Officers for the Function in question
10	Authority to accept tenders or quotations up to £30,000	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer
11	The dealing with and determination of all requests for Environmental Information under the Environmental Information Regulations 1992	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Plus all Nominated Officers for the Function in question
12	“Proper Officer” functions under Part VA (Access to Information) Provisions of the Local Government Act 1972	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning

		<ul style="list-style-type: none"> • Principal Planning/Enforcement Officer • Principal Planning Officer • Plus all Nominated Officers for the Function in question
13	Authority to affix the Common Seal of the Council whenever necessary to complete or give effect to any decision of the Authority	<ul style="list-style-type: none"> • Planning and Environmental Law Manager • Principal Solicitor
14	Authentication of documents under Section 234 of the Local Government Act 1972	<ul style="list-style-type: none"> • Divisional Director, Development • Group Manager – Development Management • Team Managers; Development Management, Conservation and Planning, & Enforcement and Planning • Principal Planning/Enforcement Officer • Principal Planning Officer • Planning and Environmental Law Manager • Principal Solicitor • Plus all Nominated Officers for the Function in question

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)
 - 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
- 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 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, Cabinet Member for Wellbeing, Cabinet Member for Early Years, Children and Youth and Cabinet Member for Community Integration)
- Clinical Commissioning Group x 3, including the role of Vice Chair (CCG representative members x 2, CCG lay member x 1)
- Healthwatch x 2
- Bath, Gloucestershire, Swindon and Wiltshire Area Team x 1 (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 Council, at its annual meeting, allocates nomination rights to political groups for the role of Chair.

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 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 between 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 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:

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

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

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

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 Liberal Democrat Group).

The Committee has approved a scheme for substitutions with regard to the Sub Committee. 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
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

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
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 environmental health officer objection to a standard Temporary Event Notice			Where a police/environmental health officer objection is made and not withdrawn	All other cases
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	X			

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
and review				
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

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
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
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		

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		X		

Establishment				
Determination of uncontested renewal applications for a Sex Establishment				X
Determination of designated Public Place Orders		X		
Agreement of standard conditions to licences		X		

ENVIRONMENTAL SERVICES (PUBLIC PROTECTION and NEIGHBOURHOOD SERVICES)

OFFICER DELEGATIONS AND AUTHORISATIONS

1. GENERAL DELEGATIONS

The Strategic Director of Service Delivery and the following Officer(s) ('Designated Officer') and their duly appointed deputies are within the Authority's approved procedures (but subject to all relevant legislation and the Council's Standing Orders, Financial Regulation, Strategy and Programme) authorised to take decisions on behalf of the Council in respect of matters of managerial or professional responsibility and to put into effect approved schemes of the Council's Strategy and Programme.

Designated Officer

Divisional Director Environmental Services

Deputies

Service Manager Public Protection
Service Manager Neighbourhood Services
Environmental Monitoring and Licensing Manager
Education and Enforcement Manager
Neighbourhood Environment Manager
Neighbourhood Operations Manager

2. SPECIFIC OFFICER DELEGATIONS

- (i) Listed below are those matters falling within the remit and delegated to the Officers shown ('Nominated Officers').
- (ii) Reference to any Act includes any amendment to, or re-enactment of, that Act and/or any Orders or Regulations made under or empowered by that Act.
- (iii) Reference to any Order or Regulations includes reference to any Order or Regulations amending or revoking and re-enacting that Order or those Regulations (with or without modification).
- (iv) Nominated Officers are to:-
 - a) perform all functions on behalf of the Council and in the Council's name
 - b) act, subject to statutory requirements, within any relevant aspects of the Council's Strategy and Programme
 - c) consult with the appropriate professional or technical officer of the Authority in respect of matters not within the competence of the Nominated Officer; and
 - d) maintain an adequate record of action taken.

3. ENFORCEMENT, INVESTIGATION , LICENSING & ADVICE

Delegated Authority

Nominated Officer(s)

3.1

To exercise the functions, powers and duties of a duly authorised officer for the purposes of the enactments shown at Schedule 1 and any other such enactments as may fall within the remit of the Service including;

- The issue and renewal of licenses, permits, consents and registrations, etc with the exception of 'objected to' applications and those falling outside of Council Policy which shall be referred to the appropriate Licensing Committee for determination.
- The entry and inspection of business premises and inspection of processes and/or business records.
- The sampling and testing of goods, services and local environment.
- The issue and service of statutory notices and investigation of breaches of statutory notices
- The investigation of criminal offences.
- The provision of advice to consumers and businesses.
- To make representations to a regulatory authority on behalf of the Council

The following officers subject to the relevant and necessary qualifications as prescribed by the enactments shown at Schedule 1;

1. Service Manager, Public Protection
2. Environmental Monitoring and Licensing Manager
3. Education and Enforcement Manager
4. Neighbourhood Environment Manager
5. Neighbourhood Operations Manager
6. Environmental Protection Manager
7. Bereavement Services Manager
8. Principal Trading Standards Officer
9. Senior Trading Standards Officer
10. Trading Standards Officer
11. Senior Enforcement Officer
12. Enforcement Officer
13. Assistant Enforcement Officer
14. Principal Environmental Health Officer
15. Senior Environmental Health Officer
16. Environmental Health Officer
17. Senior Technical Officer
18. Technical Officer
19. Food Safety Officer
20. Principal Licensing Officer
21. Senior Licensing Officer
22. Licensing Officer
23. Scientific Officer (Contaminated Land)
24. Cleansing Enforcement Officer
25. Dog Warden
26. Pest Control Officer
27. Bereavement Officer

4 FEES AND CHARGES

4.1

The administration and implementation of charging systems as per the rates set down by the Council in accordance with statutory provisions

Divisional Director Environmental Services

4.2

In accordance with the Council's policy and statutory provisions the variation (increase/decrease) of those charges referred to above

Divisional Director Environmental Services

5 LEGAL PROCEEDINGS

5.1	Authorised to institute criminal proceedings, civil proceedings and other formal enforcement actions by the Authority	Divisional Director Environmental Services Service Manager Public Protection Service Manager Neighbourhood Services Environmental Monitoring and Licensing Manager Environmental Protection Manager Education and Enforcement Manager Neighbourhood Environment Manager Neighbourhood Operations Manager Monitoring Officer Planning and Environmental Law Manager
5.2	Authorised to conduct legal proceedings instituted by the Authority and to conduct the defence of legal proceedings brought against the Authority.	Environmental Monitoring and Licensing Manager Education and Enforcement Manager Neighbourhood Environment Manager Neighbourhood Operations Manager Environmental Protection Manager Principal Trading Standards Officer Senior Trading Standards Officer Monitoring Officer Planning and Environmental Law Manager

6. ISSUE OF OFFICER CREDENTIALS

The issue of credentials to any Officers within the Service to be signed by the Divisional Director Environmental Services in his/her own name on behalf of the Council with such credentials relating to the Divisional Director Environmental Service to be signed by the Strategic Director for Service Delivery.

7. GENERAL

7.1	The Instruction and Selection of Counsel (including all Legal Consultants)	Monitoring Officer Planning and Environmental Law Manager
7.2	Authority to engage Consultants for Commissions not exceeding £10,000	Strategic Director for Service Delivery Divisional Director Environmental Services Planning and Environmental Law Manager Monitoring Officer
7.3	Authority to accept tenders or quotations up to £30,000	Strategic Director for Service Delivery Monitoring Officer Divisional Director Environmental Services
7.4	Authentication of documents under Section 234 of the Local Government Act 1972	Monitoring Officer Planning and Environmental Law Manager. Strategic Director for Service Delivery Divisional Director Environmental Services plus all Nominated Officers for the function in question
7.5	The power to advertise and make Cycle Track Orders (section 1 of the Cycle Tracks Act 1984)	Divisional Director Environmental Services

7.6

The power to convert a footway to a cycle track for shared use (sections 66(4) and 65(1) of the Highways Act 1990).

Divisional Director Environmental Services

SCHEDULE 1: Legislation

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Acts 1968
Agricultural Produce (Grading and Marking) Acts 1928 & 1931
Agricultural Produce (Grading and Marking) Amendment Act 1931
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health & Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Architects Act 1997
Bankers Books Evidence Act 1879
Betting, Gaming and Lotteries Act 1963
Breeding of Dogs Acts 1973 and 1991
Building Act 1984
Business Names Act 1985
Canal Boats Act 1877
Cancer Act 1939
Caravan Sites Act 1968
Charities Acts 1992 and 2006
Children & Young Persons Act 1933
Children & Young Persons (Protection from Tobacco) Act 1991
Cinemas Act 1985
Clean Air Acts 1956, 1968 and 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Companies Act 1985
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Copyright, Designs and Patents Act 1988
Copyright etc and Trade Marks (Offences and Enforcement) Act 2002
Criminal Attempts Act 1981
Criminal Justice Acts 1988 and 2003
Criminal Justice and Public Order Act 1994
Criminal Law Act 1977
Crossbows Act 1987
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Deer Act 1980
Education Reform Act 1988
Energy Act 1975
Environment Act 1995
Environmental Protection Act 1990
Enterprise Act 2002
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fire Safety and Safety of Places of Sport Act 1987

Fireworks Act 1951
Fireworks Act 1964
Fireworks Act 2003
Food Act 1984
Food Safety Act 1990
Food and Environment Protection Act 1985
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Game Act 1831
Game and Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc Act 1974
Highways Act 1980
Home Energy Conservation Act 1995
House to House Collections Act 1939
Housing Acts 1985, 1996 and 2004
Housing Grants, Construction and Regeneration Act 1996
Hypnotism Act 1952
Insolvency Act 1986
Insurance Brokers (Registration) Act 1977
Insurance Companies Act 1982
Intoxicating Substances (Supply) Act 1997
Knives Act 1997
Land Drainage Act 1991
Landlord and Tenant Act 1985
Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Magistrates Courts Act 1980
Malicious Communications Act 1988
Medicines Act 1968
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Lottery Act 1993
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offensive Weapons Act 1968.
Offices, Shops and Railway Premises Act 1963
Olympic Symbol etc (Protection) Act 1995
Patents Act 1949 & 1977
Performing Animals (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Acts 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licenses) Act 1936
Poisons Act 1972
Police, Factories etc (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control (England and Wales) Act 1999
Prevention of Damage by Pests Act 1949
Prevention from Eviction Act 1977
Prices Act 1974 & 1975
Proceeds of Crime Act 2002
Property Misdemeanors Act 1991
Protection from Harassment Act 1977
Protection of Animals Act 1911
Protection of Animals Act (Amendment) 1954
Protection of Animals (Amendment) Act 1988
Protection of Children (Tobacco) Act 1986
Public Health Acts 1936 and 1961

Public Health (Control of Disease) Act 1984
Rag, Flock and Other Similar Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Registered Designs Act 1949
Riding Establishments Acts 1964 and 1970
Road Traffic Act 1972
Road Traffic Act 1988
Road Traffic (Foreign Vehicles) 1972
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Safety of Sports Ground Act 1925
Scrap Metal Dealers Act 1964
Scotch Whisky Act 1988
Shops Acts 1950 and 1965
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theatres Act 1968
Theft Acts 1968 & 1978
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Town and Country Planning Act 1990
Town Police Clauses Acts 1847 and 1889
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1958
Trading Representations (Disabled Persons) Amendment 1972
Trading Schemes Act 1996
Trading Stamps Act 1964
Transport Act 1981
Unsolicited Goods and Services Act 1971 & 1975
Veterinary Surgeons Act 1966
Video Recordings Act 2010
Violent Crime Reduction Act 2006
Water Act 1989
Water Industry Act 1991
Weights and Measures Acts 1976 & 1985
Wild Animals Protection Act 1996
Young Persons (Employment) Acts 1938 and 1964
Zoo Licensing Act 1981

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

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 Manager - Highway Maintenance and Drainage

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

B. IMPROVEMENT OF HIGHWAYS (INCLUDING PUBLIC RIGHTS OF WAY)

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

Regulatory (Access) Committee

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)

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage
Regulatory (Access) Committee

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)

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

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)

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

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

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

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)

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage
Regulatory (Access) Committee

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

Team Manager - Highway Maintenance and Drainage
Senior Officer - Public Rights of Way

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

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

13. Power to use vehicles and appliances on public rights of way (section 300 of the Highways Act 1980)

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

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

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage

15. To take all necessary action to prepare consult upon and advertise Traffic Regulation Orders on public rights of way (Section 1 of the Road Traffic Regulation Act 1984) and to authorise the sealing and implementation of unopposed Traffic Regulation Orders.

Divisional Director – Environmental Services
Service Manager – Highways

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

Service Manager – Highways
Team Manager - Highway Maintenance and Drainage
Regulatory (Access) Committee

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)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

18. The power to enter into Parish Agency Agreements for the clearance of vegetation on public rights of way within specific parishes (section 43(1) of the Highways Act 1980)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

19. To administer applications made under Section 31(6) of the Highways Act 1980 including the issuing of any notices pursuant to such applications (Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

D. MANAGEMENT OF ACCESS LAND

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

E. COMMON LAND & TOWN AND VILLAGE GREENS

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

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

Regulatory (Access) Committee

2. To administer applications made under section 15A of the Commons Act 2006 including the issuing of any notices pursuant to such applications (Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013)

Service Manager – Highways

Team Manager - Highway Maintenance and Drainage

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

BATH & NORTH EAST SOMERSET ADOPTION PANEL

1. Principles

Purpose

The Adoption Panel considers proposals for children in the care of Bath and North East Somerset to be adopted; additionally it considers other permanent placements for children under the age of 12. The Adoption 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 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 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 Disclosure and Barring Service.

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 Makers – Divisional Director –
Children & Young People Specialist Services; Senior Commissioning Manager – Specialist 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 Panel will makes **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 voluntarily relinquished 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 adopters seeking approval for concurrency, the Adoption Panel will be constituted as a Fostering Panel and make **recommendations** to the agency on:

- 2.7. Whether a prospective adopter is a suitable foster carer to offer concurrency or fostering to adopt placements.

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:

- 2.8. Take into account and give consideration to all reports and information passed to the Panel;
- 2.9. Request any further information that the Panel considers necessary;
- 2.10. Consider whether all other possible options have been explored and discounted;
- 2.11. Obtain legal and medical advice on each case presented to the Panel.
- 2.12. 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 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 to Chair Adoption and Fostering Panels.
 - At least 2 social workers with at least three years relevant post qualifying experience in child care social work including direct experience in adoption and/or fostering 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) or members of foster carer's families, 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.