

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	10 th May 2018
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Terms of Reference of Panels, Committees and other bodies in the Council's Constitution</p> <p>Appendix 2 – Public Rights of Way delegation scheme</p> <p>Appendix 3 – Local Code of Corporate Governance</p> <p>Appendix 4 – Civic Handbook</p>	

1 THE ISSUE

- 1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2018 to May 2019 and associated annual business.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in current form in Appendix 1);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution, noting the revisions and points outlined in paragraphs 4.3 & 4.4 (and with any necessary amendments arising from this meeting);
- 2.3 Approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups);
- 2.4 Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 2.5 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;

- 2.6 Determine the bodies on which co-opted and independent members are to have seats as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
- 2.7 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in section 5;
- 2.8 Note the arrangements for the conduct of Cabinet business, the urgent decisions that have been taken in the last municipal year and the arrangements concerning the Health & Care Board, as set out in section 6;
- 2.9 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.10 Agree the arrangements regarding outside body appointments, as set out in section 7;
- 2.11 Note the amendment to the Constitutional procedure rules with regard to the Standards Committee as outlined in section 8;
- 2.12 Adopt the revised Local Code of Corporate Governance into Part 6 of the Constitution – ‘Codes of Conduct and Working Protocols’, as described in section 8.2;
- 2.13 Note the production of the Chairman’s Civic Handbook, as described in section 8.4.
- 2.14 Note the calendar of meeting dates that has been prepared up to May 2019 which is available on the Council’s website;
- 2.15 Authorise the Monitoring Officer to make and publicise any amendment to the Council’s Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

- 4.1 The Council’s Constitution sets out the approved non-executive and regulatory decision making structure and the Council’s overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 1 to this report.
- 4.2 Nominations are invited from the political groups for the appointment by the Council of Members to the bodies listed in Appendix 1 and for the Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees.

- 4.3 Following a proposal by the Chair of the Regulatory Access Committee, and in consultation with service officers and the Chair of the Development Management Committee, it is proposed that the functions of the Regulatory Access Committee (contentious rights of way issues such as Modification orders, Re-classification orders, Public Path orders and Commons Registration - including Town and Village greens) are subsumed into the remit of the Development Management Committee. The Regulatory Access Committee has only met 8 times in the last 7 years (and only once in the last 3 years), with an average meeting time of 30 minutes, so this should not generate a great deal of additional work for the DM Committee. This would streamline the process and would avoid the need to hold additional meetings to consider single rights of way issues. If any matters do come forward for consideration, the Principal Rights of Way Officer will provide a briefing session for the Development Management Committee members to ensure they are up to speed on the necessary regulations. Combined Terms of Reference are included in Appendix 1 and a revised Scheme of Delegation is attached at Appendix 2.
- 4.4 The Avon Pension Fund Committee Terms of Reference are attached in their current form, but will be amended at Committee in June 2018 to reflect the transition phase as the management of the Pension fund's investment assets gradually transfers to Brunel.

5 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

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

6 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

- 6.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council. The arrangements he has approved are incorporated within the Council's Constitution and he may address the Council if he so wishes in respect of any implemented or proposed changes to the arrangements.
- 6.2 Council is advised that the new Health & Care Board with the CCG will be established by Cabinet later this year.
- 6.3 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution part 4b, rule 16 refers). This Council has decided that will happen on an annual basis.
- 6.4 The following such decisions were made and published;

Decision E3013 – Public Realm Safety

Date of decision: 12th October 2017

Decision Maker: Cabinet Member for Finance and Efficiency; Cabinet Member for Transport & Environment.

The Cabinet Members agreed to

- 1) Approve £200K of provisionally approved capital to be fully approved for this and related purposes subject to further delegated officer decisions to be carried out in consultation with the relevant cabinet member(s); and
- 2) Note that up to £50K of revenue budget contingency may in addition be required to fund revenue project costs.

Decision E3043 – NDR Revaluation Relief update and minor Policy amendments

Date of decision: 25th January 2018

Decision Maker: Cabinet Member – Finance and Efficiency.

The Cabinet Member agreed that the Council's Policy is amended in line with the recommendations set out in the report.

7 APPOINTMENTS ON OUTSIDE BODIES

- 7.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with Group Leaders) for Council functions, and by the Leader for Cabinet ones.
- 7.2 The review of outside body appointments in July 2017 agreed a light touch review of activity via a 6 monthly e-mail to Democratic Services which is currently being conducted, and any relevant findings can be brought to Group Leaders.
- 7.3 Further to his report relating to the Avon Fire Authority, the Minister of State for Policing and the Fire Service has recommended that all the constituent councils of the Avon Fire Authority, amend their constitutional arrangements to restrict the duration of their member appointments to a maximum of 2 terms (8 municipal years) inclusive of current service either concurrently or in aggregate with retrospective effect. The Group Leaders have agreed to implement this and, as best practice, recommend that this limit be applied to all outside body appointments.

8 CHANGES TO THE CONSTITUTION

Standards Committee Procedural Rules

- 8.1 Following a review of the Constitution, it was noted that the Standards Committee has separate procedure rules in the Constitution. These are the same as the general Non-Executive Procedural rules (4F), so it is proposed that the Standards Committee Procedural rules (4H) are removed from the Constitution. Any specific rules relating to the Standards Committee will be incorporated into the Committee's Terms of Reference. The Standards Committee's Terms of Reference have also been reviewed, reordered and duplications removed.

Local Code of Corporate Governance

8.2 The 'Local Code of Corporate Governance' should form part of the Council's Constitution and demonstrates the Council's commitment to good governance. It is reviewed on an Annual basis as part of preparing the Annual Governance Statement which is a statutory process, taking into account any revised guidance. CIPFA/SOLACE have updated and refreshed their guidance and the requirements of a local code and this has necessitated the Council to revise and refresh its own Code.

Good governance enables the Council to effectively achieve its intended outcomes, whilst acting in the public interest at all times. The new code is based on the following key principles of good governance –

- a) Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law;
- b) Ensuring openness and comprehensive stakeholder engagement;
- c) Defining outcomes in terms of sustainable, economic, social and environmental benefits;
- d) Determining the interventions necessary to optimize the achievement of the intended outcomes;
- e) Developing the entity's capacity, including the capability of its leadership and the individuals within it;
- f) Managing risks and performance through robust internal control and strong public financial management;
- g) Implementing good practices in transparency, reporting and audit, to deliver accountability;

8.3 The Corporate Audit Committee have reviewed the proposed Code and recommended it for adoption by full Council.

Chairman's Civic Handbook

8.4 A Civic Handbook has been produced to guide and assist the Council Chair(man) in carrying out their civic duties. This is intended as a working document to be kept under review. [The roles and functions of the Chair of Council are set out at Article 5 of the Constitution.]

9 RISK MANAGEMENT

9.1 No risk assessment related to the issue and recommendations has been undertaken as the Council needs to put in place the arrangements contained in this report.

10 EQUALITIES

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

11 ADVICE SOUGHT AND CONSULTATION

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

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

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