

# TERMS OF REFERENCE

## Appendix 1

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

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

#### **Function and Duties**

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

The key duties in discharging this role are:

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

#### **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 members  1 elected member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council  1 nominated from the Higher and Further education bodies  1 nominated by the trades unions
Non-voting members (4)	1 nominated from the Parish Councils  Up to 3 nominated from different Trades Unions

The Council will nominate the Chair of the Committee.

### **Meetings**

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

### **Quorum**

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

### **Substitution**

Named substitutes to the Committee are allowed.

## **2 Investment Panel**

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

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.

2. Review the Statement of Investment Principles and submit to Committee for approval.
3. Report regularly to Committee on the performance of investments and matters of strategic importance

and have delegated authority to:

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

### **Panel Membership**

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

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

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

The Council will nominate the Chair of the Panel.

### **Panel Meetings**

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

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

### **Panel Quorum**

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

### **Panel Substitution**

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

### **Panel Minutes**

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

### **Officer Delegations**

Officers are responsible for:

1. Day to day implementation and monitoring of the investment, administration, funding strategies and related policies.
2. Appointment of specialist advisors to support the Committee in discharging its functions.
3. The Section 151 Officer has authority to dismiss investment managers, advisors and 3<sup>rd</sup> party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
4. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
5. Under its wider delegated powers, the Section 151 Officer has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.
6. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.
7. Through delegations from Council, the S151 Officer has authority to progress the development of Brunel Pension Partnership pool.

Approved by Avon Pension Fund Committee 24 March 2017

## **3 Pension Board for Avon Pension Fund**

### **Function and role**

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

a. to secure compliance with:

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

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

The Board will exercise its duties in the following areas:

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

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

## **Establishment**

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

## **Board Membership**

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

### **Appointment process**

The Avon Pension Fund will facilitate the nominations process for all Board members; the appointment process will be undertaken by the Strategic Director of Resources. The appointment of the Chair will be following an advertised competitive process, which shall be subject to the Board's approval of the successful candidate.

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

### **Role of advisors**

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

### **Role of officers**

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

### **Frequency of meetings**

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

### **Voting rights**

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

## **Board Quorum**

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

## **Substitutes**

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

## **Sub-committees**

Sub-committees will not be permitted.

## **Board work plan and Budget**

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

## **Access to Board papers**

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

## **Term of office**

Two of the initial appointments (one employer representative and one member representative) will be for a two year period. All other appointments will be for a four year term with the maximum term of Board membership limited to two terms.

## **Code of Conduct**

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

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

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

The Board is required to act within its Terms of Reference. The Board should ensure that in addition to the Council Policy it has its own policy for managing conflicts of

interest in line with any further stipulations from the Pensions Regulator and members must abide by this policy.

### **Removal from Board**

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

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

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

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

### **Expenses**

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

### **Allowances**

An annual allowance will be paid to the Independent Chairperson.

### **Knowledge and understanding**

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

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



## **Reporting**

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

The annual report will cover:

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

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

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

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

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

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

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

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

## **4 Charitable Trust Board**

The purpose of the Charitable Trust Board is to facilitate the management of the charitable Trust for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity.

In respect of the charities listed in Schedule 1 the Charitable Trust Board shall have the following powers delegated to it.

The Role of the Board is to exercise the powers delegated to it for the management of the trust, namely;

- to manage the charity in pursuit of the charitable purposes,
- to manage the finances of the charity and ensure its solvency,
- to ensure the charity acts within the governing documents,
- to ensure the charity deals with their regulatory and public accountability obligations, and
- to identify and manage potential conflicts of interest.

In respect of the charities listed in Schedule 2 the Charitable Trust Board shall investigate the governing documents of each charity and recommend to Council the inclusion of any Charity suitable for incorporation into Schedule 1 and until such time as the Council decides to delegate its functions in respect of such Trust to the Charitable Trust Board it shall advise the Council as trustee on;

- the strategic direction of those Trusts,
- the financial resources needed to operate those Trusts;

The Charitable Trust Board shall, in respect of all Trusts, ensure compliance with the Charity Commission's registration and reporting requirements and periodically consider if Trust's assets could be consolidated and more efficiently /effectively used in conjunction with another Trust. Where appropriate it should consult on consolidation proposals with the Charity Commission and interested parties and make any recommendations for consolidation in its annual report to Council.

Decisions about requests for works to be undertaken, or events to be approved that fall outside of the Charitable Trust Board cycle shall be delegated to the Chair of the Trust Board in consultation with the Lead Officer.

Urgent works required under health and safety legislation shall be delegated to the Lead Officer to action promptly.

The Board will comprise:

- Five councillors  
(to include the Cabinet member responsible for Community Services and at

least one councillor who is not a member of the controlling group but who's appointment is determined by the controlling group), and

- One independent person with suitable skills, experience or interests to be appointed by the Board from applicants who wish to be considered following advertisement of the role.

The Board will elect a Chair and Vice-Chair. Decisions will be by a majority of the councillors present. Quorum will be three councillors.

The Board shall have the power to create a sub-committee for each charity listed in Schedule 1 to ensure that each charity shall be separately administered. Each sub-committee shall consist of at least 3 councillors and co-opted non-voting members consisting of the ward councillor(s) for the area where any land subject to the Trust is situated and any other non-voting members who may be able to assist it in its work. The Trust Board and each sub-committee shall undertake its duties through meetings as required and will meet at least twice annually.

In any meeting, the affairs of each Trust will be considered separately and in relation to the purpose and governing document of each Trust.

Each sub-committee will report annually to the Trust Board after submitting any annual report to the Charity Commissioners and the Trust Board shall thereafter provide an annual report to Council on the financial standing of each Trust and update the Council on the work undertaken by each Trust in the preceding year

Support for the Board and sub-committees as necessary will be provided through the relevant Council sections. Lead advisors will be identified for each charitable Trust in Schedule 1.

<b>Schedule 1</b> <b>Charitable Trusts for which the</b> <b>Council is sole trustee</b>	<b>Schedule 2</b> <b>Charitable Trusts for which the</b> <b>Council is responsible</b>
The Alice Park Free Fields (Rainbow Woods)	Weston Recreation Ground 4, The Circus Firs Field Beechen Cliff Newbridge Meadows (Queen Elizabeth the Second Fields) Backstones Innox Park Post Office Museum Former Radstock Infant School

## **5 Alice Park Trust Sub Committee**

The Sub-Committee shall discharge the Council's functions as sole corporate trustee in respect of the Alice Park Trust, the site and its resources in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

To report to the Board on an annual basis in September of each year detailing the work undertaken by the Trust in the preceding year and confirming to the Board that the Trust has complied with the objects of the charity and the Charities Legislation.

Appointed by: The Charitable Trust Board

Membership: - 3 Councillors from the membership of the Charitable Trust Board

- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

The Sub-Committee may co-opt other non-voting members as appropriate.

Lead Officer                Head of Parks & Green Spaces

Deputy Officers        Team Leader Parks & Green Spaces

Project Manager, Parks.

Decision Making Powers:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.
  2. To agree the Trust's annual budget and business plan.
  3. To approve the use of any reserves.
  4. To agree the Trust's annual accounts.
  5. To receive and respond to the audit findings relating to the annual accounts.
  6. To receive reports on the effective day to day management and financial performance of the Trust.
  7. To allow interested parties to give their view on the performance and direction of the Trust.
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## **6 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 5 Councillors (3 Conservative, 1 Liberal Democrat, 1 Labour Group) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Conservative 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.

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## **7 Development Management Committee**

### **Functions**

1. The Committee will exercise all the Council's powers and duties in respect of Development Management (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 Planning Policy Framework for B&NES which includes National Planning Policy Guidance.

2. The Committee is granted delegated authority to establish Development Management working practices and protocols for operation on a District-wide basis by this and all other area-based committees.
3. 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 where the matters are contentious

(2) Commons Registration (including Town and Village Greens)

***\*Note 1** – The Group Manager: Highways and Traffic and Team Manager - Highway Maintenance 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.*

*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).*

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

#### Limitation on delegation

8. 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 Management Committee which is clearly contrary to policy and against officer advice, to a subsequent meeting of the Development Management 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

10 Members in the political proportion– 6 Conservative, 3 Liberal Democrat and 1 Labour Member; chaired by a Conservative Member.

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## **8 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 Independent Member, chaired by a Conservative Member.

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## **9 Bath and North East Somerset Health and Wellbeing Board**

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### **1. Statement of purpose**

- 1.1 By working together the Board aspires to provide strategic leadership 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 strong, place based vision for health and wellbeing
  - overseeing the development of local needs assessments, including joint strategic needs assessment (JSNA) and pharmacy needs assessment (PNA)
  - leading the development and delivery of the joint health and wellbeing strategy (JHWS)
  - considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
  - ensuring local placed-based health and social care commissioning plans have adequate regard to the JHWS



- The Improved Better Care Fund for B&NES including sign off and ongoing oversight.

## 2.2 The Board will seek to:

- influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA, PNA and JHWS
- promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
- work with and influence services including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health and wellbeing
- work collaboratively across our local partnership framework
- 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 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual duties and responsibilities.
- 4.2 The Board is responsible for working with the Children and Young People's Sub Group to deliver strategic commitments and outcomes, in line with the JHWS.
- 4.3 Accountability for safeguarding lies with the Local Safeguarding Adults Board and Local Safeguarding Children's Board.
- 4.4 The Safeguarding Children Board, the Safeguarding Adult Board and the Children and Young People's Sub Group 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 (Cabinet Member for Adult Social Care and Health, Cabinet Member for Childrens Services, Chief Executive, Strategic Director for People and Communities, Director of Integrated Health and Care Commissioning, Director of Public Health)
- Clinical Commissioning Group x 2 (CCG Clinical Chair, CCG Chief Officer)
- Healthwatch B&NES x 1
- Avon and Somerset Police x 1
- Avon Fire and Rescue x 1
- Housing provider representative x 1
- Higher and further education representative x 3
- Health and social care provider representatives x 4 (acute care, community care, primary care and voluntary, community and social enterprise sector)
- NHS England x 1

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

5.3 In the event of a vote on a substantive matter, the quorum for the meeting will be:

- 3 members of the Council
- 1 member of the CCG
- 1 member of Healthwatch B&NES
- 1 health and social care provider representative
- 1 member of Avon and Somerset Police, Avon Fire and Rescue, Higher and Further Education representative or Housing representative

5.4 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 policy development 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 formal 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 a work programme framed by the JHWS which will guide its work.
- 7.5 The Board will meet at least 5 times per year.
- 7.6 The Board may establish sub-groups to lead on issues such as children and young people, JSNA, joint commissioning and health inequalities.

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## **10 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 with responsibility for Community Services 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 11 elected members of the authority in the political group proportion (6 Cons: 3 Lib Dem: 1 Labour: 1 Ind), or such other proportion agreed by the Council from time to time.

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

The Head of Legal and Democratic Services and Monitoring Officer 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 Council's objectives on Licensing**

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

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

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

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

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

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;

- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

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

- A strong economy and growth
- A focus on prevention
- A new relationship with customers and communities
- An efficient business

### **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*

*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*

*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*

*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 – 2 Cons, 1 Lib Dem] – 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 Conservative Group).

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

### **TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
<b>LICENSING ACT 2003</b>				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Consideration of revocation or suspension of personal licence where convictions or immigration penalties come to light.			All cases	
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				All cases

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
Supervisor				
Application for transfer of Premises Licence			If a police objection is made	All other cases
Application for interim authorities			If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate			All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases	
Determination of a police and/or 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



<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
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	
<b>GAMBLING ACT 2005</b>				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

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

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

<b>OTHER</b>				
<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
Determination of applications for hackney carriage/private hire drivers' licences where applicants are aged 70 or over with no medical problems				X
Determination of new applications for a Sex Establishment		X		

Determination of uncontested renewal applications for a Sex Establishment				X
Agreement of standard conditions to licences		X		

## 11 POLICY DEVELOPMENT AND SCRUTINY PANELS – GENERAL TERMS OF REFERENCE

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

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

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

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

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

### Within their allocated remits, each Panel

- (i) has broad-based responsibility for Overview and Scrutiny in its particular area of responsibility, in line with the Council's objectives;
- (ii) scrutinises Performance Management information for the allocated performance areas on a scheduled basis and advises the Cabinet accordingly;
- (iii) receives and carries out work as allocated, including;
  - (a) determination of Call-Ins of executive decisions made but not yet implemented
  - (b) carrying-out of in-depth reviews, as set out in their Overview and Scrutiny Work Plan

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

- (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;
- (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.

## **PDS Panel Remits**

### **12 Planning, Housing & Economic Development**

(Designated Flood Risk Management Panel)

**Panel remit is –**

- Housing, Housing delivery and travellers
- Housing choices for vulnerable people
- Regeneration Projects
- West of England Partnership
- Planning
- Economic Enterprise and Business Development
- Tourism (Heritage Services, Destination Management, Arts & Festivals including the film office)
- World Heritage Management

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

Chair is nominee of the Liberal Democrat Group. Vice Chair is nominee of the Conservative Group.

## **13 Resources**

### **Panel remit is –**

- Customer Services including Revenues & Benefits and Council Connect
- Finance
- Risk and assurance
- ICT
- Procurement
- Property
- Finance
- Strategy and Performance including, Public Sector Partnerships
- Change Programme
- Equalities
- Legal and Democratic services

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

Chair is nominee of Independent Group. Vice Chair is nominee of Conservative Group.

## **14 Children & Young People**

(Designated Curriculum Complaints Panel)

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

### **Panel remit is –**

- Learning and inclusion
- Children, young people and family support
- Safeguarding children
- Primary, secondary and further education
- Improving environment and opportunities for disadvantaged teenagers
- Corporate Parenting, including transition of vulnerable/looked after children to Adult care
- Health, commissioning and planning (Children)<sup>2</sup>

Membership: 4 Conservative Members, 2 Liberal Democrat Members, 1 Labour Member.

Chair is nominee of the Liberal Democrat Group. Vice Chair is nominee of Conservative Group.

## **15 Communities, Transport & Environment**

### **Panel remit is –**

- Transport Development (transport planning/policy, major transport

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<sup>2</sup> When relevant, issues will also be referred to the Health & Wellbeing Select Committee

- infrastructure)
- Major Transport Schemes
- Highways, Parking and Transport
- Community Safety
- Big Society/3<sup>rd</sup> Sector Funding Initiatives
- Improve the quality of life of the communities (older people and of children, young people and families) at risk and narrow the gap between the worst performing wards / neighborhood's and other areas across the district.
- Leisure and Culture (Sport & Active Lifestyles),
- Libraries
- Environmental Services
- Natural Environment, Green Infrastructure & Sustainability

Membership: 5 Conservative Members; 3 Liberal Democrat Members and 1 Labour member.

Chair is nominee of the Labour Group. Vice Chair is nominee of Conservative 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, and more recently to include the new Police and Crime Commissioner
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

## **16 Health & Wellbeing Select Committee**

(Delegated Committee 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)].<sup>3</sup>*

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council,

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<sup>3</sup> Principle responsibility rests with Children and Young People PDS Panel – Health & Wellbeing Select Committee to be involved when relevant



the function is delegated to the Health & Wellbeing Select Committee. Councillors on the Health & Wellbeing Select Committee 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, 1 Liberal Democrat Member; 1 Labour Member and 1 Green Member.

Chair is nominee of the Conservative 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 Committee may

- a. receive referrals from the Local Healthwatch and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them (either by Council or by the delegated Committee), and
- c. keep the referrer informed of the Committee'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 Committee will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

## **JOINT HEALTH SCRUTINY FUNCTION**

### **Working across Local Authority Boundaries**

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

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

### **Membership**

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

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

The three B&NES Councillors participating in the Joint Health Scrutiny will be agreed by and appointed from the Committee designated as the health overview and scrutiny Committee, 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 Committee 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 Health & Wellbeing Select Committee attend such joint meetings, as are relevant, and report back to the rest of the Panel at B&NES' own Health Overview & Scrutiny meetings.

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## **17 Parish Liaison Meeting**

*Included under separate agenda item*

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## **18 Re-Structuring Implementation Committee**

### **The Committee's Span of Responsibility**

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

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

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

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

### **Membership**

The Committee shall comprise one Member from each political group (by convention, this is the Group Leaders).

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## **19 Education (School Appeals) Panels**

### **Function**

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

### **Membership**

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

### **Timetable**

Meetings fixed as and when necessary.

## **20 Standards Committee**

### **Terms of reference**

- (a) Promote and maintain high standards of conduct by Councillors; Parish Councillors; co-opted members and church and parent governor representatives
- (b) Oversee the effectiveness of the Council's Constitutional arrangements from an ethical perspective and make recommendations to the Council on any desirable or necessary changes
- (c) Recommend to the Council Codes of Conduct and Practice or Protocols for members and/or employees of the Council, including planning issues and Arrangements for dealing with complaints
- (d) Monitor and review such Codes and Protocols and the Register of Members interests
- (e) Consider and determine any allegations of misconduct against Members of the Council in accordance with the Codes and the Arrangements for dealing with complaints against councillors
- (f) Grant dispensations to Councillors; Parish Councillors; co-opted members and church and parent governor representatives relating to disclosable pecuniary interests as set out in the Localism Act 2011.
- (g) Consider 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.
- (h) Consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) Consider and determine the Council's response to any internal or District Audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (j) 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;
- (k) Make arrangements for training to Councillors; Parish Councillors; co-opted members and employees in connection with any matter within the terms of reference of the Committee.
- (l) Liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (m) *Recommend to the Council from time to time as necessary the appointment of Independent Members to the Committee following open advertisement, short listing and interview.*

### **Membership of the Standards Committee**

- 5 x elected members (voting) - 3 Conservative, 1 Liberal Democrat and 1 Independent Group member. [*Chairing rights allocated to the Conservative group although Council of 15<sup>th</sup> September 2011 resolved that one of the independent*

*(non-voting) Members should chair the meeting.]*

- 3 x independent members - one of whom will chair the Committee (non-voting).
- 3 x Parish representatives
- The independent Person and Deputy Independent Person will be invited to attend the meeting and provide relevant comment.

### **Quorum**

For ordinary business, the quorum is 3 members, plus one independent member. When considering parish matters, the quorum shall include at least one parish representative.

For considering individual cases, the quorum shall be 5 members, including at least one independent member, and if a parish matter, at least one parish representative.

No more than one Cabinet Member may be appointed to the Committee. The Leader of the Council may not be a member of the Committee. In no circumstances may a Cabinet member chair a meeting of the Standards Committee.

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## **WEST OF ENGLAND COMBINED AUTHORITY ARRANGEMENTS**

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### **21 WECA Overview And Scrutiny Committee**

#### **Terms of Reference of the West of England Combined Authority Overview and Scrutiny Committee (“the WECA Overview and Scrutiny Committee”)**

The functions of the Overview and Scrutiny committee primarily relate to scrutinising the work of the WECA and making appropriate recommendations as to the discharge of its function.

The WECA Overview and Scrutiny Committee shall have the power to:-

1. review or scrutinise decisions made, or other actions taken, in connection with the discharge of any functions which are the responsibility of the WECA or the Joint Committee;
2. make reports or recommendations to the WECA or the Joint Committee (as appropriate) on matters that affect the WECA area or the inhabitants of the area;
3. make reports or recommendations to the WECA or the Joint Committee (as appropriate) with respect to the discharge of any functions which are the responsibility of the WECA or the Joint Committee;

4. in so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the WECA or the Joint Committee, the WECA Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in 1 – 3 above.

Save for the provision in the WECA Constitution, Section A – Standing Orders (Descriptions and Rules of Procedure) that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny Committee.

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## **22 WECA Audit Committee**

### **Terms of Reference of the West of England Combined Authority Audit Committee (“the WECA Audit Committee”)**

The functions of the Audit committee shall include:

1. reviewing and scrutinising the authority’s financial affairs;
2. reviewing and assessing the authority’s risk management, internal control and corporate governance arrangements;
3. reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority’s functions; and
4. making reports and recommendations to the combined authority in relation to the reviews they have conducted.

Save for the provision in the WECA Constitution, Section A – Standing Orders (Descriptions and Rules of Procedure) that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Audit Committee.