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11 May 2011

To: All Members of the Council
Chief Executive and other appropriate officers
Press and Public

Dear Member

Annual and Ordinary Meeting of the Council: Thursday, 19th May, 2011

You are invited to attend the Annual and Ordinary meeting of the **Council**, to be held on **Thursday, 19th May, 2011 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Sandwiches and fruit and tea/coffee/cold drinks will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Small Meeting Room, Floor 2
Independent	Performance and Improvement Team Office, Floor 1

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning 01225 394358.
2. **Details of Decisions taken at this meeting can** be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above. Papers are available for inspection as follows:-

Public Access points - Guildhall - Bath, Riverside - Keynsham, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries

3. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders.
4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. If an answer cannot be prepared in time for the meeting it will normally be sent out within five working days afterwards. **Advance notice of all public submissions is required not less than two full working days before the meeting. This means that for meetings held on Tuesdays notice must be received in Democratic Services by 5.00pm the previous Thursday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people

8. **Presentation of reports** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

COUNCIL MEETING: THURSDAY, 19TH MAY, 2011 AT 6.30 PM IN THE COUNCIL CHAMBER - GUILDHALL, BATH

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 7.

2. ELECTION OF CHAIR(MAN)

It is a legal requirement that the first formal business at the Annual General meeting shall be the election of a Councillor to be the Chair(man) of the Council. The term of office of the Chair(man) expires on the election of his/her successor at the Annual meeting of the Council in 2012.

The present Chair(man) of the Council is Councillor Sarah Bevan who will preside over the election of her successor.

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

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

3. APPOINTMENT OF VICE-CHAIR(MAN)

The Council will be invited to appoint a Councillor to be the Vice-Chair(man) of the Council. The term of office of the Vice-Chair(man) expires on the election of his/her successor at the Annual meeting of the Council in 2012.

Once the new Vice-Chair(man) is elected, he/she will make and sign the Declaration of Acceptance of Office, and receive the Badge of Office from the Chair(man), after which he/she may thank the Council for the appointment.

4. MINUTES (Pages 7 - 18)

To approve as a correct record the minutes of the previous meeting held on Tuesday 15th February 2011.

5. APOLOGIES FOR ABSENCE

6. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **personal and prejudicial** or **personal**.

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Solicitor to the Council and Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

7. **ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

During this item, the Chair(man) will present Councillor Sarah Bevan with a Badge to mark her year in office as the Chair(man) of the Council. Councillor Bevan may then address the Council.

8. **TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why she has agreed to consider it at this meeting. In making her decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

Note: Agendas for Council meetings are structured so as to identify those matters on which the Council may make a decision and those where its powers are limited to comment or recommendation to the Cabinet or other bodies.

The order of agenda business is prescribed in the Council's Constitution. The Chairman or the meeting may vary this.

9. **REPORT OF URGENT DECISIONS TAKEN BY CHIEF EXECUTIVE**

Urgent decision by Chief Executive

On 7th March 2011, the Chief Executive was asked to consider a report on the terms of a proposed restructure of the House of Fraser lease, including the acquisition of 8-10 John Street, under rule 3 of the urgency provisions in the Constitution.

He subsequently approved that;

1.1 Prudential borrowing can be used to facilitate the purchase of 8-10 John Street.

Urgent decision by Chief Executive

The Chief Executive, in consultation with the Political Group Leaders, and exercising his power under rule 3 of the Council's Urgent Business and Absence Procedure Rules decided that Bath & North East Somerset adopt the Joint Waste Core Strategy for the West of England as part of the Bath & North East Somerset Local Development Framework and for it to come into effect on 25th March 2011.

10. NOTIFICATION OF MEMBERS ELECTED ON 5TH MAY (Pages 19 - 20)

11. APPOINTMENT OF LEADER

1. The Council is required to elect a Councillor to be the Leader of the Council for the 4 year term 2011 – AGM of 2015; and
2. The Council is asked to note that all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, executive delegation scheme and frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

12. APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS (Pages 21 - 66)

This report sets out recommendations on the decision making structure for 2011/12 which the Council needs to consider and determine.

13. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Explanation: A Member of the public who has given prior notice may under this item make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question.
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The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

14. PLEDGE TO CHILDREN IN CARE (Pages 67 - 74)

The Council's pledge to Children in Care has been updated to reflect new regulations and guidance which came into force on April 1st 2011. The new Council is invited to affirm its commitment to the updated pledge.

15. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM

COUNCILLORS

Explanation: A Member of the Council who has given prior notice may under this item make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question.

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

This Agenda and all accompanying reports are printed on recycled paper

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

BATH AND NORTH EAST SOMERSET**MINUTES OF COUNCIL MEETING**

Tuesday, 15th February, 2011

Present:- **Councillors** Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Loraine Brinkhurst MBE, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Victor Clarke, Nicholas Coombes, Chris Cray, Paul Crossley, Gerry Curran, Colin Darracott, Sally Davis, Douglas Deacon, Ian Dewey, David Dixon, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Malcolm Hanney, Nathan Hartley, David Hawkins, Lynda Hedges, Steve Hedges, Adrian Inker, Eleanor Jackson, Les Kew, Malcolm Lees, Barry Macrae, Shaun McGall, Marian McNeir MBE, Bryan Organ, Carol Paradise, Vic Pritchard, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, David Speirs, Shirley Steel, Roger Symonds, Martin Veal, Tim Warren, Chris Watt, Brian Webber, John Whittock, Stephen Willcox and Gordon Wood

Apologies for absence: Councillors Armand Edwards, Peter Edwards, Andrew Furse, Marie Longstaff and Brook Whelan

70 EMERGENCY EVACUATION PROCEDURE

The Chairman welcomed everyone to the meeting including the members of the public seated in the overflow facility in the Banqueting Room and drew attention to the emergency evacuation procedure set out on the agenda which was read out.

71 MINUTES

RESOLVED that the minutes of - the previous ordinary meeting of the Council held on 16th November 2010; the special meeting also held on 16th November 2010; the special meeting held on 2nd December 2010; and the special meeting held on 20th January 2011 - be each approved as a correct record and be signed by the Chairman.

72 DECLARATIONS OF INTEREST

The Divisional Director Legal and Democratic Services advised Members orally on the issues they needed to consider in reaching a decision on whether they had an interest to declare in the matters on the agenda for this meeting.

Councillor Malcolm Hanney declared a personal non-prejudicial interest in the report on the Budget and Council Tax (agenda item 8) as Chair of NHS Bath and North East Somerset Primary Care Trust.

Councillor Rob Appleyard declared a personal and prejudicial interest in the report on the Budget and Council Tax (agenda item 8) relating to the possible sale of land agreed as a Trustee of the Somer Community Housing Trust.

Councillor Rob Appleyard declared a personal and prejudicial interest in the report on the Budget and Council Tax (agenda item 8) relating to the budget scrutiny as the Vice-Chair of the Norton Radstock Town Council.

Councillor Appleyard indicated that he would vacate the Council Chamber and not take part in the discussion and voting on those matters.

Councillor Loraine Morgan-Brinkhurst declared a personal interest in the report on the Budget and Council Tax (agenda item 8) relating to the proposed Liberal Democrat amendment on the Bath Transportation Package funding, as her home was near the route, and indicated that she would vacate the Council Chamber and not take part in the discussion and voting on that amendment.

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

The Chairman:

1. Announced that in the 2011 UK Youth Parliament Elections, Mike Fidanoglu from Beechen Cliff School had been elected MYP for Bath with Fiona Collier, Hayesfield School as deputy and that Alec Howells, Writhlington School had been elected MYP for North East Somerset with Shyam Sawhney, Norton Hill School as deputy.
2. Informed Council of the recent death of Mrs Kate Scully MBE, formerly youth worker in the DAFBY team (Democratic Action for B&NES Youth) and invited the Council to place on record condolences to her family and colleagues and indicated that her funeral would take place on Friday 25 February 2011.
3. Encouraged all Councillors who had not done so already, to purchase their tickets for the Charity Ball taking place on the opening night of the Bath Comedy Festival on 1 April.
4. Asked everyone to turn off their mobile phone or switch it to silent to avoid disrupting the meeting and because of the possibility of interference with the sound system or the videolink to the Banqueting Room.
5. Referred to the agenda item timings on the briefing sheet for this meeting which had been agreed with the Group Leaders and asked Councillors to keep contributions to debate brief and relevant and not to repeat what had already been said by colleagues.
6. Informed Council that, in the absence of the Vice-Chairman, she had asked Councillor Bryan Chalker, Immediate Past Chairman, to assist with the speakers' list for this meeting.

7. Indicated that she proposed to waive Council Rule 37, so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they had seconded the motion or amendment. The Council indicated its agreement.
8. Indicated that she would announce a comfort break between 8pm and 9pm if the meeting did not appear to be near its conclusion by then.

74 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business for this meeting.

75 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Ms Tracey Quinn made a statement in support of a petition signed by residents in the Kingsway area of Oldfield Ward in Bath urging the Council to provide and stock grit bins at strategic locations in the area to enable local residents to grit roads and pedestrian areas during icy weather.

In response to a question from Councillor Will Sandry, Ms Quinn said that two of the most difficult road junctions in the area would significantly exceed the criterion of 200 vehicle movements per day used to allocate grit bins.

In response to a question from Councillor John Bull, Ms Quinn said that she was aware that, in deciding on the location of grit bins, the road gradient is measured but that in many cases the pavements had a steeper slope which made them impassable in bad weather and this needed to be taken into account as well.

Ms Quinn was thanked for her statement and for presenting the petition which was referred for consideration and response to the Cabinet Member for Service Delivery. A copy of the statement provided by the speaker which was circulated at the meeting is held on file in the minute book and published on the Council's website with the draft minutes of this meeting.

76 MEDIUM TERM SERVICE AND RESOURCE PLANNING 2011/12 TO 2013/14, AND BUDGET AND COUNCIL TAX 2011/12

The Council considered a report setting out the recommendations of the Cabinet on the review of the Medium Term Financial Plan for the period to 2013/2014 and the Revenue and Capital Budgets and Council Tax for 2011/12 (Report 8).

In addition to the reports circulated with the agenda, all Councillors received a copy of the draft minute of the Corporate Performance and Resources Overview and Scrutiny (O&S) Panel meeting held on 31st January with the panel's comments on the Budget proposals.

On a motion from Councillor Francine Haerberling seconded by Councillor Les Kew it was **RESOLVED** that the Council suspends Council Rule 42, Content and Length of Speeches, for the duration of this debate to enable variations to be permitted to the length of the speeches by the Cabinet Member for Resources, the Liberal Democrat Group, Labour and Independent Group Leaders and the Chair of the Corporate Performance and Resources O&S Panel.

On a motion from Councillor Malcolm Hanney seconded by Councillor Francine Haerberling it was **RESOLVED** that the Council:

1. Approves:
 - a) The General Fund net revenue budget for 2011/12 of £121.742m with no increase in Council Tax.
 - b) That no Special Expenses be charged other than Town and Parish Council precepts for 2011/12.
 - c) The adequacy of reserves at Appendix 1 Table 9 with a risk-assessed level of £10.5m.
 - d) The individual service cash limits for 2011/12 summarised at Appendix 1 Table 5 and detailed in Annex 1.
 - e) That the specific arrangements for the governance and release of corporate headroom (which includes any amounts for which the purpose has not been specified in the budget report in relation to transfers to revenue budget contingency, the ongoing headroom allocations and the one off headroom allocations in Appendix 1) be delegated to the Council's Section 151 Officer in consultation with the Cabinet Member for Resources and the Chief Executive together with the Chair of the CPR Overview & Scrutiny Panel.
2. Agrees to include the precepts set and approved by other bodies including the Local Precepts of Town Councils, Parish Councils and the Charter Trustees of the City of Bath, and those of the Fire and Police Authorities in its Council Tax setting.
3. Acknowledges the Section 151 Officer's report on the robustness of the proposed Budget and the adequacy of the Council's Reserves (Report 8, Appendix 1, Annex 2) and approves the conditions upon which the recommendations are made as set out throughout Appendix 1 of Report 8.
4. That in relation to the Capital Budget the Council:
 - a) Approves a Capital Programme of £34.108m for 2011/12 and notes indicative items shown in italics for 2011/12 and the Programme for 2012/13 to 2015/16 as shown at Appendix 1, Annex 3 of Report 8 including the planned sources of funding.

- b) Approves the Minimum Revenue Provision Policy as shown at Appendix 1, Annex 4 of Report 8.
- c) Approves the Capital Prudential Indicators as set out in Appendix 1 Table 7 of Report 8.
5. Notes the O&S review of Medium Term Service and Resource Plans and 2011/12 Service Action Plans and instructs the relevant officers to finalise and publish their Medium Term Service and Resource Plans and Service Action Plans by the end of March 2011, in consultation with the relevant Cabinet Member and in light of feedback from the O&S reviews, and in line with the approved cash limits.
6. Agrees to earmark an additional £40k (from the £105k one-off headroom allocation to introduce a community enablement programme to support provision of Youth Services) to support Keynsham Time Out and Radstock Youth Centre during the transition period, recognising that the two youth centres have each already been allocated £15k following the Council resolution of 16 November, 2010 and that this £40k funding shall be allocated as follows:
- £20k to Keynsham Time Out to support the work being undertaken by Keynsham Town Council to continue to provide youth services in the town; and
 - £20k to pay for a managed transition at Radstock Youth Centre, in consultation with Radstock Youth Partnership.
7. Agrees to reinstate funding of £14k to the Shout Out advocacy service and £8k to Bath Contact Centre. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
8. Agrees to reinstate funding of £110k to support carers' activities including short breaks for disabled, vulnerable and disadvantaged children. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
9. Agrees to allocate £60k to support the ongoing costs of maintaining and opening Victoria Hall during the transition to the new town and parish councils. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
10. Agrees to ask the Cabinet to consider allocating £30k to resource extra hours for Family Support Workers for home learning for children aged 0-3 who have complex medical needs and disabilities and to consider allocating the funding for this from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
11. Agrees to ask the Cabinet to consider allocating £50k (from the £1,736k ongoing Revenue Budget Contingency) to enable Children's Services to work

in partnership with schools to continue to provide some Parent Support Advisors. These staff would be managed from the Children's Centres to provide support for families with pre-school children previously identified as vulnerable and disadvantaged, and to work with these families as these children make the transition from Children's Centres to primary school and to continue to work with them in the primary school setting.

12. Approves the technical resolutions that are derived from the Budget Report, and all the figures in that Report and including the precepts for Town Councils, Parish Councils and other precepting bodies as set out in Appendix 4 of Report 8.

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2011/2012 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES THAT:

13.. The revenue budget as set out in Appendix 1 Annex 1 to the report be approved.

14. The 2011/12 capital budget as set out in Appendix 1 Annex 3 to the report be approved.

15. That the Council's total net expenditure for 2011/12 be set at **£121.557m¹** (including a contribution of £1.736m net to reserves), or £119.822m excluding the contribution to reserves. That the 2011/12 expenditure is funded as follows:

	Total £	Per Band D (£)
2011/12 Gross Expenditure	349,160,132	5,419.81
2011/12 Income (excluding recharges)	-229,338,550	-3,559.89
2011/12 Net Expenditure	119,821,582	1,859.92
Funded by:		
Use of Balances (- is net contribution)	-1,735,568	-26.94
£1.736m contribution		
Revenue Support Grant £10.280452m	43,539,450	675.84
Business Rate Pool £33.258998m		
Collection fund surplus	591,000	9.17
Total	42,394,882	658.07
Raised from Council Tax	77,426,700	1,201.85
Total Funding	119,821,582	1,859.92

16. (a) That it be noted that on 14th January 2011 the Divisional Director of Finance (as authorised Section 151 Officer) agreed **64,422.90** Band D property equivalent as the Council Tax base for the year 2011/12 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.

¹ This is net of the Dedicated Schools Grant of £113.801m and the Council Tax Freeze Grant of £1.920m

(b) The amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate is given as Annex 1 (1). *[Annex 1 (1) gives Band D Tax base by parish]*

17. That the following amounts be now calculated by the Council for the 2011/12 financial year in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992:

(a) **£121,842,672** (=119,821,582 (net expenditure) +2,021,090 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.

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

(b) **-£1,735,568** (contribution to balances) the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.

[This is sums estimated to be payable into the general fund other than RSG and NNDR, transfers from the collection fund to the general fund and financial reserves used to provide for items in Section 32(2) including income]

(C) **£123,578,240** being the amount by which the aggregate at 6(a) above exceeds the aggregate at 6(b) above calculated by the Council in accordance with Section 32(4) of the Act as its **budget requirement** for the year.

(d) **£ 44,130,450** (£43,539,450 Revenue support grant and business rate pool plus collection fund surplus £591,000) being the aggregate of the sums which the Council estimates will be payable for the year in respect of redistributed non-domestic rates, revenue support grant or additional grant, increased by the amount which the Council estimates will be transferred in the year from its collection fund to its general fund.

[Adjustments to be made to this figure for transfers from Collection Fund to or from General Fund in accordance with Sections 97(3) and 97(4) and 98(5) and 98(4) of the Local Government Finance Act 1988. This is the RSG, NNDR grant payable plus/minus collection fund surplus/deficit for Council Tax]

(e) **£ 1,233.22** being the amount at 6© above less the amount at 6(d) divided by the amount at 5(a) above, calculated in accordance with Section 33(1) of the Act, as the basic amount of Council Tax for the year.

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

(f) **£ 2,021,090** being the aggregate amount of all special items referred to in Section 34(1) of the Act.

[This is the total of parish precepts]

(g) **£1,201.85** being the amount at 6(e) above less the result given by dividing the amount at 6(f) above by the amount at 5 (a) above, calculated by the

Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

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

(h) The amounts given by adding to the amount at 6(g) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned in Annex 1(1) divided in each case by the amount at 5 (b) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate are given at Annex 1 (2).

[Annex 1 (2) gives parish precepts and the Band D Council tax for the parish precept]

(i) The amounts given by multiplying the amounts at 6(g) and 6(h) above by the number which, in the proportion set out in Section 7(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands are given in Annex 1 (3).

[Annex 1 (3) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

18. That it be noted that for the year 2011/12 Avon and Somerset Police Authority met on 9 February 2011 to determine the amount in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

19. Avon and Somerset Police Authority Valuation Bands

A	B	C	D	E	F	G	H
£112.02	£130.69	£149.36	£168.03	£205.37	£242.71	£280.05	£336.06

20. That it be noted that for the year 2011/12 Avon Fire Authority met on 11 February 2011 to determine the amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

21. Avon Fire Authority Valuation Bands

A	B	C	D	E	F	G	H
£40.25	£46.96	£53.67	£60.38	£73.80	£87.22	£100.63	£120.76

22. That, having calculated the aggregate in each case of the amounts 8, 10 and 6(i) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2011/12 financial year for each of the categories of dwellings shown, as listed in Annex 1 (4).

23. On average (for a Band D, 2 adult household) the Council Tax for 2011/12 will be as follows:

<i>Reference Band D 2010/11 £</i>		£ Band D 2011/12	% Increase on 2010/11
1,201.85	Bath and North East Somerset Council	1,201.85	0.00
31.07	Average Parish Precept	31.37	0.97
60.38	Avon Fire Authority	60.38	0.00
168.03	Avon and Somerset Police Authority	168.03	0.00
1,461.33	Total Tax charged	1,461.63	0.02

[Overall annual increase in average Band D Council Tax is £0.30]

*(Notes: 1. The above motion was carried with 31 Councillors voting in favour, 26 Councillors voting against and with 1 Councillor abstaining from voting.
2. An amendment was moved on behalf of the Labour Group by Councillor John Bull which was accepted by the mover and seconder of the motion. The wording of the amendment is incorporated in paragraphs 6. to 11. of the resolution above.*

3. An amendment was moved on behalf of the Liberal Democrat Group by Councillor David Dixon seconded by Councillor Caroline Roberts to remove £7M Bath Transportation Package funding from the capital programme and to invest the £400K revenue released in local transport initiatives and safer routes to schools; and to earmark from the headroom allocated to revenue budget contingency - £50K for a home to school transport co-ordinator; £150K for Youth Service ongoing allocation; £50K to offset reductions in grants to Children`s Services voluntary bodies; and £25K for the World Heritage Site Management Plan. That amendment was not carried with 22 Councillors voting in favour, 31 Councillors voting against and with 4 Councillors abstaining from voting.

3. An amendment was moved on behalf of the Liberal Democrat Group by Councillor Dine Romero seconded by Councillor Nigel Roberts to allocate from the revenue contingency fund £400K to improve capacity for removing the various waste streams from residential properties and enhance gritting and winter resilience capacity. That amendment was not carried with 23 Councillors voting in favour, 34 Councillors voting against and with no Councillors abstaining from voting.

4. An amendment was moved on behalf of the Liberal Democrat Group by Councillor Roger Symonds seconded by Councillor Cherry Beath to allocate £400K from the LTP capital budget as a high priority to improve cycle provision and create 20 mph residential zones. That amendment was not carried with 23 Councillors voting in favour, 30 Councillors voting against and with 4 Councillors abstaining from voting.)

77 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2011/12

The Council considered a report on the policies for managing its investments and for giving priority to their security and liquidity set out in the Treasury Management Strategy and the Annual Investment Strategy.

On a motion from Councillor Malcolm Hanney seconded by Councillor Charles Gerrish it was **RESOLVED** that the Council approves:

1. The actions proposed within the Treasury Management Strategy Statement (Appendix 1 to Report 9).
2. The borrowing and debt rescheduling strategy as detailed in Appendix 1.
3. The Investment Strategy as detailed in Appendix 2 to Report 9.
4. The changes to the authorised lending lists detailed in Appendix 2.
5. The decision not to commit to a local authority bond issue to fund capital programmes prior to 9th May 2011.

(Notes. 1. The above resolution was carried by a majority of Councillors voting in favour with no Councillors voting against and no Councillors abstaining from voting. 2. The wording in paragraph 5. of the resolution was added on an amendment from Councillor Tim Ball on behalf of the Liberal Democrat Group which was accepted by the mover and seconder of the motion.)

78 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were seven questions from Members of the Council as listed in Annex 2 to these minutes. The questions asked and answers given in writing as circulated at the meeting are held on file in the minute book and published on the Council's website with the draft minutes of this meeting.

Councillor Eleanor Jackson made a statement on the Council's planning enforcement policy urging that resources be made available to enable a sufficient number of qualified staff to be employed to deal with enforcement matters throughout the Council's area. The statement was referred to the Cabinet Member for Service Delivery for consideration and response.

Councillor Will Sandry withdrew his request to make a statement about the Council's policy on the provision of grit bins as he had raised this matter in the debate on the Budget and Council Tax report earlier in the meeting.

The meeting ended at 9.07 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Agenda Item 10

Elected Candidates	Wards	Elected Party or Parties
Brian John Webber	Abbey	Conservative Party
Manda Rigby	Abbey	Liberal Democrats
Gabriel Michael Batt	Bathavon North	Conservative Party
Geoff Ward	Bathavon North	Conservative Party
Martin Beresford John Veal	Bathavon North	Conservative Party
Trelawny Neilson Butters	Bathavon South	Liberal Democrats
David John Veale	Bathavon West	Conservative Party
David John Martin	Bathwick	Liberal Democrats
Nicholas John Coombes	Bathwick	Liberal Democrats
Malcolm Charles Hanney	Chew Valley North	Conservative Party
Victor Lewis Pritchard	Chew Valley South	Conservative Party
Jeremy Sparks	Clutton	Liberal Democrats
Cherry Elizabeth Beath	Combe Down	Liberal Democrats
Roger Alan Symonds	Combe Down	Liberal Democrats
Sally Davis	Farmborough	Conservative Party
Les Kew	High Littleton	Conservative Party
Bryan Organ	Keynsham East	Conservative Party
Marie Longstaff	Keynsham East	Conservative Party
Brian Simmons	Keynsham North	Conservative Party
Charles Daniel Gerrish	Keynsham North	Conservative Party
Alan Dudley Hale	Keynsham South	Conservative Party
Kate Simmons	Keynsham South	Conservative Party
Andrew John Furse	Kingsmead	Liberal Democrats
Douglas Nicol	Kingsmead	Liberal Democrats
Bryan Alan Chalker	Lambridge	Conservative Party
Dave Laming	Lambridge	Conservative Party
Patrick Michael Anketell-Jones	Lansdown	Conservative Party
Tony Clarke	Lansdown	Conservative Party
David Frank Bellotti	Lyncombe	Liberal Democrats
Katie Hall	Lyncombe	Liberal Democrats
Tim Warren	Mendip	Conservative Party
Barry MacRae	Midsomer Norton North	Conservative Party
Michael Evans	Midsomer Norton North	Conservative Party
Chris Watt	Midsomer Norton Redfield	Conservative Party
Paul Myers	Midsomer Norton Redfield	Conservative Party
Caroline Roberts	Newbridge	Liberal Democrats
Loraine Brinkhurst MBE	Newbridge	Liberal Democrats
Nigel John Roberts	Odd Down	Liberal Democrats
Steve Hedges	Odd Down	Liberal Democrats
David Christopher Dixon	Oldfield	Liberal Democrats
Will Sandry	Oldfield	Liberal Democrats
John Anthony Bull	Paulton	Labour Party
Liz Hardman	Paulton	Labour Party
Nathan Hartley	Peasedown	Liberal Democrats
Sarah Frances Bevan	Peasedown	Liberal Democrats
Peter Michael John Edwards	Publow and Whitchurch	Conservative Party
Eleanor Margaret Jackson	Radstock	Labour and Co-operative Party

Simon George Allen	Radstock	Liberal Democrats
Francine Haeberling	Saltford	Conservative Party
Mathew Blankley	Saltford	Conservative Party
Dine Romero	Southdown	Liberal Democrats
Paul Nigel Crossley	Southdown	Liberal Democrats
Douglas Eric Deacon	Timsbury	Independent
Gerry Curran	Twerton	Liberal Democrats
Tim Ball	Twerton	Liberal Democrats
Lisa Jane Brett	Walcot	Liberal Democrats
Paul Jonathan Fox	Walcot	Liberal Democrats
Rob Appleyard	Westfield	Labour Party
Robin Moss	Westfield	Labour Party
June Player	Westmoreland	Independent
Sharon Grace Ball	Westmoreland	Liberal Democrats
Colin Vincent Barrett	Weston	Conservative Party
Malcolm John Henry Lees	Weston	Conservative Party
Ben Stevens	Widcombe	Liberal Democrats
Ian Andrew Gilchrist	Widcombe	Liberal Democrats

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 th May 2011
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 Current political proportionality and committee chairing arrangements</p> <p>Appendix 2 Terms of Reference of Panels and Committees in the Council's Constitution</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 2011 to May 2012 and associated annual business. It is anticipated that a comprehensive update report will be issued prior to the meeting in the light of discussions underway between political groups.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve a structure for non-executive and regulatory decision making, Overview & Scrutiny and the Standards Committee as set out in the Constitution and identified in its current form in this report at Appendix 2;
- 2.2 Note the current political proportionality as set out in Appendix 1 and any update following the formation of political groups;
- 2.3 Approve the terms of reference for and proposed actions by Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly;
- 2.4 Approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality and the nominations made by the political groups;
- 2.5 Appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated (current arrangements are as set out in Appendix 1);

- 2.6 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;
- 2.7 Determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
- 2.8 Authorise the Monitoring Officer, in consultation with the Chairs of the Overview & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in paragraph 6.1;
- 2.9 Determine if it wishes to make an allocation of Political Assistants to eligible groups as set out in Section 8; and if so
- 2.10 Approve the allocation of Political Assistants to qualifying groups in accordance with section 8;
- 2.11 Appoint Councillors to be Member Champions for the interests identified in Section 9;
- 2.12 Note the position regarding the frequency of meetings (as set out in Section 10) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis;
- 2.13 Note and approve the proposed freeze on member's allowances and the recommendations of the Independent Panel;
- 2.14 Designate the Strategic Director Children's Services as the Director of Adult Services as required by Section 6 of the Local Authority Social Services Act 1970, as set out in Section 11;
- 2.15 Note the arrangements regarding Members IT as set out in Section 12;
- 2.16 Instruct the Monitoring Officer, in consultation with Group Leaders, to review existing arrangements for appointments on outside bodies and report back thereon within four months; in the meantime current appointments to continue where councillors continue in office or temporary appointments be made under existing mechanisms;
- 2.17 Appoint a representative to the Avon & Somerset Police Authority Joint Committee in accordance with paragraph 13.3;
- 2.18 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 Any financial implications will depend upon the number and nature of allowances payable under the decision making structure and the meeting will be updated as necessary..

4 CORPORATE PRIORITIES

4.1 Collectively, the business of the Committees, Panels and partnership bodies contributes to developing all of the Council's corporate priorities;

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

5.1 The Council's Constitution sets out the approved executive, non-executive and regulatory decision making structure and the Council's overview and scrutiny arrangements. The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 2 to this report. Appendix 1 to this report lists the relevant Committees etc, the present allocation of seats to political groups in accordance with the political proportionality pre May 2011 and the approved nomination rights for chairing those bodies.

5.2 At the time of preparation and dispatch of this report, no notification had been received of the formation of political groups such as to trigger the requirement to review. It is anticipated notification will be received prior to the 19th in which case an update report will be prepared for Council incorporating revised proportionality figures and consequent allocation of seats based on the existing number of seats on each committee. Section 7 sets out the legal principles governing proportionality.

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

6 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

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

7 PROPORTIONALITY

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

- a) not all the seats on the body shall be allocated to one particular party;
- b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
- c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;
- d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.

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

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

8 POLITICAL ASSISTANTS

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

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

- the political group must have at least 10% of the total Council membership;
- no more than 3 x Political Groups with 10% or more seats to qualify;

- where there is only one Political Group with 10% or more seats, then that group and one other only shall qualify.

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

9 MEMBER CHAMPIONS

9.1 The Council currently appoints 10 Member champions to the following roles; Heritage/Historic Environment, Public Realm/Design, Energy/Climate Change, Procurement, Bio-Diversity, Cycling, Older People, Children, Vulnerable People and Regulatory Services.

10 COUNCIL MEETING SCHEDULE

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

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

11 STATUTORY OFFICER RESPONSIBILITY

11.1 The Council's current Director of Adult Social Services, Janet Rowse, will no longer be able to fulfil this role with effect from the end of June. It is proposed that this role will be filled with effect from a date to be notified to the meeting by the Strategic Director – Children's Services. Appropriate managerial arrangements and support will be put in place to enable the Strategic Director to discharge the role.

12 OTHER ISSUES

12.1 As part of the Council's commitment to Carbon reduction, it is hoped to significantly reduce the number of paper copies of agendas and reports provided for Councillors that are required to a level that enables the Council to fulfil its legal responsibilities whilst limiting the number of printed copies.

12.2 Under the scheme for member's allowances, it is provided that any annual review must be consistent with the pay award for officers. This means that allowances will remain the same for 2011/12 with the exception of an outstanding item (namely the allowance for the Chair of the Development Control committee) in accordance with the advice of the Independent panel as set out in the next paragraph -

“The panel recommend that the Special Responsibility Allowance payable to the Chair of the Development Control Committee be increased to £13,330 per year on an interim basis pending the next full review of Members` Allowances in 2011.”

13 APPOINTMENTS ON OUTSIDE BODIES

13.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with nominated members) for Council functions and the Leader for cabinet ones.

13.2 It is considered that arrangements for such appointments could with advantage be looked at with particular attention to the costs and benefits associated with appointment.

13.3 The Council must appoint one Member to the Avon and Somerset Police Authority Joint Committee which agrees the Councillor representation on the Police Authority. The traditional membership of the Joint Committee has been 13, split between the relevant local authorities based on population. The required representation is set out below:

2011 calculation		
Percentage of Police Authority Area Population*		JC Seat Entitlement (13)
*based on 2009 population mid-year estimates as follows:		
	'000 % of pop	
Somerset	- 523.5 = 32.60%	= 4.24 = 4
Bristol	- 433.1 = 26.97%	= 3.51 = 4
South Gloucestershire	- 262.2 = 16.33%	= 2.12 = 2
North Somerset	- 209.1 = 13.02%	= 1.69 = 2
Bath & North East Somerset	- 177.7 = 11.06%	= 1.43 = 1
	1605.6 = 100%	

The Joint Committee meeting will be held on 31st May 2011 at Portishead HQ. At that meeting, the relevant local authorities' representatives will agree the number of Councillor members of the Police Authority from each relevant local authority and also the representative political balance across the Avon and Somerset area based on the results in the elections.

14 RISK MANAGEMENT

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

15 EQUALITIES

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

16 ADVICE SOUGHT AND CONSULTATION

16.1 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.

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

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

CURRENT POLITICAL PROPORTIONALITY PRE COUNCIL AGM 2011

COMPULSORY CUMULATIVE PROPORTIONALITY		CONSERVATIVE (C) 47.7% (31)	LIBERAL DEMOCRATS (LD) 40% (26)	LABOUR (L) 7.7% (5)	INDEPENDENT (i) 3.1% (2)	CHAIR ALLOCATION	CO-OPTED MEMBERS
Corporate Performance and Resources	7	3	2	1	1	LD	
Healthier Communities and Older People	10	4	5	1		LAB	
Enterprise and Economic Development	7	4	3			C	
Safer and Strong Communities	7	4	3			LD	1 optional appointment
Children and Young People	7	3	3	1		C	4
Development Control	12	6	4	2		C	
Employment	3	2	1				
Corporate Audit	7	4	3	0		LD	1
Regulatory Access	5	2	2		1	I	
Pensions	5	3	2			C	7 voting, 4 non voting
TOTALS	70	35	28	5	2		
COMPULSORY INDIVIDUAL PROPORTIONALITY							
Gambling and Licensing Sub Committee	3	2	1			C	
Taxis, Street Trading and Misc Sub committee	3	2	1			LD	
Investment Panel	3	2	1			C	3
OPTIONAL PROPORTIONALITY							
Standards Committee	3	1	1	1			6
Licensing Committee	10	5	4	1		C	

TERMS OF REFERENCE

Overview and Scrutiny Panels - General Terms of Reference

Role of Overview and Scrutiny 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;

- (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.

Individual Panel remits

CORPORATE PERFORMANCE AND RESOURCES

Panel remit is – Corporate issues and overall improvement and performance for the whole Council; overseeing and championing the LAAs delivery (along with LSP Board through the work of the LAA Executive Board); lead Panel on Climate Change; overview and scrutiny of Council Connect and CO2 reduction from Local Authority operations; overview and scrutiny of Equal Opportunities Policy. The Panel has responsibility for Council wide financial overview & scrutiny. Responsibility for scrutiny of individual service's budgets and performance lies with each relevant Panel.

Membership: 3 Conservative Members; 2 Liberal Democrat Members; 1 Labour Member and 1 Independent Member

Chaired by nominee of Liberal Democrat Group

CHILDREN AND YOUNG PEOPLE

(Designated Panel for Curriculum Complaints)

Panel remit is – Safeguarding of children; primary, secondary and further education (improving the environment for learning and improving the life chances for disadvantaged teenagers, through improvements to their education, training and support) and creating opportunities for young people.

Membership: 3 Conservative Members; 3 Liberal Democrat Members and 1 Labour Member, together with statutory voting co-opted members representing parent governors and church education authorities. Also includes discretionary non-voting co-opted members representing primary and secondary schools, school governors, Democratic Action for B&NES Youth (DAFBY), and teaching Trade Unions.

Chaired by nominee of Conservative Group

ENTERPRISE AND ECONOMIC DEVELOPMENT

(responsible for scrutiny of Preliminary Flood Risk Assessment)

Enterprise and Economic Development Overview & Scrutiny Panel remit is – Planning and transport (improving the Quality of Public Transport, Roads and Pavements and Easing Congestion); overview and scrutiny of Development and Regeneration and Major Projects; improving the public realm ('liveability') for large scale projects; develop a sustainable economy for Bath and North East Somerset; improve the quality of life for all through cultural and sporting activities and champion the tourism, creative and leisure industries.

Membership: 4 Conservative Members, 3 Liberal Democrat Members

Chaired by nominee of Conservative Group

SAFER AND STRONGER COMMUNITIES

(Designated Panel for Crime and Disorder Scrutiny)

Panel remit is – Work with Police and Fire authorities (reducing crime, fear of crime, tackling drug abuse, increase domestic fire safety, etc); involvement in Housing Strategy and affordable housing (in particular increase housing choices through spatial planning); overview & scrutiny of Customer Services (inc Libraries and Customer Connect); overview & scrutiny of Environmental Services; to 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: 4 Conservative Members and 3 Liberal Democrat Members

Police and Justice Act 2006 – statutory Police Authority co-optee (optional appointment)

Chaired by nominee of Liberal Democrat Group

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

HEALTHIER COMMUNITIES AND OLDER PEOPLE

(Designated Panel for statutory health scrutiny)

Panel remit is – Health Scrutiny; to improve health and reduce health inequalities; transform the health and social care system so that it produces faster, fairer services that deliver better health and tackle health inequalities and narrow the health gap; health and personal care (individual budgets, residential care etc); housing choices for vulnerable people; overview and scrutiny of child health services; main drive in scrutiny of integration with PCT and involvement in work of the PCT, RUH, Mental Health Partnership and other health bodies including the Local Involvement Network (LINK).

Health Scrutiny- The Health and Social Care Act 2001 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. Councillors on the Healthier Communities and Older People Overview and Scrutiny 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 , 5 Liberal Democrat Members ; 1 Labour

Member

Chaired by nominee of Labour Group.

Addition to General Terms of Reference

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

- a. receive referrals from the Local Involvement Network (LINK) relating to the Council's social care services and acknowledge receipt,
- b. decide which if any of its powers are exercisable in relation to the matter and whether to exercise them, and
- c. keep the referrer informed of the panel's actions and decisions in relation to the matter.

HEALTH SCRUTINY: Background

Local Authorities with social services powers are required to ensure that their overview and scrutiny function has the power to scrutinise the planning, provision and operation of health services. This power relates to reviewing, scrutinising and reporting on NHS services and institutions, and helps the Council build on existing health partnerships and other work to tackle causes of ill-health and health inequalities.

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

Provisions of the Health Scrutiny Regulations

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

Reporting Arrangements

Following any health overview & scrutiny topic undertaken, the Panel will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs and the Strategic Health Authority.

JOINT HEALTH SCRUTINY COMMITTEE

Working across Local Authority Boundaries

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

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

Membership

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

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

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

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

Terms of Reference

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.

- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

Health Services located within B&NES

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

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

Health Services located elsewhere but used by B&NES residents

E.g. Bristol Royal Infirmary (BRI)

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

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

LOCAL ENTERPRISE PARTNERSHIP (LEP) OVERVIEW & SCRUTINY COMMITTEE

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

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

Background

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

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

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

Each Council's scrutiny body comprises 3 members. Political makeup of each is at the discretion of each Council. Substitute members may be appointed where a designated member is unable to attend.

Bath and North East Somerset Council's Local Enterprise Partnership Overview and Scrutiny Panel

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

Reporting Arrangements

Members of the Bath and North East Somerset Local Enterprise Partnership Overview and Scrutiny Committee may be requested to provide a briefing to a B&NES Panel Chair, or to attend Panel with a related remit, to discuss the activities of the Local Enterprise Partnership Overview and Scrutiny Panel and Joint Scrutiny Committee.

Terms of Reference

To consider any LEP matter having implications for public policy and/or resources , insofar as it affects Bath and North East Somerset, with a view to:

- (a) scrutinising any relevant proposals from the LEP
- (b) reviewing actions taken and decisions made by the LEP and or executive committees and/or other executive bodies established by it , and
- (c) making reports or recommendations to the LEP as appropriate and/or to the Joint Scrutiny Committee with partner authorities.

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

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

Work Programme

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

Chair/Vice Chair

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

Expert Witnesses

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

Quorum and Voting Arrangements

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

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

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

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

Meeting Frequency:

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

AVON PENSION FUND COMMITTEE

Functions and Duties

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

Membership

Voting Members (12)

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

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

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

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

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

Non-Voting Members (4)

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

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

[An allowance to be paid to the independent voting members of the Avon Pension Fund Committee]

AVON PENSION FUND COMMITTEE - INVESTMENT PANEL

1. Functions and Purpose

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

1.2. Among other things, the Panel shall:

- recommend strategic investment objectives, policy and strategic asset allocation
- regularly review in detail and assess the performance of the investment managers, investment advisors, custodian and actuary
- recommend appointment and termination of investment managers and professional service providers as required
- review the Statement of Investment Principles and submit to APFC for approval
- make recommendations to the APFC on matters relating to investment strategy and management as the Panel considers appropriate. This will include issues of

a more urgent nature, where the view of the Panel would be taken into consideration. (The section 151 Officer has delegated powers regarding urgent actions, and these would be exercised having consulted the Chair of the Panel).

- review any legislative changes which have implications for investment governance and make recommendations to the APFC as appropriate

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

2. Membership

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

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

3. Meetings

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

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

4. Quorum

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

5. Substitution

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

6. Minutes

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

CORPORATE AUDIT COMMITTEE

Powers and Duties

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

following matters:

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

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

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

- A. the Standards Committee of the Council with regard to matters of ethical governance;
- B. the relevant Overview and Scrutiny Panel(s) - to complement but not to duplicate the exercise of their legitimate role in checking compliance with Council processes and policies and in reviewing policies and practice;
- C. relevant Cabinet Members, in particular the Leader and the Cabinet Member for Resources, whose portfolios include executive functions related to the matters covered by these terms of reference
- D. the Council when developing the Council's Code of Corporate Governance

Membership

The membership of the Committee shall be 7 Councillors (Conservative 4; Liberal Democrat 3) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Liberal Democrat Group.

Frequency of Meetings

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

DEVELOPMENT CONTROL COMMITTEE

Functions

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

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

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

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

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

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

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

Limitation on delegation

7. The exercise of this delegated authority is subject to the Divisional Director, Planning & Transport Development, in consultation with the Committee Chair being authorised, in exceptional circumstances, to refer any decision or determination of the Development Control Committee which is clearly contrary to policy and against officer advice, to a subsequent meeting of the Development Control Committee. When such a decision or determination is referred, it shall be of no effect until the Committee has fully reconsidered the matter in the light of all the information originally before the Committee plus such additional information and advice as the Divisional Director, Planning & Transport Development considers necessary. Further to such reconsideration, the Committee shall be entitled to make such decision or determination as it sees fit

Frequency

Monthly

Membership

12 Members in the political proportion – 6 Conservative, 4 Liberal Democrat and 2 Labour Members, chaired by a Conservative Member.

The quorum for this Committee shall be 7 Members

EMPLOYMENT COMMITTEE

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

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

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

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

The Committee's Span of Responsibility

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

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

Membership

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

TERMS OF REFERENCE - LICENSING COMMITTEE

Status of the Committee

The Licensing Committee shall be a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of Licensing policy and the setting up of a Committee.

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

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

Membership of the Committee

The Committee shall comprise 10 elected members of the authority in the political group proportion (5 Cons: 4 Lib Dem: 1 Labour), or such other proportion agreed by the Council from time to time.

The Solicitor to the Council shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

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

The Council's objectives on Licensing

In exercising its functions the Committee will have regard to the Council's visions of:-

- Building communities where people feel safe and secure
- Improving transport and the public realm
- Enabling and promoting sustainable growth
- Protecting the young, old and vulnerable

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 the Cabinet Member for Customer Services;

- (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 3 year 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 the Licensing Policy, and the setting up of a Licensing Committee (these being functions of the Council).
3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

<i>Animal Boarding Establishments Act 1963</i>	<i>Local Government (Miscellaneous Provisions) Act 1976</i>
<i>Animal Welfare Act 2006</i>	<i>Local Government (Miscellaneous Provisions) Act 1982</i>
<i>Breeding of Dogs Act 1973</i>	<i>Performing Animals (Regulation) Act 1925</i>
<i>Breeding of Dogs Act 1991</i>	<i>Pet Animals Act 1951</i>
<i>Canal Boats Act 1877</i>	<i>Pet Animals 1951 (Amendment) Act 1983</i>
<i>Caravan Sites and Control of Development Act 1960</i>	<i>Petroleum (Consolidation) Act 1936</i>
<i>Charities Act 2006</i>	<i>Poisons Act 1972</i>
<i>Dangerous Wild Animals Act 1976</i>	<i>Police Factories, etc (Miscellaneous Provisions) Act 1916</i>
<i>Deer Act 1980</i>	<i>Public Health (Control of Disease) Act 1984</i>
<i>Environmental Protection Act 1990</i>	<i>Riding Establishments Act 1964</i>
<i>Fireworks Act 2003</i>	<i>Riding Establishments Act 1970</i>
<i>Food Act 1984</i>	<i>Scrap Metal Dealers Act 1964</i>
<i>Food Safety Act 1990</i>	<i>Theatres Act 1968</i>
<i>Gambling Act 2005</i>	<i>Town Police Clauses Act 1847</i>
<i>Game Act 1831</i>	<i>Town Police Clauses Act 1889</i>
<i>Game Licences Act 1860</i>	<i>Transport Act 1981</i>
<i>Guard Dogs Act 1975</i>	<i>Vehicles (Crime) Act 2001</i>
<i>Highways Act 1980 Part VIIA</i>	<i>Violent Crime Reduction Act 2006</i>
<i>House to House Collections Act 1939</i>	<i>Zoo Licensing Act 1981</i>
<i>Hypnotism Act 1952</i>	
<i>Licensing Act 2003</i>	

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

6. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

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

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

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

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

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

Each Sub-Committee shall comprise 3 members in the political proportion: 2 Conservative 1 Liberal Democrat. (Chair – Gambling & Licensing - Conservative; Chair – Taxis etc – Liberal Democrat)

The Committee has approved a scheme for substitutions with regard to the Sub Committees. Substitutes will only be drawn from the membership of the Licensing Committee and the scheme allows for any member of the Licensing Committee to substitute at Sub-Committee meetings in accordance with the wishes of the political group arranging the substitution.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Premises Supervisor or Personal Licence Holder at community premises			made	
Applications for the classification of unclassified films			All cases	
GAMBLING ACT 2005				
Approval of three year Statement of Licensing Principles and review	X			
Policy not to permit casinos	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 from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
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

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

REGULATORY (ACCESS) COMMITTEE

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

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

***Note 1** – The Divisional Director, Environmental Services (Deputy – Service Manager, Highways & Parking) has been delegated general as well as specific responsibility in respect of these functions.

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

Membership:

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

Chaired by nominee of the Independent Group

PUBLIC RIGHTS OF WAY FUNCTIONS – DELEGATED POWERS

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

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

Service Manager – Highways

Team Leader, Highway Maintenance

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

Team Leader, Highway Maintenance

Senior Rights of Way Officer

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

Team Leader, Highway Maintenance

Senior Rights of Way Officer

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

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

Team Leader, Highway Maintenance

Senior Rights of Way Officer

C. MISCELLANEOUS PUBLIC RIGHTS OF WAY FUNCTIONS

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

Team Leader, Highway Maintenance

Senior Rights of Way Officer

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

Team Leader, Highway Maintenance

Senior Rights of Way Officer

3. Any proceedings in respect of the prohibition on keeping bulls on land crossed by public rights of way (section 59 of the Wildlife & Access to the Countryside Act 1981)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
- 4.) The appointment of wardens for Public Rights of Way (section 62 of the Wildlife & Access to the Countryside Act 1981)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
5. The making and confirmation of Definitive Map Modification Orders (section 53(3)(a) of the Wildlife & Countryside Act 1981)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
6. The making, confirmation and abandonment of Public Path Orders (sections 26, 118 and 119 of the Highways Act 1980 and section 257 of the Town & Country Planning Act 1990)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
7. The certification of new paths created by Public Path Orders (sections 118 and 119 of the Highways Act 1980 and Section 257 of the Town & Country Planning Act 1990)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
8. The powers and duties of the Authority to recover costs for Public Path Orders (the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
9. The entering into of permissive path agreements (section 31(5) of the Highways Act 1980)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
10. The creation of footpaths, bridleways and restricted byways by dedication or deed of declaration (sections 25 and 38 of the Highways Act 1980 and at common law)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
11. The power of entry for purposes connected with certain orders relating to footpaths and bridleways (section 293 of the Highways Act 1980)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
12. Power to require information as to ownership of land (section 297 of the Highways Act 1980)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
13. Power to use vehicles and appliances on footways and bridleways (section 300 of the Highways Act 1980)
Team Leader, Highway Maintenance
Senior Rights of Way Officer
14. Power to authorise motor vehicle trials on public paths (sections 13 and 33 of the Road Traffic Act 1988)
Team Leader, Highway Maintenance
Senior Rights of Way Officer

15. The power to make permanent Traffic Regulation Orders affecting public rights of way (section 1 of the Road Traffic Regulation Act 1984)
Team Leader, Highway Maintenance
Senior Rights of Way Officer

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

1. The powers and duties of the Authority as an Access Authority (Part I of the Countryside & Rights Of Way Act 2000)
Team Leader, Highway Maintenance
Senior Rights of Way Officer

E. COMMON LAND & TOWN AND VILLAGE GREENS

1. The powers and duties of the Authority as Commons Registration Authority (the Commons Act 2006)
Team Leader, Highway Maintenance
Senior Rights of Way Officer

RE-STRUCTURING IMPLEMENTATION COMMITTEE

The Committee's Span of Responsibility

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

To decide on numbers of 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 7 Members in the political proportion 3 Conservative Members, 2 Liberal Democrat Members, 1 Labour Member and 1 Independent Member. [The Chair and Vice-Chair will be from the largest and second largest groups respectively.]

STANDARDS COMMITTEE

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) To recommend to the Council one or more Codes of Conduct and Practice or protocols for members and/or employees of the Council;
- (d) To monitor and from time to time review such Codes and Protocols and make recommendations to the Council;
- (e) To make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for members and employees of the Council;
- (f) To liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (g) To provide advice and guidance to members, co-opted members and employees and to make arrangements for training in connection with any matter within the terms of reference of the Committee.
- (h) To consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) To oversee the effectiveness of the Council's constitutional arrangements from an ethical perspective including Standing Orders and the Terms of Reference of Committees and internal and external codes of conduct and make recommendations to the Council on any desirable or necessary changes concerning matters of accountability, transparency, good administration or the promotion of high standards of conduct in the administration of local government.
- (j) To recommend to the Council a Code of Practice on relations between members and officers.
- (k) To develop support mechanisms for councillors in all their roles, in conjunction with a member level steering panel.
- (l) To oversee the democratic decision making process and make recommendations to the Council from time to time on any desirable or necessary changes.
- (m) To consider the Council's procedures for investigating and responding to complaints and other procedures referred to it by the Monitoring Officer.
- (n) To oversee the register of member interests.
- (o) To approve a code of practice on planning issues.
- (p) To undertake such other functions as the Secretary of State may by regulations refer to a local authority Standards Committee.
- (q) To consider and determine the Council's response to any Internal or District audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (r) To recommend to the Council from time to time as necessary the appointment of co-opted members to the Committee following open advertisement, short listing and interview.
- (s) To exercise the functions at (a) to (g) above in relation to the Parish Councils wholly or mainly in the B&NES area and the members of those Parish Councils.
- (t) Considering i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.

- (u) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (v) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring office of any matter which is referred by an ethical standards officer, 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

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

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

3 x parish representatives.

Quorum

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

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

The quorum for considering individual cases shall be 5 members.

STANDARDS (REFERRALS) SUB-COMMITTEE

Function

To discharge any function specified in Section 57A of the Local Government Act 2003.

Membership

5 members, at least 1 of whom is an independent member, 1 is an elected member and 1 is a parish council representative.

Quorum

3 members, including at least one elected member, one independent member and, when a matter relating to a parish council is to be considered, one parish council representative. The meetings of the Sub-Committee will be chaired by an independent member.

Section 57A Written allegations: right to make, and initial assessment

(1) A person may make a written allegation to the standards committee of a relevant authority in England that a member or co-opted member (or former member or co-opted

member) of that authority has failed, or may have failed, to comply with the authority's code of conduct.

(2) Where a standards committee receives an allegation under subsection (1) it must—

- (a) refer the allegation to the monitoring officer of the relevant authority concerned (see section 66),
- (b) refer the allegation to the Standards Board for England (see section 58), or
- (c) decide that no action should be taken in respect of the allegation.

(3) Where an allegation under subsection (1) is in respect of a person who—

- (a) is no longer a member or co-opted member of the relevant authority concerned, but
- (b) is a member or co-opted member of another relevant authority in England,

the standards committee may, if it thinks it more appropriate than referring the allegation to the monitoring officer of the relevant authority concerned, refer the allegation to the monitoring officer of that other relevant authority.

(4) If the standards committee decides that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing, to the person who made the allegation, of the decision and the reasons for the decision.

(5) Subsections (2) to (4) are subject to any direction under section 57D.

(6) The Standards Board for England—

- (a) without prejudice to section 54(6), may issue guidance with respect to the exercise of functions under this section and sections 57B and 57C by standards committees of relevant authorities in England;
- (b) may give a direction to the standards committee of a relevant authority in England with respect to the exercise of the committee's functions under this section.

[Meetings of the Referrals Sub-Committee are held in closed session, as required by law.]

STANDARDS (REVIEW) SUB-COMMITTEE

Function

To discharge any function specified in Section 57B of the Local Government Act 2003.

Membership

5 members, at least 1 of whom is an independent member, 1 is an elected member and 1 is a parish council representative. [Members of the Referral Sub-Committee who made the original decision under review must not take part in the Review Sub-Committee for the same case.]

Quorum

3 members, including at least one elected member, one independent member and, when a matter relating to a parish council is to be considered, one parish council representative. The meetings of the Sub-Committee will be chaired by an independent member.

Section 57B Right to request review of decision not to act

- (1) This section applies where a decision is made under section 57A(2) that no action should be taken in respect of an allegation.
- (2) The person who made the allegation may make a request to the Standards Committee of the relevant authority concerned for that decision to be reviewed.
- (3) A request under subsection (2)—
 - (a) must be in writing, and
 - (b) may not be made after 30 days beginning with the date of the notice under section 57A(4).
- (4) Where a request under subsection (2) is received by a standards committee—
 - (a) section 57A(2) to (4) again apply to the standards committee, and
 - (b) it must make a reference under section 57A(2)(a) or (b) or (3), or a decision under section 57A(2)(c), within 3 months beginning with the date it received the request.
- (5) If by virtue of subsection (4) a decision is made under section 57A(2) that no action should be taken in respect of an allegation, this section does not apply in relation to that decision.
- (6) Subsection (4) is subject to any direction under section 57D.

[Meetings of the Review Sub-Committee are held in closed session, as required by law.]

PARISH LIAISON MEETING

TERMS OF REFERENCE

Membership

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

Purpose

5. The Liaison Meeting will provide an opportunity for the discussion of issues of common interest, identified by the Council or by Parish/Town Councils (individually or collectively), that are relevant for discussion in this forum

6. Items of relevance are likely to be those:

- That have direct impact on all, or a significant number of, Parish/Town Councils
- That support an effective working partnership between tiers of local government
- Relating to the Parish Charter
- Where a collective view from Local Councils would be helpful

7. Items that are not likely to be relevant for the Liaison meeting include;

- Those that relate to a single, or small number of, Parish/Town area(s)
- Those for which other effective channels of communication exist (including issues that are already the subject of detailed consultation)

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

TERMS OF REFERENCE: BATH CITY LIAISON FORUM

Name

Bath City Liaison Forum

Mission Statement

To contribute towards developing thriving, vibrant and sustainable communities in Bath where everyone fulfils their potential

Purpose

- To act as the focus for community engagement by public services with groups which perform a representational role for local residents in the City of Bath
- To provide a link and representation to the Local Strategic Partnership on behalf of Bath's residents

Functions and Responsibilities

- To build effective links and relationships across residents' groups with statutory, voluntary and community groups in Bath
- To act as a 'champion' for Bath residents
- To ensure that groups representing local residents have the opportunity to engage with and shape the current services and future development of the City of Bath
- To be the focus for longer-term thinking about the future of Bath
- To ensure continued recognition for the Forum's work and its inclusion within appropriate strategies
- To ensure the appropriate linkages are made with the Local Strategic Partnership
- To measure the effectiveness of the Forum and communicate the results

Scope

- The geographical scope is the City of Bath
- Individual planning applications will not be within the scope of the Forum

Eligibility for membership

Bodies which fulfil all of the following criteria shall be eligible for membership:

1. Have within their scope a local area or place within Bath
2. Have a broad remit for the well-being of that local area
3. Are open to all residents within that local area on the basis of equal opportunities
4. Have appropriate governance arrangements in place, kept on record by Bath and North East Somerset Council

Any bodies/organisations may become Members of the Forum if they meet the above criteria

Ward Councillors are not Members of the Forum but are welcome to attend and contribute to the discussion

The following bodies are not within the scope of the Forum (other arrangements are in place for such engagement):

- Bodies which represent communities of interest rather than locality
- Groups representing traders and business groups
- Groups which have a remit for a particular issue or group of issues, such as heritage and planning issues

Voting Rights and Substitutions

- One representative from each eligible body shall be entitled to sit on the Forum and have one vote if required
- Meetings shall be chaired by the Chairman of Council; the Vice-Chairman of Council shall chair meetings in the absence of the Chairman of Council
- A representative of the eligible body will be allowed to act as a substitute for the named Member if they cannot attend a meeting

Meeting Arrangements

- The Forum shall meet a minimum of once a year
- The Forum may agree a programme of meetings of Task and Finish Groups to deal with specific issues, including matters of concern to Members either within a specific location or a particular service area. The Brief for these Groups will be set by the Forum.
- Agendas and papers for meetings will be available a minimum of 5 days before a meeting. These will be despatched by e-mail where applicable.
- The agenda shall be drawn up from items brought forward by the Federation of Bath Residents' Associations and Somer residents' groups (working with other groups as appropriate) and from proposals made by Council officers
- Proceedings at each meeting will be minuted
- Support for the Forum will be provided by Bath and North East Somerset Council
- Every Member of the Forum shall be accorded the same degree of respect and consideration by all other Members
- Business and discussion at Forum meetings shall be conducted through the Chair

Declarations of Interest

It will be the responsibility of individual Members and Councillors to declare, in advance, any direct or indirect interest in any matter which forms part of the business of the Forum

Alterations to Terms of Reference

Any alterations to the Terms of Reference of the Forum will require discussion at a Forum meeting and will require approval of two thirds of the voting Members present.

BATH & NORTH EAST SOMERSET ADOPTION & PERMANENCE PANEL

1 Principles

Purpose

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

Law and Policy

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

Standards

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

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

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

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

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

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

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

Monitoring and Quality Assurance

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

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

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

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

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

- Ensuring that the racial, cultural, linguistic and religious needs of children are taken fully into account.
- Ensuring that the discussions and decisions made at Panel are non - discriminatory and not influenced by assumptions and stereotypes that exist about people's race, class, culture, religion, disability, gender, sexuality or age.

Responsibility

Agency Decision Maker – Divisional Director – Children, Young People & Family Support Services

Manager of Adoption Service - Family Placement Team Manager

Agency Adviser - Family Placement Team Assistant Manager

2 Panel Responsibilities

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

2.1 Whether a child should be placed for adoption.

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

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

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

When recommending that a child be placed for adoption:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.15 Request any further information that the Panel considers necessary;

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

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

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

3 Panel Composition, Quoracy and Terms of appointment

3.1 The Adoption and Permanence Panel will consist of no more than 10 members 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.
- 2 social workers with at least three years relevant post qualifying experience in child care social work including direct experience in adoption work. One will also be in a managerial post.
- One elected member of the Local Authority (where possible this will be a member of the Overview and Scrutiny Panel with responsibility for Social Services, and/or Corporate Parenting Group).
- A Medical Adviser, appointed by the Primary Care Trust.
- 5 independent members with relevant experience such as adopters, adopted persons, birth parents, foster carers (not registered with Bath and North East Somerset) care leavers or members of relevant voluntary or community organisations.
- A Vice-Chair 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 3 years. (Elected Members may choose to serve for 2 years). No member will hold office for more than three terms in total. 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

EDUCATION (SCHOOL APPEALS) PANELS

Function

To hear and to determine appeals under the Education Acts of 1980, 1986, 1993, 1998 (as amended by Section 40 of 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.

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.

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 th May 2011
TITLE:	Pledge to Children in Care
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Bath and North East Somerset Council's Pledge to Children and Young People in and Moving On from Care</p>	

1 THE ISSUE

1.1 The Council's Pledge to Children in Care has been updated to reflect new regulations and guidance which came into force on April 1st 2011. The new Council following local elections is invited to affirm its commitment to the updated pledge.

2 RECOMMENDATION

2.1 Council is asked to approve the updated Bath and North East Somerset Council Pledge to Children and Young People in and Moving On from Care.

3 FINANCIAL IMPLICATIONS

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

4 CORPORATE PRIORITIES

- *Improving life chances of disadvantaged teenagers and young people*

5 THE REPORT

- 5.1 The Local Authority has statutory duties under the Children Act 1989 to identify children in need including those in need of protection from abuse or neglect, and to provide services to promote and safeguard their welfare. These include duties to look after those children who need to come into public care, towards whom the Council has duties effectively to act as a 'corporate parent'. These duties are established in the Children Act 1989 as amended by subsequent legislation, and requirements for their implementation are detailed in Regulations and Guidance. The Regulations and Guidance have been updated this year to reflect changes introduced by the Children and Young Persons Act 2008.

- 5.2 Children come into care for a variety of reasons. These include abuse or neglect, family breakdown or homelessness aged 16 or 17. Children may be in care by order of a court (particularly in cases of abuse or neglect); or by agreement with parents; or at the request of young people (aged 16-17) who are homeless. Occasionally children may be remanded into care when facing criminal charges.

- 5.3 Elected Members are ultimately accountable for the quality of corporate parenting provided to these children – the Council collectively acts as corporate parent. The overall duty of the Council, and therefore all elected Members, as corporate parent is to safeguard and promote the welfare of children in care. As a corporate parent we should all ask the question 'would this be good enough for my child?' The Pledge to Children in Care provides a means to address this question in more detail as it covers all key aspects of corporate parenting.

- 5.4 Corporate parenting – just like parenting in a family – does not stop when a child becomes an adult at 18. We have a duty to support young people moving on from care – often known as 'care leavers' – until they are 21 at least, and until they are 25 if they continue in or return to further or higher education. The Pledge therefore contains standards for our continuing support to care leavers. These standards have been updated in the light of new Regulations and Guidance which came into force on 1st April 2011.

- 5.5 In 2008 the Council adopted a Pledge to Children in Care at a meeting of full Council. This Pledge sets out 10 promises covering basic standards of service children in care are entitled to. These standards are drawn from the legal framework within which the Council acts as a corporate parent and set local standards for best practice in this context. The selection of standards for inclusion in the Pledge was based on what young people told us locally was most important to them.

- 5.6 The Pledge sets a benchmark against which young people, elected Members, staff, carers and partners can judge whether corporate parenting in Bath and

North East Somerset is 'good enough' for our children in care and care leavers. An In Care Council has been established to monitor whether these standards are met from a young people's perspective. This is a group of young people in and moving on from care supported by Off The Record and The Childrens Society who have been commissioned by the Council to support young people's participation in service improvement. Members of the In Care Council regularly attend meetings of the Corporate Parenting Members Group to ensure elected Members are able to hear young people's views on whether we are keeping our Pledge.

- 5.7 An induction leaflet on corporate parenting has been drawn up for new and existing elected Members which gives more information about corporate parenting in Bath and North East Somerset. The leaflet sets out the support available to elected Members in their corporate parenting role including induction sessions planned for June 2011 and the quarterly Corporate Parenting Members Group which all elected Members are welcome to attend.

6 RISK MANAGEMENT

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

7 EQUALITIES

- 7.1 An Equalities Impact Assessment was carried out on corporate parenting in Bath and North East Somerset in 2009. This was done in the course of implementing the Care Matters programme to improve corporate parenting. The Pledge to Children in Care was also introduced as an early step in this programme. The equalities issues in relation to corporate parenting have not significantly changed since this assessment.

8 CONSULTATION

- 8.1 *Cabinet Member; Staff; Service Users; Section 151 Finance Officer; Monitoring Officer*
- 8.2 The Council's original Pledge was drawn up in 2008 in consultation with young people, staff and the Cabinet Member for Children's Service. The updated Pledge has been drawn up in discussion with the Corporate Parenting Members Group and In Care Council. This report and updated Pledge have been shared with the Section 151 Finance Officer and Monitoring Officer for comment.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 *Social Inclusion; Customer Focus; Young People; Human Rights*

10 ADVICE SOUGHT

- 10.1 The Council's 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.

Contact person	<i>Charlie Moat, Care and Young People Service Manager</i> <i>01225 477914, charlie_moat@bathnes.gov.uk</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Bath and North East Somerset Council

This is a list of our promises to **all** children and young people in care and to young people moving on from care to adult life.

We promise you will have a named social worker who you know how to contact and who will keep in touch with you

This means:

You will have your social worker's office address, phone number and email so you can contact them when you need to.

When you leave a message for your social worker they will return your call as soon as they can – in 2 days or less.

Your social worker will keep in touch with you regularly to check you are ok – at least every 1 to 6 weeks depending on your needs.

We promise we will involve you in all the decisions that affect your life.

This means we will:

- **ask** you what you want
- **listen** to what you say
- **act** on what you have told us

We can't promise to do everything you ask, but when we can't, we will explain why.

We promise that you will have a care plan that is up-to-date and meets your needs

This plan will include all the support you need, including any support to meet your religious, racial or cultural needs.

It will be written down, you will be given a copy of this and it will be acted on.

It will be regularly reviewed - at least every 6 months.

The meetings to review the plan will be run by an independent person called an Independent Reviewing Officer.

You will know the name of your Independent Reviewing Officer and how to contact them.

You will be given copies of the notes from your review meetings.

We promise we will find a home that suits you.

This will be a home where you are cared for and supported as one of the family.

If you move, we will try to keep you at the same school (if that's what you want)

Before you move (except in an emergency), we will offer you an independent advocate.

If you move the Independent Reviewing Officer will review your care plan within 4 weeks.

We promise we will help you stay in touch with your family, friends and any other people who are important to you.

If you are not allowed to see someone, your social worker will make sure you understand the reasons why.

We promise to help you to do the best you possibly can at school.

We will give your school all the information they need to look after you properly. If you do not make as much progress as you can we will give you extra help to catch up, both at and outside school.

The plans to support you at school will be written down in a personal education plan and you will get a copy of this.

We will make sure you get a place at the best possible school for you.

We will offer you high quality work experience opportunities.

We promise to encourage you to develop your talents, interests and hobbies and to support you to do things you enjoy.

We will celebrate your successes and achievements.

We promise to take an interest in your health and encourage you to be healthy.

We will make sure you get regular health and dental checkups.

You will be given the name, office address, phone number and email for the nurse for children and young people in care who can give you confidential advice and help to be as healthy as you can.

We promise to work with you to give you all the help and support you need to make a success of moving on from care to adult life.

You won't be expected to move on from care before you are 18 – and you may be able to 'stay put' with your carers after 18.

Whatever you decide to do when you leave school (whether you want to find a job, go to college or university or do something else) we will give you help and support to achieve this.

The plans to support you to move on from care will be written down in a pathway plan and you will be given a copy.

Your pathway plan will be regularly reviewed – at least every 6 months.

We will stay in touch with you until you are 21 (or 25 if you are still in education).

If you want to start education or training again between 21 and 25 we will make a new pathway plan to support you with this.

We promise we will work hard to sort out any problems or worries you have.

We can't always promise to do what you ask, but we will explain the reasons why.

We will make sure you know how to get an independent advocate. That's someone who will listen to you and work with you to get things stopped, started or changed.

We will make sure you have all the information you need to make a complaint, including the name and contact details of the complaints procedure manager.

We promise to take all complaints seriously and deal with them fairly and as quickly as possible.

Are we keeping our promises?

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

Charlie Moat, Care and Young People Service Manager

Email charlie_moat@bathnes.gov.uk or phone 01225 477914

Or to Sarah Watts, Complaints Procedure Manager

Email sarah_watts@bathnes.gov.uk or phone 01225 477931

Write to one or both of us at PO Box 25, Riverside, Keynsham, Bristol BS31 1DN

You can also contact Shout Out! Children's Rights and Advocacy Service. Shout Out! is Free, Independent and Confidential and can help you have your voice heard to STOP, START or CHANGE something. Shout Out! Off the Record, Milward House, 1 Bristol Road, Keynsham BS31 2BA. Phone: 0117 986 5604/Freefone; 0800 389 5551 (free from landlines), email shoutouttradvocacy@yahoo.co.uk or text 07753 891 745.
.....**www.offtherecord-banes.co.uk/advocacy.aspx**

We promise to use your feedback to improve our services for children and young people in care.

