

Democratic Services

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Date: 8 May 2013

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To: All Members of the Council

Chief Executive and other appropriate officers
Press and Public

Dear Member

Council: Thursday, 16th May, 2013

You are invited to attend the Annual General Meeting of the **Council** to be held on **Thursday, 16th May, 2013 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Tea, coffee & cake 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 1
Independent	Independent Group room

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.

This Agenda and all accompanying reports are printed on recycled paper

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 Bath 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, who are Councillors Paul Crossley (Liberal Democrat Group), Francine Haerberling (Conservative Group), John Bull (Labour Group) and Doug Deacon (Independent Group).
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. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** 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.

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF CHAIRMAN 2013/14

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 2014.

The present Chair(man) of the Council is Councillor Rob Appleyard who will preside over the election of his 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. ELECTION OF VICE CHAIR(MAN) 2013/14

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 2014.

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

4. APOLOGIES FOR ABSENCE

5. MINUTES - 4TH MARCH 2013 (Pages 7 - 14)

To be confirmed as a correct record and signed by the Chair(man).

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 a **disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of
Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's 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.

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 he has agreed to consider it at this meeting. In making his 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.

9. APPOINTMENT OF COMMITTEES, PANELS ETC AND OTHER ANNUAL BUSINESS (Pages 15 - 60)

This report invites Council to consider its non-executive and regulatory committee arrangements for the Council year May 2013 to May 2014 and associated annual business.

10. DESIGNATION OF ELECTORAL REGISTRATION OFFICER, LOCAL RETURNING OFFICER AND OTHER STATUTORY ROLES (Pages 61 - 64)

This report invites the Council to consider the re-allocation of the roles of Electoral Registration Officer and Local Returning Officer and designation of the Statutory Scrutiny Officer.

11. MOTION FROM COUNCILLOR PAUL CROSSLEY - COMMUNITY COVENANT PLEDGE (Pages 65 - 66)

The motion set out in the attached paper will be moved by Councillor Paul Crossley. It asks the Council to sign up to the Community Covenant pledge with the Armed Forces.

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

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.

13. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Monday, 4th March, 2013

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Mathew Blankley, Bryan Chalker, Michael Evans, Douglas Nicol and Will Sandry

83 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure for the Assembly rooms.

84 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared an 'other' interest in the Core Strategy item as a member of Meadow View Residents Action group who had previously given evidence to the Planning Inspector.

Councillor Sarah Bevan declared an 'other' interest in the Core Strategy item, having involvement with the River Corridor Trust (not as a Trustee but carrying out press/publicity on behalf of the Trust).

Councillor Neil Butters declared an 'other' interest in the Core Strategy item as a resident of Southstoke Lane.

Councillor Manda Rigby declared an 'other' interest in the Core Strategy item as Chairman of Bath city football club who currently have their grounds at Twerton park.

85 MINUTES - 19TH NOVEMBER 2013

On a motion from Councillor David Bellotti, seconded by Councillor Eleanor Jackson, it was

RESOLVED that the minutes of the 19th February be confirmed as a correct record and signed by the Chair(man).

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

The Chairman made the following announcements;

1. He congratulated Councillor Geoff Ward on becoming a Lieutenant Colonel in the Territorial army.
2. He asked everyone to turn their phones to off/silent and reminded members of the public that some Councillors were accessing their meeting papers on their iPads.
3. He asked everyone to keep contributions to the debate relevant and not repeat comments already made.
4. He indicated that a short comfort break would be announced if necessary at an appropriate time in the meeting.
5. He announced that item 8 “Referral from the Standards Committee” would be taken after the Core Strategy item.

87 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

88 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements to the meeting were made by the following people;

- Mark Owens, Managing Director of Horseworld, addressed the meeting. A copy of his statement is available on the Minute book and attached to the electronic record.
- Mary Walsh, Joint Chair of Whitchurch village Action group, addressed the meeting. A copy of her statement is available on the Minute book and attached to the electronic record.
- Cliff Shellard, Chairman of Fosseyway campaign group, made a statement in which he argued against the use of green field sites and unwelcome speculative development in the Somer valley. He highlighted one area, a site that was not in the Core Strategy and presented a petition against the Development at Fosseyway South Midsomer Norton – Plot no. 5400, Ref. 13/00127/out. He pressed for progress on the Placemaking plan.
- Jill Britten addressed the meeting. A copy of her statement is available on the Minute book and attached to the electronic record.
- Nigel Websper addressed the meeting. A copy of his statement is available on the Minute book and attached to the electronic record.

- Racheal Hushon addressed the meeting as a local Bath resident. A copy of her statement is available on the Minute book and attached to the electronic record.
- David Redgewell endorsed the need for a sustainable Core Strategy and urged Councillors to make the difficult decisions to allocate housing. A copy of a statement from David is available on the Minute book and attached to the electronic record.
- Robert Hellard, Vice-Chairman of South Stoke Parish Council, addressed the meeting. A copy of his statement is available on the Minute book and attached to the electronic record.
- Peter Duppa-Miller addressed the meeting. A copy of his statement is available on the Minute book and attached to the electronic record.
- Caroline Kay addressed the meeting on behalf of the Bath Preservation Trust. A copy of her statement is available on the Minute book and attached to the electronic record.
- Sarah Moore addressed the meeting. A copy of her statement is available on the Minute book and attached to the electronic record.
- Geoff Dunford, Chairman of the River Regeneration Trust, addressed the meeting. He explained their vision of wanting to reconnect communities to the river Avon through various measures including giving more access, cleaning it up, using it to transport people and goods, protecting biodiversity etc. In response to a question from Councillor Paul Crossley seeking clarification on Mr Dunford's reference to the Broadmead peninsula, Mr Dunford responded that it was the area between the river and the railway behind the Co-operative shop, to the north of the railway line. In response to a further question from Councillor Dave Laming querying whether Mr Dunford had any experience of employment in this field, Mr Dunford responded that he'd been in the catering and leisure industry for many years and had a training company for those who wished to work in these sectors. Basically, he identified where jobs were available and designed courses to meet that need.

89 CHANGES TO THE B&NES CORE STRATEGY

The Council considered a report setting out changes to the Bath & North East Somerset Core Strategy needed to address the examination Inspector's concerns raised following the hearings which were held in January 2012.

In addition to the reports circulated with the agenda, all Councillors and members of the public at the meeting received a copy of a composite replacement motion.

During the debate, Councillor Paul Crossley moved, seconded by Councillor Tim Ball, that the meeting continue until 11pm in accordance with Council rule 48. This was accepted by the meeting.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was

RESOLVED to

- (1) Note the errata to the Council report listed in Schedule 1 of the composite recommendation and circulated at the meeting (unanimous);
- (2) Agree that the Core Strategy should be amended to enable an increase of around 10,200 jobs and 12,700 homes, including around 3,100 affordable homes, in B&NES between 2011 and 2029 as set out in **Annex 1** of the report (unanimous);
- (3) Agree that each of the locations listed in **Table 8 of Annex 1** of the report identified for development in the Plan period, and set out below are (voting shown in Notes below); -
 - a) Land adjoining Odd Down
 - b) Land adjoining Weston
 - c) Extension to MoD Ensleigh
 - d) Land adjoining East Keynsham
 - e) Land adjoining South West Keynsham (south of K2)
 - f) Land at Whitchurch
 - g) Somer Valley area, with a change to strike the following words from the officers report at page 55, Somer Valley section – line 6 “around 2 or 3” and line 8 “All new sites are highly likely to be greenfield” in order to ensure these words do not influence Council’s decision to adopt the Core Strategy and/or pre-empt the Placemaking plan.
 - h) Rural Areas, with a change regarding Policy RA1, to request that Cabinet investigate the current RA1 status of Clutton and to consider if it should be listed as RA2 and with a correction to the officer report, page 55, Rural Areas section, final sentence, to replace ‘5 years’ with ‘18 years’.
- (4) Agree the necessary planning requirements in Table 10 with the inclusion of affordable housing targets in the ‘Land at Whitchurch’ section on page 69 of the report;
- (5) Agree the proposed changes to the following Core Strategy Policies as set out in **Annex 2** of the report, as modified at (5) a) and c) below;
 - a) B1(8): The Recreation Ground, Bath – adjoining the Central Area, at the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure stadium;
 - b) CP.4: District Heating (unanimous);

- c) CP.9: Affordable Housing – with the proviso that the map designations are subservient to the site specific policies;
 - d) CP.11: Accommodation needs of Gypsies, Travellers and Travelling showpeople (1 abstention);
- (6) Agree the Schedule of Proposed Changes to the Submitted Core Strategy in **Annex 3**, as varied above and at resolutions (16) and (17);
 - (7) Agree that the Schedule of Proposed Changes in (4) above is published for consultation in accordance with the consultation strategy in **Annex 4** of the report, along with the other locational options considered in Annex 1 of the report but rejected;
 - (8) Agree that the Schedule of Proposed Changes in (4) above is forwarded to the Inspector for his consideration along with a schedule of all the comments received;
 - (9) that the amended Core Strategy is approved for Development Management purposes;
 - (10) that delegated authority is granted to the Divisional Director for Planning and Transport Development to make minor changes to the Core Strategy in consultation with the Cabinet Member for Homes and Planning to ensure clarity, consistency and accuracy across the Plan;
 - (11) To request that Cabinet work with Bristol City Council and the Local Enterprise partnership to consider the feasibility of creating Park and Ride for the A37 at Whitchurch;
 - (12) To request that Cabinet investigate all possible locations for a reopened Salford station, including those locations with adequate parking facilities and which could also be accessible to residents of East Keynsham;
 - (13) To request that Cabinet consider a review of the Greenbelt to the south of the district, with a view to extending the Greenbelt to incorporate areas currently south of the Greenbelt boundary;
 - (14) To request Cabinet begin immediate preparation of the Placemaking Plan in order to;
 - a) Enable work to be undertaken with local communities and town and parish councils on detailed proposals to guide development locations agreed within the Core Strategy; and
 - b) As a matter of priority, work in partnership with town and parish councils to identify appropriate development sites in the Somer Valley and RA1 and RA2 villages;
 - (15) To request that Cabinet aims to maintain the rural buffer between South Stoke and Bath as a priority during the placemaking process for “land at Odd Down”;

- (16) Item KI.4 - Replace the words “Highways Infrastructure associated with the Somerdale Site” with “New second road access to the Somerdale Site” in Annex 3, page 140 (Table 6 - Summary of Key Infrastructure in Keynsham); and
- (17) Item KI.6, (which will become new KI.5 as KI.1 has been deleted) - Reinstate the words deleted from this item - “Improvements to Keynsham Train Station and Enhanced Service Frequency to Bath and Bristol”.

[Notes;

1. *Voting on sites listed in resolution (3) above as follows;*

- a. *Land adjoining Odd Down – 35 Councillors voting in support, 6 Councillors abstaining, the following 19 Councillors voting against; Nicholas Coombes, Andy Furse, Neil Butters, Sharon Ball, Lorraine Morgan-Brinkhurst, Caroline Roberts, Nigel Roberts, Katie Hall, Jeremy Sparks, Steve Hedges, June Player, Dave Laming, Martin Veal, Francine Haerberling, Charles Gerrish, Marie Longstaff, Geoff Ward, Alan Hale, David Veale.*
- b. *Land adjoining Weston – 41 Councillors voting in support, 4 Councillors abstaining (including Councillor Neil Butters), the following 15 Councillors voting against; Gerry Curran, Nicholas Coombes, Nigel Roberts, Steve Hedges, June Player, Doug Deacon, Dave Laming, Malcolm Lees, Martin Veal, Patrick Anketell-Jones, Brian Webber, Colin Barrett, Gabriel Batt, Geoff Ward, Anthony Clarke.*
- c. *Extension to MoD Ensleigh – 55 Councillors voting in support, 0 abstentions and the following 4 Councillors voting against; Gabriel Batt, Colin Barrett, Geoff Ward, Martin Veal.*
- d. *Land adjoining east Keynsham – 50 Councillors voting in support, 0 abstentions and the following 7 Councillors voting against; Peter Edwards, Charles Gerrish, Marie Longstaff, Francine Haerberling, Brian Simmons, Kate Simmons, Alan Hale.*
- e. *Land adjoining south west Keynsham – 44 Councillors voting in support, 0 abstentions and the following 13 Councillors voting against; Rob Appleyard, Robin Moss, John Bull, Eleanor Jackson, Liz Hardman, Marie Longstaff, Peter Edwards, Sally Davis, Brian Simmons, Kate Simmons, Alan Hale, Francine Haerberling, Charles Gerrish.*
- f. *Land at Whitchurch – 48 Councillors voting in support, 2 abstentions and the following 10 Councillors voting against; Nicholas Coombes, Peter Edwards, Charles Gerrish, Marie Longstaff, Alan Hale, Colin Barrett, Liz Richardson, Sally Davis, David Veale and Brian Simmons.*

- g. *Somer Valley area – unanimous. A minor adjustment to the wording as underlined in resolution 3 g) above was proposed by Councillor Chris Watt and accepted by the mover and seconder of the motion.*
- h. *Rural Areas – unanimous. A minor adjustment to the wording as underlined in resolution 3 h) above was proposed by Councillor Jeremy Sparks and accepted by the mover and seconder of the motion. A further adjustment to the wording as set out in bold in resolution 3 h) above was proposed by Councillor Vic Pritchard and accepted by the mover and seconder of the motion.*
2. *Resolution (4) above includes underlined wording requested by Councillor Nicholas Coombes and accepted by the mover and seconder of the motion. Voting – 54 Councillors voting in support, 0 abstentions and the following 3 Councillors voting against; Councillors Nicholas Coombes, Nigel Roberts, Alan Hale.*
 3. *Resolution (5) a) above contains an underlined word suggested by Councillor Manda Rigby and accepted by the mover and seconder of the motion. Voting – 50 Councillors voting in support, 6 abstentions (including Councillor Dave Dixon) and the following 3 Councillors voting against; Alan Hale, Gabriel Batt, Barry Macrae. An unsuccessful amendment to the wording to replace the words “sporting, cultural and leisure arena” with the words “new stadium” was moved by Councillor Brian Webber, seconded by Councillor Patrick Anketell-Jones, but not passed.*
 4. *A minor amendment to the wording to resolution (5) c) above was proposed by Councillor Nicholas Coombes and accepted by the mover and seconder of the motion. Voting – 51 Councillors voting in support, 0 Councillors voting against and 7 abstentions.*
 5. *An unsuccessful amendment was moved by Councillor Eleanor Jackson, seconded by Councillor Robin Moss, to resolution (5) c) above to amend the wording of CP.9 Affordable Housing (page 76) to read ‘Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectares and above (the lower threshold applies). An average affordable housing percentage of 35% will be sought on these large development sites. This is on a grant free basis with the presumption that on-site provision is expected. Table 10 to be amended accordingly.’ This was not carried with 47 Councillors voting against, 7 Councillors voting in support and 5 Councillors abstaining.*
 6. *Resolution (11) above was proposed by Councillor Tim Warren and accepted by the mover and seconder of the motion.*
 7. *Resolution (12) above was proposed by Councillor Francine Haeberling and accepted by the mover and seconder of the motion.*
 8. *Resolution (13) above was proposed by Councillor Vic Pritchard and accepted by the mover and seconder of the motion.*
 9. *Resolution (14) above was proposed by Councillor Geoff Ward and accepted by the mover and seconder of the motion.*

10. Resolution (15) above was proposed by Councillor Katie Hall, seconded by Councillor Neil Butters and accepted by the mover and seconder of the motion.

11. Resolution (16) and (17) above were proposed by Councillor Charles Gerrish and accepted by the mover and seconder of the motion.

12. Voting on resolutions (6) – (17); all Councillors voted in support, except for Councillors Nicholas Coombes and Alan Hale who voted against.

90 REFERRAL FROM STANDARDS COMMITTEE

The Council considered a referral from the Standards Committee. The Chairman identified Councillor Les Kew as the Councillor concerned.

Cllr Kew apologised for his error in failing to declare an interest to the Development Control Committee in relation to the Maynard's Terrace, Clutton application; following which Council censured him as per the recommendation of the Standards Committee.

On a motion from Councillor Sally Davis, seconded by Councillor Nigel Roberts, it was

RESOLVED that Councillor Les Kew be censured by Council.

The meeting ended at 10.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	16 th May 2013
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 (as agreed at May 2012 AGM)</p> <p>Appendix 2 – Proposed political proportionality table</p> <p>Appendix 3 - Terms of Reference of Panels, Committees and other bodies 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 2013 to May 2014 and associated annual business.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in its current form in appendix 3) and revised political proportionality (as attached at Appendix 2);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution (with any necessary amendments arising from this meeting);
- 2.3 approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups);
- 2.4 Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated (current arrangements are as set out in appendix 1);

- 2.5 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
- 2.6 Note the Terms of Reference of the Health & Wellbeing Board, approved by the Board on 30th April 2013 (and attached within Appendix 3), and formally appoint the Board, as described in section 10 of this report;
- 2.7 Note the resolution of the Licensing Committee to appoint one Sub-Committee, and their views on how this would operate, as set out in paragraphs 5.3 and 5.4 and accordingly approve, with no Member voting against, a pool of six Members in such proportions as Group Leaders may determine, from whom a Sub-Committee of three Members will be constituted;
- 2.8 Determine the bodies on which co-opted members are to have seats as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
- 2.9 Approve the appointment of the Independent Persons with responsibility for supporting the Standards Committee, as set out in section 8;
- 2.10 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in section 7;
- 2.11 Appoint Councillors to be Member Champions for the interests identified in Section 9 or such other interest areas as may be decided by the meeting;
- 2.12 Authorise the Monitoring Officer, in consultation with Group Leaders, to make appointments on such outside bodies as are for the Council (rather than Cabinet) such to fill;
- 2.13 Note the arrangements for the conduct of Cabinet business and invite the Leader to update the Council in this respect, and further note the report of a special urgency decision taken by Councillor Paul Crossley as set out in section 11;
- 2.14 Note the calendar of meeting dates that has been prepared up to May 2015 which is available on the Council's website; and
- 2.15 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law;

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 CORPORATE OBJECTIVES

- 4.1 Collectively, the business of the Committees, Panels and partnership bodies contributes to developing all of the Council's corporate priorities;
 - *Promoting independence and positive lives for everyone*

- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

5.1 The Council's Constitution sets out the approved non-executive and regulatory decision making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 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 agreed political proportionality from May 2012 and the approved nomination rights for chairing those bodies.

5.2 Nominations are invited from the political groups for the appointment by the Council of Members to the bodies listed in Appendix 1 and for the Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees.

5.3 The Licensing Committee, at its meeting on 29th January 2013, agreed to move to one Sub-Committee and, during debate, made the following points regarding its membership;

- The Sub-Committee should operate in a 'non-political' way
- Proportionality had not been observed when substitutes from the same Group had not been available
- There should be a pool of nominated Members (one substitute for each Member) who could be called upon to make it easier to arrange a meeting.

5.4 It was hoped therefore that there would be an explicit understanding from Council that this 'non-political' approach would continue.

6 PROPORTIONALITY

6.1 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.

6.2 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 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

7.1 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.

8 STANDARDS INDEPENDENT PERSON

8.1 Under the provisions of the Localism Act, Councils are required to appoint at least one independent person who can assist when considering complaints against Councillors. Council is required to approve such appointments by majority vote.

8.2 The role is complementary to but distinct from the role of independent co-opted members of the Standards Committee. The co-opted members participate fully in the deliberations of the Committee both on complaints cases and policy and procedural matters. The Independent Person's role is to be a source of advice to the Committee, members against whom complaints are made and the Monitoring Officer in the effective operation of the Standards regime.

8.3 As required by law, the position of Independent Person has been advertised and a number of applications were received and considered. Council is recommended to appoint Lee O'Bryan and Ray Morrison. Brief biographical details are set out in the following two paragraphs;

8.4 Lee O'Bryan has lived in Bath since 1986, and for most of this time has worked for Royal Mail, where he has held senior Executive roles as Operations Director for the South West and South Wales Region, and also UK HR Director for the Customer Services Business, where he currently sits on the Board, with a lead role for Modernisation and Change. Lee is a Chartered Fellow of the Chartered Institute of Personnel and Development, and also an accredited mediator. He is a Non Executive Director for the Avon and Wiltshire Mental Health NHS Trust, where he is the Senior Independent Director, and is also a Non Executive Director of Selwood Housing Association. Lee is married with two sons, and is a keen jogger, having participated in the Bath Half Marathon since he moved to Bath.

8.5 After 5 years in the banking sector, Mr Morrison joined the civilian, Ministry of Defence police in March 1984. Over the next 28 years, he undertook operational, divisional and headquarters posts throughout MOD establishments in both Scotland and England. He gained the rank of Chief Superintendent in

2004. His final post, commenced in Dec 2006, before retirement in June 2012 was that of Divisional Commander, Western Division (based in Foxhill, Bath) which covered the South West of England and Wales. This post was responsible for around 730 sworn and non sworn police staff.

9 MEMBER CHAMPIONS

9.1 The Council currently appoints 9 Member champions to the following roles; Heritage/Historic Environment, Member Development, Energy/Climate Change, Human Rights, The River, Cycling, Small Businesses, Graduate Retention & Apprenticeships, Vulnerable People, and Regulatory Services.

10 HEALTH & WELLBEING BOARD APPOINTMENT

10.1 Under the provisions of the Health and Social Care Act 2012, the Council is required to formally appoint the Health & Wellbeing Board which, until this point, has operated in 'shadow' form. Within the legislation, the appointment of the Board is a Council function, but the appointment of the Councillor Members to the Board is the responsibility of the Leader.

11 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

11.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council. The arrangements he has approved are incorporated within the Council's Constitution and he may address the Council in respect of any changes to the arrangements.

11.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution part 4b, rule 16 refers). This Council has decided that will happen on an annual basis.

Councillor Paul Crossley made the following decision on 22nd February 2013;

E2541 Permitted Development Rights – Change of Use

The Leader of the Council agreed to apply for exemption from the relaxation of the Permitted Development Rights on change of use from office to residential in the Bath City Riverside Enterprise Area.

12 APPOINTMENTS ON OUTSIDE BODIES

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

12.2 Council is asked to approve the delegations outlined in paragraph 12.1 for Council functions and note that a full list of appointments is published on the Council's website.

13 RISK MANAGEMENT

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

14 EQUALITIES

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

15 ADVICE SOUGHT AND CONSULTATION

15.1 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.

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

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

AMENDED POLITICAL PROPORTIONALITY TABLE – COUNCIL MAY 2012

Compulsory cumulative proportionality	# on Cttee	Conservative (C) 27 = 41.5%	Liberal Democrats (LD) 29 = 44.6%	Labour (LAB) 5 = 7.7%	Independent (I) 4 = 6.15%	Chair Allocation	Vice Chair Allocation	Co-opted members
Proportionality:	82	34	37	6	5			
Housing & Major Projects PD&S	7	2	3	1	1	LAB	LD	
Economic & Community Development PD&S	7	3	3	1		LAB	LD	
Resources PD&S	7	4	2	1		LAB	LD	
Wellbeing PD&S	9	4	4	1		C	LD	
Early Years, Children and Youth PD&S	7	3	3	1		C	LD	4
Planning, Transport & Environment PD&S	7	3	4			C	LD	
Development Control	13	5	6	1	1	LD		
Regulatory access	5	2	2		1	IND		
Corporate Audit	7	3	3		1	LD		1
Permissions	5	2	3			LD		7 voting, 4 non voting
Employment Committee	3	2	1			C		
Standards Committee	5	1	3	0	1			6 non voting
TOTALS	82	34	37	6	5			
Compulsory individual proportionality								
Gambling and Licensing Sub-Committee	3	1	2			LD		
Taxis, Street Trading and Misc.Licensing Sub Committee	3	2	1			LD		
Investment panel	3	2	1			C		3
Optional proportionality								
Licensing Committee	12	5	5	1	1	LD		

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PROPOSED POLITICAL PROPORTIONALITY TABLE – PRE - COUNCIL MAY 2013

Compulsory cumulative proportionality	# on Cttee	Conservative (C) 26= 40%	Liberal Democrats (LD) 29 = 44.6%	Labour (LAB) 5 = 7.7%	Independent (I) 5 = 7.7%	Chair Allocation	Vice Chair Allocation	Co-opted members
Proportionality:	85	34	38	6.5	6.5			
Housing & Major Projects PD&S	7	2	3	1	1	LAB	LD	
Economic & Community Development PD&S	7	3	3	1		LAB	LD	
Resources PD&S	7	4	2	1		LAB	LD	
Wellbeing PD&S	9	4	4	1		C	LD	
Early Years, Children and Youth PD&S	7	3	3	1		C	LD	4
Planning, Transport & Environment PD&S	7	3	4			C	LD	
Development Control	13	5	6	1	1	LD		
Regulatory access	5	2	2		1	IND		
Corporate Audit	7	3	3		1	LD		1
Pensions	5	2	3			LD		7 voting, 4 non voting
Employment Committee	3	2	1			C		
Standards Committee	5	1	3	0	1			6 non voting
Restructuring Implementation Committee	3	1	1	1				
TOTALS	85	<i>Need to lose one from above</i>	38	<i>Half place tbd with Ind gp</i>	<i>Need to gain one place & Half place tbd with Lab gp</i>			
Compulsory individual proportionality								
Licensing Sub-Committee	3					LD		
Pensions Investment panel	3	2	1			C		3

PROPOSED POLITICAL PROPORTIONALITY TABLE – PRE - COUNCIL MAY 2013

Optional proportionality								
Health & Wellbeing Board	3	1 (observer)	3 (as appointed by the Leader)	1 (observer)	1 (observer)			8 voting 1 non-voting
Licensing Committee	12	5	5	1	1	<i>LD</i>		

Notes

1. DC Cttee - informal arrangement has been that one LD place is filled by Lab
2. Standards Cttee – informal arrangement has been that one LD place is filled by Lab

TERMS OF REFERENCE

Policy Development and Scrutiny Panels - General Terms of Reference

Role of Overview and Scrutiny¹ Panels

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

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

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

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

Within their allocated remits, each Panel

- (i) has broad-based responsibility for Overview and Scrutiny in its particular area of responsibility, in line with the Council's objectives
- (ii) scrutinises Performance Management information for the allocated performance areas on a scheduled basis and advises the Cabinet accordingly
- (iii) receives and carries out work as allocated, including
 - (a) determination of Call-Ins of executive decisions made but not yet implemented,
 - (b) carrying-out of in-depth reviews, as set out in their Overview and Scrutiny Work Plan
 - (c) undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity
 - (d) offering overview advice and reports of policy development issues
 - (e) evaluating the impact of Council and Cabinet decisions and policies
 - (f) undertaking scrutiny of agreed Action Plans and Policies, to ensure compliance (including those required by the District Auditor)
 - (g) reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council’s functions;
 - (h) dealing with any relevant Councillor Call for Action

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

- (i) carries out its roles within the Council’s petition scheme.
- (iv) may send communications and reports directly to other Overview and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
- (v) may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights)
- (vi) may invite participants to give evidence, either verbally or in writing, on any issue contained within their Overview and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
- (viii) may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Overview and Scrutiny Procedural Rules
- (ix) may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers

All Overview and Scrutiny Panels may also:

- **on scrutiny issues**

- i) review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to individual decisions and over a period of time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and Officers about their decisions and performance*, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects (*this does not relate to the performance review (“appraisal”) process which is a staff managerial responsibility);
- iv) make recommendations to the Cabinet arising from the outcome of the scrutiny process;
- v) invite any person to give evidence and answer questions (subject to the Overview and Procedure Rules)

- **on overview issues**

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- (ii) conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

- (v) carry out in-depth reviews of key local issues, subject to the provisions of the Overview and Scrutiny Work Plan.
- (vi) request reports from Officers and Cabinet Members.

Meeting Frequency:

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

Policy Development and Scrutiny Panel Remits

HOUSING AND MAJOR PROJECTS

Panel remit is –

- Housing, Housing delivery and travellers
- Housing choices for vulnerable people
- Projects (Development and Major Projects)
- West of England Partnership

Membership: 3 Conservative Members; 3 Liberal Democrat Members; 1 Labour Member

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

RESOURCES

Panel remit is –

- Revenues & Benefits and Council Connect
- Risk and assurance
- Property
- Finance
- Improvement and performance; Legal and democratic services
- Policy and partnerships
- Change Programme
- Public Sector Partnerships

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

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

EARLY YEARS, CHILDREN AND YOUTH

(Designated Curriculum Complaints Panel)

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

Panel remit is –

- Learning and inclusion
- Children, young people and family support

- Safeguarding children
- Primary, secondary and further education
- Improving environment and opportunities for disadvantaged teenagers
- Corporate Parenting, including transition of vulnerable/looked after children to Adult care
- Health, commissioning and planning (Children)²

Membership: 3 Conservative Members, 3 Liberal Democrat Members, 1 Labour Member

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

PLANNING TRANSPORT AND ENVIRONMENT

(Designated Flood Risk Management scrutiny Panel)

Panel remit is –

- Planning
- Transport Development (transport planning/policy, major transport infrastructure)
- Major Transport Schemes
- Highways, Parking and Transport
- Environmental Services
- Natural Environment/Green Infrastructure

Membership: 3 Conservative Members and 4 Liberal Democrat Members

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

ECONOMIC AND COMMUNITY DEVELOPMENT

(Statutory Crime and Disorder Panel)

Panel remit is –

- Economic Enterprise and Business Development
- Tourism (Heritage Services, Destination Management, Arts & Festivals including the film office)
- World Heritage Management
- Community Safety
- Leisure and Culture (Sport & Active Lifestyles, Libraries)
- Big Society/3rd Sector Funding Initiatives
- Improve the quality of life of the communities (older people and of children, young people and families) at risk and narrow the gap between the worst performing wards / neighbourhoods and other areas across the district.

Membership: 3 Conservative Members, 3 Liberal Democrat Members and 1 Labour Member

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

In addition to General Terms of Reference

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

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

Crime and Disorder Panel in relation to responsible authorities (or co-operating bodies or persons) may

- a. review the decisions and performance at least once per year;
- b. with reasonable notice, require the attendance of an officer or employee to answer questions;
- c. require a response in writing to reports and recommendations of the Panel within 28 days, or as soon as reasonably possible

WELLBEING

(Delegated Panel for the statutory health scrutiny function under the Health & Social Care Act 2012)

Panel remit is –

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

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Wellbeing Panel. Councillors on the Wellbeing Panel therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

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

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

In Addition to General Terms of Reference

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

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

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

HEALTH SCRUTINY: Background

Local Authorities with social services powers are required to ensure that the Council has the power to scrutinise the planning, provision and operation of health services. This power may be undertaken by the Full Council, a designated health scrutiny committee/panel or any other method that the Council deems appropriate. This power relates to reviewing, scrutinising and reporting on NHS services and institutions, and helps the Council build on existing health partnerships and other work to tackle causes of ill-health and health inequalities.

Under the Health and Social Care Act 2012, this function will now apply to any provider of health care services including private and third sector suppliers.

Provisions of the Health Scrutiny Regulations

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

Reporting Arrangements

Following any health overview & scrutiny topic undertaken, the Panel will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

JOINT HEALTH SCRUTINY FUNCTION

Working across Local Authority Boundaries

Some health issues will be specific to the B&NES area whilst others (e.g. performance of large hospitals or regional health services with a wide catchment area) will extend beyond

the B&NES local authority boundaries. In such cases, B&NES will adopt the following approach:

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

Membership

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

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

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

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

Terms of Reference

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.
- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.

- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

Health Services located within B&NES

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

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

Health Services located elsewhere but used by B&NES residents

E.g. Bristol Royal Infirmary (BRI)

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

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

WEST OF ENGLAND JOINT SCRUTINY COMMITTEE

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

Background

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

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

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

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

Bath and North East Somerset Council's West of England Partnership Joint Scrutiny Committee

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

Reporting Arrangements

Members of this Scrutiny Committee may be requested to provide a briefing to a B&NES Panel Chair, or to attend Panel with a related remit, to discuss the activities of the Joint Scrutiny Committee.

Terms of Reference

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

The Committee shall be concerned with the aspects of the Local Enterprise Partnership that relate to public funding and resources. Within the LEP structure the Committee shall:

1. scrutinise any relevant proposals from the Joint Transport Executive Committee, Planning Housing and Communities Board and the Stakeholder Group in relation to the activities outlined in their terms of reference;
2. scrutinise other relevant proposals related to public funding and resources made from the Local Enterprise Partnership Board and the Skills Sub-Group;
3. review actions taken and decisions made by these bodies related to public funding and resources;
4. make reports or recommendations to these bodies, as appropriate and/or the constituent authorities' respective Overview and Scrutiny Committees or equivalent.
5. scrutinise the activities of private sector companies, recognising that the private sector is not under the same obligation to appear in public or have regard to recommendations made by a Scrutiny committee in the same way that public service providers are required to do so.

[NB : for the most part this Committee will hold its meetings "jointly" with the equivalent scrutiny committees of the 3 partner authorities].

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

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

Work Programme

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

Chair/Vice Chair

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

Expert Witnesses

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

Quorum and Voting Arrangements

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

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

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

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

Meeting Frequency:

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

Avon Pension Fund Committee

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

Function and Duties

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

The key duties in discharging this role are:

1. Determining the investment strategy and strategic asset allocation.
2. Determining the pensions administration strategy.

3. Making arrangements for management of the Fund's investments in line with the strategic policy.
4. Monitoring the performance of investments, investment managers, scheme administration, and external advisors.
5. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
6. Approving the Pension Fund's Statement of Accounts and annual report.
7. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
8. Considering requests from organisations wishing to join the Fund as admitted bodies.
9. Making representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme.

Delegations

In discharging its role the Committee can delegate any of the above or implementation thereof to the Sub-Committee (referred to as the Investment Panel) or Officers. The current delegations are set out in Sections 2 & 3 below.

Membership of the Committee

Voting members (12)	5 elected members from B&NES (subject to the rules of political proportionality of the Council) 2 independent trustees 3 elected members nominated from the other West of England unitary councils 1 nominated from the education bodies 1 nominated by the trades unions
Non-voting members (4)	1 nominated from the Parish Councils Up to 3 nominated from different Trades Unions

The Council will nominate the Chair of the Committee.

Meetings

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

Quorum

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

Substitution

Named substitutes to the Committee are allowed.

Investment Panel

The role of the Avon Pension Fund Committee Investment Panel shall be to consider, in detail matters relating to the investment of the assets within the strategic investment

framework and performance of investment managers in achieving the Fund's investment objectives.

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.
2. Review the Statement of Investment Principles and submit to Committee for approval.
3. Report regularly to Committee on the performance of investments and matters of strategic importance

and have delegated authority to:

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

Panel Membership

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

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

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

The Council will nominate the Chair of the Panel.

Panel Meetings

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

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

Panel Quorum

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

Panel Substitution

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

Panel Minutes

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

Officer Delegations

Officers are responsible for:

1. Day to day implementation and monitoring of the investment, administration, funding strategies and related policies.
2. The Section 151 Officer has authority to dismiss investment managers, advisors and 3rd party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
3. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
4. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

CORPORATE AUDIT COMMITTEE

Powers and Duties

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

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

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To approve the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year.
3. To approve the Internal Audit Plan within the budget agreed by the Council and to monitor its delivery and effectiveness (including the implementation of audit recommendations).
4. To consider, prior to signature by the Leader of the Council and Chief Executive, the Annual Governance Statement (including the list of significant issues for action in the ensuing year), as prepared in accordance with the statutory requirements and guidance; and to monitor progress on the significant issues and actions identified in the Statement.
5. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
6. To review periodically the Council's key financial governance procedures, i.e. Financial Regulations, Contract Standing Orders, Anti-Fraud & Corruption Policy and to recommend any necessary amendments.
7. To consider the annual Audit & Inspection Letter from the External Auditor and to monitor progress on accepted recommendations.

8. To monitor and promote good corporate governance within the Council and in its dealings with partner bodies and contractors, including review of the Council's Code of Corporate Governance and in any such other ways as the Committee may consider expedient (within the budget agreed by the Council).

9. To consider and make recommendations of any other matters relating to corporate governance which are properly referred to the Committee or which come to its attention.

10. To make an annual report to Council on the work [and findings] of the Committee, including (if necessary) any measures necessary to improve the effectiveness of the Committee.

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

A. the Standards Committee of the Council with regard to matters of ethical governance;

B. the relevant Policy Development and Scrutiny Panel(s) - to complement but not to duplicate the exercise of their legitimate role in checking compliance with Council processes and policies and in reviewing policies and practice;

C. relevant Cabinet Members, in particular the Leader and the Cabinet Member for Resources, whose portfolios include executive functions related to the matters covered by these terms of reference

D. the Council when developing the Council's Code of Corporate Governance

Membership

The membership of the Committee shall be 7 Councillors (3 Liberal Democrat, 3 Conservative, 1 Independent Group) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Liberal Democrat Group.

Frequency of Meetings

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

DEVELOPMENT CONTROL COMMITTEE

Functions

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

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

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

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

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

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

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

Limitation on delegation

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

Frequency

Monthly

Membership

13 Members in the political proportion – 6 Liberal Democrat, 5 Conservative, 1 Labour Member and 1 Independent Member; chaired by a Liberal Democrat Member.

The quorum for this Committee shall be 7 Members.

EMPLOYMENT COMMITTEE

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

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

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

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

The Committee's Span of Responsibility

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

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

Membership

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

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

1. *Statement of purpose*

- 1.1 By working together the Board will aspire to reduce health inequalities and improve health and wellbeing in Bath and North East Somerset.
- 1.2 To achieve these aims the Board will work collaboratively with partners to join up commissioning and provision across the NHS, social care, public health and other areas related to health and wellbeing (where appropriate).

2 *Roles and responsibilities*

2.1 The Board will be responsible for:

- developing a joint strategic needs assessment (JSNA)
- preparing the joint health and wellbeing strategy (JHWS)
- considering whether the commissioning arrangements for social care, public health and the NHS are in line with the JHWS
- considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
- reporting formally to the NHS Commissioning Board, Clinical Commissioning Group, and council leadership if local commissioning plans have not had adequate regard to the JHWS

2.2 The Board will seek to:

- influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA and JHWS
- promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
- influence planning, transport, housing, environment, economic development and community safety in order to address the wider determinants of health and wellbeing
- work collaboratively with the B&NES Public Services Board
- strategically performance manage key activity against the key priorities of the JHWS

2.3 Responsibility for the scrutiny of health and wellbeing will continue to lie with the Council's Policy Development and Scrutiny Panels.

3. Scope

3.1 The Boards' scope shall be set out within the Joint Health and Wellbeing Strategy.

3.2 The Health and Wellbeing Board may consider services beyond health and social care enabling the Board to look more broadly at factors affecting the health and wellbeing of the B&NES population.

4. Accountability

4.1 Accountability for the discharge of statutory responsibilities remains with the Council, CCG and Local Healthwatch.

4.2 The Board is responsible for working with the Children's Trust Board to deliver strategic commitments and outcomes, in line with the JHWS.

4.3 Accountability for safeguarding lies with the Local Safeguarding Adults Board, Children's Trust Board and Local Safeguarding Children's Board.

4.4 The Safeguarding Children Board, the Safeguarding Adult Board and the Children's Trust Board will report to the board on relevant performance outcomes against the JHWS priorities, through a regular performance reporting process.

5. Membership

5.1 Membership of the Board is:

- B&NES Council x 6 (Chief Executive, Director of Public Health, Director of People and Communities Services, Leader of the Council, Cabinet Member for Wellbeing, Cabinet Member for Early Years, Children and Youth)
- Clinical Commissioning Group x 3, including the role of Vice Chair (CCG representative members x 2, CCG lay member x 1)
- Healthwatch x 2
- Bath, Gloucestershire, Swindon and Wiltshire Area Team x 1 (non-voting status)

5.2 In the event of members considering it necessary to have a formal vote, all Board members will have a voting right, except the Bath, Gloucestershire, Swindon and Wiltshire Area Team who will not have a voting right.

5.3 The Council, at its annual meeting, allocates nomination rights to political groups for the role of Chair.

5.4 The quorum for the meeting will be six members of the Board with two members of the Clinical Commissioning Group, one member of Healthwatch B&NES and three members of the Council.

5.5 Board members may nominate a named substitute from an appropriate member of their organisation or service.

6. Wider engagement

- 6.1 By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:
- Taking responsibility for good public engagement
 - Clarity about purpose
 - Harnessing a range of engagement methods
 - Engaging with everyone
 - Committed to cultural change
 - Providing access to information
 - In partnership
 - Feeding back engagement results
 - With Healthwatch B&NES
 - Evaluating engagement
- 6.2 The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.
- 6.2 The Council's overview and scrutiny function offers an opportunity for broader engagement on key issues.
- 6.3 It is intended that one representative of each Political Group on the council, not currently represented on the board, be invited to Board meetings in an observer capacity.

7. *Business management*

- 7.1 The Board is a statutory committee of the Council and will be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.
- 7.2 The Board will act in accordance with the Council's committee procedures.
- 7.3 Formal Board meetings shall be held in public. The Board may resolve to hold closed sessions in accordance with the Access to Information rules.
- 7.4 The Board will develop an operating model and work programme framed by the JHWS which will guide its work.
- 7.5 The Board will meet 6 times per year (bi-monthly).
- 7.6 The Board may establish sub-committees to lead on issues such as the JSNA, joint commissioning and health inequalities.

JOINT COMMITTEE FOR THE OVERSIGHT OF JOINT WORKING

Statement of purpose:

To oversee the operation of joint working partnership arrangements established between B&NES Council and the B&NES CCG and described in the Joint Working Framework.

Roles and responsibilities

The joint committee is formally established to monitor and oversee the operation of partnership arrangements, and in particular:-

- pooled fund arrangements;
- the exercise of any NHS functions by the Council;
- the exercise of any health-related local authority functions by the CCG.

Accountability

The committee will be constituted as a joint committee of the Council and CCG and will provide reports to the Health & Wellbeing Board, B&NES Council (via the Wellbeing Policy Development & Scrutiny Panel) and B&NES CCG annually and by exception as required.

Membership

Membership will include:

- Two members of the B&NES CCG governing body
- The Executive Members responsible for Adult Social Care and Children's Services
- The Council's Chair of Audit Committee
- B&NES CCG Chair of Audit Committee

Practical Arrangements for Conducting the Committee's Business

The chair will be rotated between B&NES Council and B&NES CCG representatives.

A quorum will require 2 B&NES Council members and 2 B&NES CCG members.

Other CCG and Council Executive members and officers may be in attendance as appropriate.

The Committee will meet twice a year in May and November and as required to meet business needs.

The May meeting will be a public meeting and will include an annual review of the arrangements, evaluating their success and considering external views and relevant organisational/legislative developments.

In monitoring the partnership arrangements the Committee is also expected to consider the management and staffing arrangements that support the partnership arrangements as set out in the Joint Working Framework including the agreement under Section 113 of the Local Government Act 1972.

The Committee may act as a forum to try to resolve any disputes not resolved through normal management arrangements or through the offices of the B&NES CCG Chair and B&NES Council's CEO – as set out in the Joint Working Framework.

The Committee will be supported by the B&NES Council's Democratic Services.

LICENSING COMMITTEE

Status of the Committee

The Licensing Committee is a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of licensing policies, the setting up of a Committee and the resolution not to issue casino licences.

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

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

Membership of the Committee

The Committee shall comprise 12 elected members of the authority in the political group proportion (5 Cons: 5 Lib Dem: 1 Labour: 1 Independent), or such other proportion agreed by the Council from time to time.

The Monitoring Officer and Divisional Director (Legal and Democratic Services) shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

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

The Council's objectives on Licensing

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

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

In addition, the Committee will have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

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

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

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

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

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

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

Powers and Duties of the Committee

1. At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
2. To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites and Control of Development Act 1960
Charities Act 2006
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Fireworks Act 2003
Food Act 1984
Food Safety Act 1990
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Highways Act 1980 Part VIIA
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Pet Animals 1951 (Amendment) Act 1983

Petroleum (Regulation) Acts 1928 & 1936
Poisons Act 1972
Police Factories, etc. (Miscellaneous Provisions) Act 1916
Public Health (Control of Disease) Act 1984
Riding Establishments Act 1964
Riding Establishments Act 1970
Scrap Metal Dealers Act 1964
Theatres Act 1968
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Transport Act 1981
Vehicles (Crime) Act 2001
Violent Crime Reduction Act 2006
Zoo Licensing Act 1981

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

How the Committee will operate, including Substitution and Delegated Powers

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

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

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

The Committee has appointed a Sub-Committee to act as a hearing Panel as follows:

- Licensing (Regulatory) Sub-Committee [a minimum of 3 Members – proportionality to be determined – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above

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

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

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
environmental health officer objection to a standard Temporary Event Notice			health officer objection is made and not withdrawn	
Issue of a Counter Notice where police and/or environmental health officer object to a late Temporary Event Notice				All cases
Issue of a Counter Notice where the entitlement of the number of Temporary Event Notices has been exceeded				All cases
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises			If a relevant representation is made	All other cases
Applications for the classification of unclassified films			All cases	
GAMBLING ACT 2005				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

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

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
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
Determination of new applications for a Sex Establishment		X		
Determination of uncontested renewal applications for a Sex Establishment				X
Determination of designated Public Place Orders		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 Liberal Democrat Members, 2 Conservative Members and 1 Independent Group Member.

Chaired by nominee of the Independent Group

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 3 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour Member.

STANDARDS COMMITTEE

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) To recommend to the Council one or more Codes of Conduct and Practice or protocols for members and/or employees of the Council;
- (d) To monitor and from time to time review such Codes and Protocols and make recommendations to the Council;
- (e) To make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for members and employees of the Council;
- (f) To liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (g) To provide advice and guidance to members, co-opted members and employees and to make arrangements for training in connection with any matter within the terms of reference of the Committee.
- (h) To consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) To oversee the effectiveness of the Council's constitutional arrangements from an ethical perspective including Standing Orders and the Terms of Reference of Committees and internal and external codes of conduct and make recommendations to the Council on any desirable or necessary changes concerning matters of accountability, transparency, good administration or the promotion of high standards of conduct in the administration of local government.

- (j) To recommend to the Council a Code of Practice on relations between members and officers.
- (k) To develop support mechanisms for councillors in all their roles, in conjunction with a member level steering panel.
- (l) To oversee the democratic decision making process and make recommendations to the Council from time to time on any desirable or necessary changes.
- (m) To consider the Council's procedures for investigating and responding to complaints and other procedures referred to it by the Monitoring Officer.
- (n) To oversee the register of member interests.
- (o) To approve a code of practice on planning issues.
- (p) To undertake such other functions as the Secretary of State may by regulations refer to a local authority Standards Committee.
- (q) To consider and determine the Council's response to any Internal or District audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (r) To recommend to the Council from time to time as necessary the appointment of co-opted members to the Committee following open advertisement, short listing and interview.
- (s) To exercise the functions at (a) to (g) above in relation to the Parish Councils wholly or mainly in the B&NES area and the members of those Parish Councils.
- (t) Considering i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.
- (u) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (v) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring office of any matter which is referred by an ethical standards officer, 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.

PARISH LIAISON MEETING

Membership

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

Purpose

5. The Liaison Meeting will provide an opportunity for the discussion of issues of common interest, identified by the Council or by Parish/Town Councils (individually or collectively), that are relevant for discussion in this forum
 6. Items of relevance are likely to be those:
 - That have direct impact on all, or a significant number of, Parish/Town Councils
 - That support an effective working partnership between tiers of local government
 - Relating to the Parish Charter
 - Where a collective view from Local Councils would be helpful
 7. Items that are not likely to be relevant for the Liaison meeting include;
 - Those that relate to a single, or small number of, Parish/Town area(s)
 - Those for which other effective channels of communication exist (including issues that are already the subject of detailed consultation)
 8. The infrequency of Liaison Meetings means that it is not a practical forum through which to engage in routine consultation
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BATH & NORTH EAST SOMERSET ADOPTION & PERMANENCE PANEL

1 Principles

Purpose

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

Law and Policy

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

Standards

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

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

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

Panel members will be appropriately vetted and police checked through enhanced disclosures from the Disclosure and Barring Service.

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

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

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

Monitoring and Quality Assurance

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

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

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

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

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

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

Responsibility

Agency Decision Makers – Divisional Director –
Children & Young People Specialist Services; Senior Commissioning Manager –
Specialist Services

Manager of Adoption Service - Family Placement Team Manager

Agency Adviser - Family Placement Team Deputy Manager

2 Panel Responsibilities

In relation to adoption cases, the Adoption 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 voluntarily relinquished child should be placed for adoption with a particular prospective adopter.

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

When recommending that a child be placed for adoption:

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

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

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

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

- d. The agency's proposals for the provision of adoption support services for the adoptive family
- e. The arrangements the agency proposes to make for allowing any person contact with the child

- f. Whether the parental responsibility of any parent or guardian or the prospective adopter should be restricted and if so the extent of any such restrictions.

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

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

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

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

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

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

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

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

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

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

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

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

2.15 Request any further information that the Panel considers necessary;

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

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

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

3 Panel Composition, Quoracy and Terms of appointment

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

The membership will comprise:

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

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

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

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

4 Frequency of meetings

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

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

BATH AND NORTH EAST SOMERSET FOSTERING PANEL

1 Establishment and Membership of the Fostering Panel

- (ii) The Bath & North East Somerset Fostering Panel is convened in accordance with the Fostering Services Regulations 2002.
- (iii) The Fostering Panel will be chaired by an independent person who has the necessary skills and experience.
- (iii) The Fostering Panel will consist of no more than 10 members (including the independent chair) and shall include:
 - (a) Two Social Workers employed by the Fostering Service, one of whom has child care expertise and the other of whom has expertise in the provision of a Fostering Service;

- (b) At least one elected member of the Local Authority to serve for up to 3 years (and not more than two consecutive terms); and
 - (c) At least 4 other person (in the Regulations referred to as “Independent Members”) including at least one person who is, or within the previous 2 years has been, a foster carer for a Fostering Service provider other than the one whose fostering panel this is.
- (iv) The Fostering Service shall appoint a member of the Fostering Panel as vice chair, who will act as Chair if the person appointed as Chair is absent or that post is vacant.
 - (v) A Fostering Panel member shall hold office for a term not exceeding three years, and may not hold office for the Panel of the same Fostering Service for more than two consecutive terms.
 - (vi) Any Panel member may resign their office at any time by giving one month’s notice in writing to the Fostering Service provider.
 - (vii) If the Fostering Service is of the opinion that any member of the Fostering Panel is unable or unwilling to carry out the duties required, it may terminate their membership at any time by giving them notice in writing.
 - (viii) A person shall not be appointed as an independent member of the Fostering Panel if:
 - a. They are a foster carer approved by the Fostering Service provider
 - b. They are employed by the Fostering Service Provider
 - c. They are an elected member of the Local Authority.

2 Meetings of the Fostering Panel

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

3 Functions of the Fostering Panel

- (i) The functions of the Fostering Panel in respect of the cases referred to it by the Fostering Service are:
 - (a) To consider each application for approval and to recommend whether or not a person is suitable to act as a foster carer.
 - (b) Where it recommends approval of an application, to recommend the terms on which approval is to be given

- (c) To recommend whether or not a person remains suitable to act as a foster carer, and whether or not the terms of their approval remain appropriate
- On the first review carried out in accordance with Regulation 29(1) of the Fostering Services Regulations
 - On the occasion of any other review when requested to do so by the Fostering Service in accordance with Regulation 29(5) of the Fostering Service Regulations – this being any written representation of the proposed agency decision.
- (ii) The Fostering Panel shall also:
- (a) Advise on the procedures under which Reviews in accordance with Regulation 29 are carried out by the Fostering Service and periodically monitor their effectiveness.
 - (b) Monitor the quality of assessments carried out by the Fostering Service provider and
 - (c) Give advice and make recommendations on any matters arising from panel business.

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

SOCIAL SERVICES INDEPENDENT REVIEW PANEL

Functions and Duties

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

Membership

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

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	16 th May 2013
TITLE:	Designation of Electoral Registration Officer, Local Returning Officer and other statutory roles
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

1 THE ISSUE

- 1.1 To consider the re-allocation of the roles of Electoral Registration Officer and Local Returning Officer and designation of the Statutory Scrutiny Officer.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 That under the Representation of the People Act 1983 and all related legislation with effect from 1st June 2013, Dr Jo Farrar be appointed as Electoral Registration Officer.
- 2.2 Under Section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1st June 2013 Dr Jo Farrar be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area.
- 2.3 That the Council's Electoral Registration Officer be authorised to act in respect of all related electoral, poll or referendum duties, including in relation to parliamentary elections, elections to the European Parliament and national and regional polls or referenda.
- 2.4 That in relation to the duties of Local Returning Officer or any other electoral referendum or polling duties arising from such appointment in respect of parliamentary, European or other elections it be agreed that the Returning Officer should be entitled to be remunerated in accordance with the scale of fees approved from time to time by the Council or the relevant scale of fees prescribed by a fees order in respect of national, regional or European Parliament elections, polls or referenda.

- 2.5 That it be agreed that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the Peoples Act or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll).
- 2.6 That it be agreed that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council will indemnify the Returning Officer up to the value of such excess.
- 2.7 That the Monitoring Officer & Divisional Director (Legal & Democratic Services) and Electoral Services Officer be appointed as Deputy Electoral Registration Officers.
- 2.8 To designate the Policy Development and Scrutiny Lead Officer as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

To note that

- 2.9 The new Local Returning Officer intends to appoint the Monitoring Officer & Divisional Director (Legal & Democratic Services) and Electoral Services Officer as her Deputies.

3 FINANCIAL IMPLICATIONS

- 3.1 Fees for all National Elections or Referenda or Polls are set nationally by government. Such Elections are intended to be carried out at no cost to the Local Council tax payer.
- 3.2 It is open to the Council to agree a rate of fees and charges that cover all aspects of the running of Local and Parish and Town Elections so that it may be satisfied as to the cost-effectiveness of the arrangements. A report upon this will be discussed with other authorities in the area and will be submitted to Council for approval in advance of any relevant Elections.
- 3.3 Accordingly there are no financial implications arising from the report.

4 CORPORATE OBJECTIVES

It is in the interests of the Council and its area to have in place proper and effective arrangements for the administration of the Democratic Process.

5 THE REPORT

- 5.1 The Council is required by law to designate one of its officers as Electoral Registration Officer with responsibility for the administration of the Register of Electors and various other assorted responsibilities. Such a designation is a personal one whereby the officer takes upon himself or herself certain individual responsibilities independent of the Council itself.
- 5.2 The Council is also required to designate one of its officers as Local Returning Officer. Such a person is to be personally responsible for the administration of Local Elections at both principal Council and parish and town Council level. All other responsibilities for the running of Elections, Referenda or Polls (principally Parliamentary and European) are by law conferred upon the person who is the Electoral Registration Officer as set out in 5.1 above.
- 5.3 Since the Council's inception in 1996, the above two roles have been performed by the Monitoring Officer & Divisional Director (Legal & Democratic Services). The Council is at any time entitled to review the arrangements and now that the Chief Executive has been in post for a little while it is considered an appropriate time to so do. Discussions have taken place with senior members and with the Chief Executive and the Monitoring Officer and it is proposed that the roles be re-allocated from the Monitoring Officer to the Chief Executive.
- 5.4 A re-organisation of the Council's Scrutiny function has been undertaken following the departure of the former Overview and Scrutiny Officer who was designated under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 as statutory scrutiny officer. The appropriate post to discharge the responsibilities of the post is that of the Policy Development and Scrutiny Lead Officer and Council is asked to formally so designate.

6 RISK MANAGEMENT

Not applicable. There is no risk under either the current or the proposed arrangements to the Council or its corporate reputation and working.

7 EQUALITIES

An equalities impact assessment has not been completed because the proposed arrangements have no implications for any persons or groups of persons with protected characteristics.

8 CONSULTATION

- 8.1 Consultation has taken place with Group Leaders and the Officers concerned and the Council's Section 151 Officer. The consultation was carried out by discussion and e-mail.

9 ADVICE SOUGHT

- 9.1 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>William Harding (Head of Human Resources) – 01225 - 477203</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

COUNCIL AGM - NOTICE OF MOTION FROM COUNCILLOR CROSSLEY

Council

1. Recognises the close ties between Bath and North East Somerset's communities and serving and former members of the armed forces and their families
2. Notes that the Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement at local level the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces
3. Resolves to adopt the Community Covenant Pledge, comprising the following principles, objectives and intentions
 - a) Encouraging support for the Armed Forces Community working in, living in and visiting Bath and North East Somerset
 - b) Recognising and remembering the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes in-Service and ex-Service personnel, their families and widow(er)s in Bath & North East Somerset
 - c) Taking opportunities to bring Council, partner and community knowledge, experience and expertise to bear on the provision of help and advice to members of the Armed Forces Community, including building on existing good work on other initiatives such as the Welfare Pathway.
 - d) Encouraging the integration of Service life into civilian life and encouraging members of the Armed Forces community to help their local community.
 - e) Complementing the principles of the Armed Forces Covenant which defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces community
 - f) Encouraging all parties within a community to offer support to the local Armed Forces community and make it easier for Service personnel, families and veterans to access the help and support available from the MOD, from statutory providers and from the Charitable and Voluntary Sector working together in partnership at local level.
 - g) Encouraging the Armed Forces community to do as much as they can to support their community and promote activity which integrates the Service community into civilian life.
4. Resolves that Bath and North East Somerset's Community Covenant Pledge includes a commitment to working with the armed services community on specific measures which meet and deliver real benefits for former and serving armed forces members and their families, and requests officers to work with the Armed Forces Community to establish a Community Covenant Action Plan
5. Request the Chairman of Council to sign the Pledge on behalf of the Council along with representatives of the Armed Services community and partners

6. Invite the Public Services Board to consider how public services can work together to address issues raised through the Covenant
7. Publicise the Community Covenant in the local community and with parish and town councils
8. Request that Cabinet receive reports on progress on implementing the Community Covenant