

**Democratic Services**

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Date: 4 May 2016  
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**To: All Members of the Council**

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Council: Thursday, 12th May, 2016**

You are invited to attend a meeting of the **Council** to be held on **Thursday, 12th May, 2016 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Refreshments 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:**

<b>Conservative</b>	<b>Brunswick Room, Ground Floor</b>
<b>Liberal Democrat</b>	<b>Kaposvar Room, Floor 1</b>
<b>Labour</b>	<b>Labour Group Room, Floor 2</b>
<b>Independent &amp; Village Voice</b>	<b>Independent Group room</b>
<b>Green</b>	<b>Small meeting room, Floor 2</b>

**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:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

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

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Tim Warren (Conservative Group), Dine Romero (Liberal Democrat Group), Robin Moss (Labour Group), Sarah Bevan (Independent & Village Voice Group) and Jonathan Carr (Green Group)

5. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.

6. **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.

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

## 8. 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.

9. **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. ELECTION OF CHAIRMAN & VICE-CHAIRMAN 2016/17
2. APOLOGIES FOR ABSENCE
3. 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 or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. MINUTES - 23RD MARCH 2016 (Pages 7 - 16)

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

5. 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.

6. 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.

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

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.

8. APPOINTMENT OF COMMITTEES AND PANELS, & OTHER ANNUAL BUSINESS  
(Pages 17 - 78)

This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2016 to May 2017 and associated annual business.

9. WEST OF ENGLAND DEVOLUTION AGREEMENT (Pages 79 - 102)

The local authorities of the West of England (Bristol, B&NES, North Somerset and South Gloucestershire), in partnership with the West of England Local Enterprise Partnership, have worked together to secure the best available devolution deal for the West of England. This report notes the latest position and invites comments in advance of the formal deal being put to Council in June.

10. REVIEW OF THE B&NES CORE STRATEGY (Pages 103 - 112)

This report outlines the scope and basis of the forthcoming partial review of the B&NES Core Strategy and updates the B&NES Local Development Scheme.

11. YOUTH JUSTICE PLAN 2016-17 (Pages 113 - 152)

The Local Authority has a statutory duty, in consultation with key partner agencies Health, Police and Probation, to produce an annual Youth Justice Plan. The Plan sets out how youth justice services are to be composed and funded, how they will operate and what functions they will carry out to prevent youth offending and re-offending across Bath and North East Somerset.

12. REQUEST BY WHITCHURCH PARISH COUNCIL TO CHANGE ITS NAME TO WHITCHURCH VILLAGE COUNCIL (Pages 153 - 162)

The Whitchurch Parish Council, in the district of Bath and North East Somerset, wishes to change its name to Whitchurch Village Council.

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

## **Protocol for Decision-making**

### **Guidance for Members when making decisions**

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MINUTES OF COUNCIL MEETING**

Wednesday, 23rd March, 2016

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Jasper Becker, Sarah Bevan, Colin Blackburn, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Matt Cochrane, Paul Crossley, Chris Dando, Fiona Darey, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Andrew Furse, Charles Gerrish, Ian Gilchrist, Bob Goodman, Francine Haerberling, Alan Hale, Liz Hardman, Donal Hassett, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Barry Macrae, Paul May, Shaun McGall, Alison Millar, Robin Moss, Paul Myers, Michael Norton, Lisa O'Brien, Lin Patterson, June Player, Christopher Pearce, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Mark Shelford, Brian Simmons, Peter Turner, David Veale, Martin Veal, Karen Walker, Geoff Ward, Tim Warren and Karen Warrington

Apologies for absence: **Councillors** Jonathan Carr, Michael Evans, Les Kew, Marie Longstaff, Bryan Organ and Chris Watt

**92 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure, as set out on the agenda.

**93 DECLARATIONS OF INTEREST**

Declarations of interest were made by the following Councillors;

Councillor Joe Rayment declared a disclosable pecuniary interest in item 11 on HMOs, as a member of staff at the University of Bath, a member of the University of Bath Court and a resident of an HMO in Westmoreland.

Councillor Shaun McGall declared a disclosable pecuniary interest in items 8 and 11, Placemaking plan and HMOs, as an employee of the University of Bath and a Trustee of the Bath Spa University Students' Union.

Councillor Fiona Darey declared an 'other' interest in item 11 regarding HMOs, as a tutor at the University of Bath.

Councillor Anthony Clarke made an 'other' declaration in item 13 regarding returning veterans, as a life member of the Royal Airforce Association.

Councillor Matt Cochrane declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Colin Barrett declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Peter Turner declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Geoff Ward declared an 'other' interest in item 13 regarding returning veterans, as a serving member of the Armed Forces Reserves.

Councillor Steve Hedges declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

Councillor Mark Shelford declared an 'other' interest in item 13 regarding returning veterans, as a former member of the Armed Forces.

The Monitoring Officer granted dispensation to the above councillors so that they were able to take part in the debate on the relevant items.

#### **94 MINUTES - 16TH FEBRUARY 2016**

On a motion from Councillor Tim Warren, seconded by Councillor Eleanor Jackson, it was

**RESOLVED** that the minutes of the 16<sup>th</sup> February 2016 Council meeting be confirmed as a correct record and signed by the Chairman.

#### **95 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

The Chairman made a statement regarding a request received from the Labour Group to consider an urgent item. He outlined his reasons for not agreeing to the request.

#### **96 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the customary announcements regarding the webcast and mobile phones.

The Chairman reminded Members of forthcoming events;

- Parish & Town Councillors' Reception – 20<sup>th</sup> April
- Queen's birthday tea at St Alphege's Church – 21<sup>st</sup> April
- School Governors' Reception – 6<sup>th</sup> May

He also informed Members that the recent Civic Reception had raised approximately £1300 for charity.

The Chairman asked Council to stand in silence for one minute as a mark of respect, following the recent death of former Councillor Doug Nicol.

The Chairman also agreed, following a request from the floor, to ask Council to stand in silence to remember those affected by the recent terrorist attacks in Brussels and Ankara.



## 97 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following people;

Adam Reynolds made a statement urging the Council to engage with an opportunity at Pines Gate. [A full copy of the statement has been placed on the Council's Minute book and attached to the online minutes.]. In response to a question from Councillor Tim Warren about whether Mr Reynolds was aware that in a time of unprecedented cuts, the Authority was looking to spend nearly £5million of Cycling Ambition funds, Mr Reynolds responded that he was aware of that. In response to a question from Councillor Dine Romero about whether this was also an opportunity for new safer child cycling paths, Mr Reynolds responded that it was indeed, but they needed to be cycle tracks which are segregated from vehicles. In response to a question from Councillor Joe Rayment about whether it would be beneficial to the health of the residents of Twerton to have easier cycling access to the area, Mr Reynolds responded that he had recently got hold of some data sets on cycling showing routes and there were routes through Twerton, but it was important for investment to go to these areas and not always to the river corridor. In response to a question from Councillor Sarah Bevan as to whether data was available to show that dutch style roundabouts enhanced safety for all roundabout users, Mr Reynolds responded that there was, and they were much safer due to cycle users being segregated from the traffic. In response to a question from Councillor Lin Patterson about whether Mr Reynolds had taken the opportunity to consult Council officers prior to submitting this statement, he responded that he had probably emailed them too much, in his attempt to put together a whole strategy that worked and kept cyclists off pavements, but not having to share roads with HGVs. The statement was referred to the Cabinet Member for Transport.

Mary-Lou Elliot presented a petition containing 456 signatures, calling on the Council to take action to prevent future deaths at a dangerous junction in Combe Down. [A copy of the statement supporting the petition has been placed on the Council's Minute book and attached to the online minutes.] In response to a question from Councillor Cherry Beath asking for Ms Elliot's view about a potential increase in traffic on the Bradford Road corridor arising from various new housing developments in the future, she replied that it would inevitably lead to more traffic and could only get worse for the users of the schools, shops, nurseries, supermarkets etc. In response to a question from Councillor Sarah Bevan about whether advice had been sought from the Highways department about whether traffic lights might be better for that point, and easier to achieve, Ms Elliot responded that she hadn't, and anything would be better. In response to a question from Councillor Lin Patterson about whether she had enlisted the help of local Councillors, Ms Elliot responded that she had. The petition was referred to the Cabinet Member for Transport.

Lesley Mansell made a statement about action needed for the A367 Junction with the Bath Road at Peasedown St John . [A copy of the statement has been placed on the Council's Minute book and attached to the online minutes.] In response to a query from Councillor Robin Moss as to whether Ms Mansell was aware of any consultation having taken place by B&NES or the Parish Council on this issue and preferred options expressed, Ms Mansell replied that there had been various meetings, petitions and comments submitted via the Facebook page but no formal

consultation. Councillor Lin Patterson asked whether there had been any accidents or near misses and Ms Mansell responded that there had been 4 serious accidents reported in the last few years and lots of taps and knocks which were unreported. The statement was referred to the Cabinet Member for Transport.

David Redgewell made a statement welcoming the offer of a combined authority and the opportunities it offered for devolved powers for various issues such as local bus services, quality contracts, smart ticketing etc. He urged Councillors to support the principle of a combined transport authority. [A copy of the statement has been placed on the Council's Minute book and attached to the online minutes.] The statement was referred to the Cabinet Member for Transport.

[Notes;

1. *Following conclusion of the statements, a point of order was raised by Councillor Joe Rayment [4A, 31 (d)] to propose a course of action arising from Mr Redgewell's statement on devolution. The Monitoring Officer ruled that raising new business at this point, without proper advance notification of the item in accordance with the Local Government Act 1972 100 (b) 4, and without it being deemed as urgent business was not permissible. The Chairman therefore did not accept this proposal.*
2. *Councillor Robin Moss then raised a point of order [4A, 34) calling for a 10 minute debate on the subject of Mr Redgewell's statement on devolution. The Chairman asked the Leaders of the 2 groups with at least 20% of Council seats for their agreement; Councillor Tim Warren did not agree, Councillor Dine Romero had been minded to agree. As agreement was not given by both Leaders, the debate was not permitted.*

## **Public Statements**

### **98 SUBMISSION OF THE BATH & NORTH EAST SOMERSET PLACEMAKING PLAN FOR PUBLIC EXAMINATION**

The Council considered a report seeking Council approval for submission of the Draft Placemaking Plan to the Secretary of State for independent examination.

On a motion from Councillor Liz Richardson, seconded by Councillor Patrick Anketell Jones, it was

#### **RESOLVED**

1. To agree that the B&NES Draft Placemaking Plan be submitted to the Secretary of State for independent examination;
2. To agree the list of limited changes in Appendix 2 as part of the submitted plan;
3. To authorise the Divisional Director for Development to present the Council's case at examination;
4. To invite the Inspector to recommend any modifications which may be necessary to make the Plan sound; and
5. To agree the Plan for Development Management purposes.

*[Notes;*

- 1. The above resolution was carried with 42 Councillors voting in favour, 0 against and 17 Councillors abstaining.]*

## **99 CREATION OF A CHARITABLE TRUST BOARD TO MANAGE CHARITABLE TRUSTS**

The Council considered a report seeking approval to establish a Charitable Trust Board to ensure clearer separation in future of the Council's interests as sole trustee of a number of charities and the Council's interests as a Local Authority.

On a motion from Councillor Tim Warren, seconded by Councillor Charles Gerrish, it was

### **RESOLVED**

1. To establish the Trust Board as a committee of the Council;
2. To approve the proposed Terms of Reference of the Trust Board;
3. To agree that, subject to the Charter Trustees written agreement, and under s.280 of the Charities Act 2011, Bath & North East Somerset Council is the sole corporate trustee of the Alice Park Trust; and
4. To authorise officers to investigate and subsequently report on the enlargement of the Trust Board's Terms of Reference to include the Trusts detailed in paragraph 5.4 of the report (minus 5.4.8 Lansdown Playing Field which should have been removed from the list.)

*[Notes*

- 1. The above resolution was carried with 58 Councillors voting in favour, and 1 abstention.]*

## **100 NOMINATION OF VICE-CHAIRMAN DESIGNATE**

On a motion from Councillor Dine Romero, seconded by Councillor Tim Warren, it was unanimously

**RESOLVED** that Councillor Cherry Beath be designated as Council Vice-Chairman for the Council year 2016/17.

## **101 MOTION FROM THE LIBERAL DEMOCRAT GROUP - HOUSES IN MULTIPLE OCCUPATION**

On a motion from Councillor Cherry Beath, seconded by Councillor Will Sandry, it was

**RESOLVED** that

The Council:

1. Notes: the forthcoming review of Houses in Multiple Occupation (HMOs) in Bath, announced earlier this month; the discussions held at the Planning, Housing and Economic Development PDS Panel of 5 January 2016 and the Bath City Forum meeting of 21 January 2016; policies relating to student accommodation and HMOs in the draft Placemaking Plan for B&NES including the submission report and appendices presented to Council this evening; representations made by the Universities on their growth aspirations; and the Article 4 Direction and Supplementary Planning Document (SPD) on HMOs of 2013.
2. Recognises the importance of the contribution made by Bath's Universities and students to the economy, employment and culture in Bath and the wider area.
3. Notes that the Universities' revised growth plans will bring thousands of additional students to Bath but that there are limited options for purpose-built student accommodation due to planning constraints, the lack of available sites and the need to prioritise the delivery of strategic planning requirements.
4. Council recognises that not all HMOs are occupied by students and that HMO accommodation is an important source of affordable housing, particularly for younger people.
5. Notes that the remit given to the Bath City Forum is narrow and does not cover areas of North East Somerset that may suffer from any knock-on effects of increased HMO's or further restrictions on HMO's in Bath.
6. With regard to the forthcoming review of the growth and standard of HMOs in Bath (including both the Supplementary Planning Document and Licensing regime), and in the interests of maintaining balanced communities, the Council calls for consideration to be given to:
  - a. Whether the threshold after which applications for new HMOs would be refused should be lower than the current 25%;
  - b. Whether the current geographical extent within which the concentration of HMOs is controlled should be extended to include other parts of the city;
  - c. The feasibility, in planning terms, of introducing additional measures which could limit the development of purpose-built student accommodation in areas with already high densities of student accommodation or HMOs.
7. Cabinet is also asked to consider introducing mandatory licensing of landlords across B&NES in order to improve housing standards for tenants in rented accommodation.

*[Notes:*

1. *The wording at point 6 above was proposed by Councillor Bob Goodman and accepted by the mover and seconder of the motion.*
2. *The successful resolution was carried with 53 Councillors voting in favour and 6 Councillors voting against.]*

## 102 MOTION FROM THE LABOUR GROUP - BUDGET SAVINGS

On a motion from Councillor Charles Gerrish, seconded by Councillor Paul May, it was

### RESOLVED

1. To note the numerous opportunities afforded to Members to have an input into the Council's budget-setting process, including the presentation of Service Plans to the various Scrutiny Panels, five Budget Fair events, two all-member budget briefings, the discussion of the budget proposals at the Resources PD&S Panel and Full Council itself.
2. To note the details provided of the savings proposals contained within the Budget Report, including relevant appendices, in line with the details provided in previous years.
3. That further information can be provided on progress with delivering these savings as required to Policy Development & Scrutiny Panels through the usual process.

*[Notes:*

1. *A motion from the Labour group had been moved by Councillor John Bull, and seconded by Councillor Lisa Brett, as set out in the agenda papers. This motion was replaced by the successful amendment.*
2. *The successful resolution above was carried as an amendment with 32 Councillors voting in favour, 25 Councillors voting against and 2 abstentions and then as the substantive motion with the same voting numbers.]*

## 103 MOTION FROM THE LABOUR GROUP - OFFICER POINT OF CONTACT FOR RETURNING VETERANS

On a motion from Councillor Eleanor Jackson, seconded by Councillor Mark Shelford, it was

**RESOLVED** unanimously that

### The council notes:

- For some military service-leavers, the transition back into civilian life can be distressing and difficult.
- After living an ordered military life, getting to grips with various agencies and accessing services or benefits can be disorientating. Finding work in a new sector can be hard when dealing with the emotional and physical transition into civilian life.
- The difficulties associated with this transition can often result in homelessness, mental illness, alcoholism, post-traumatic stress or unemployment.

- Bath and North East Somerset Council has a good track record of upholding the commitment to the community covenant, which complements the military covenant.
- However, there are still people living locally who have not received sufficient support.

**The Council believes:**

- Veterans face unique challenges and deserve full support on their return after risking their lives to defend our country.

**The Council resolves:**

- To appoint an appropriate existing officer to act as a single point of contact for all service leavers in B&NES. This would include making veterans aware of local service charities and offering advice on issues including employment, housing, healthcare, and benefit entitlements. This officer would have the power to commit the council to actions and would monitor and review the community covenant.

**104 MOTION FROM THE LIBERAL DEMOCRAT GROUP - UK MEMBERSHIP OF THE EUROPEAN UNION**

On a motion from Councillor Paul Myers, seconded by Councillor Tim Warren, it was

**RESOLVED** that this Council

1. Welcomes the fact that, following David Cameron's renegotiation, the Government has fulfilled its manifesto commitment to hold an 'in/out' referendum on the UK's membership of the European Union, thereby giving the B&NES and British electorate their first chance to have a decisive say on this matter in forty years.
2. Notes that it is for each and every resident of Bath and North East Somerset to make up their own minds on Britain's membership of the European Union based upon the information and arguments presented by both the 'Leave' and 'Remain' campaigns.
3. Believes that it would not therefore be appropriate for the Council to take a corporate view on this matter, which should rightly be left to voters to decide.
4. Urges all those eligible in Bath and North East Somerset to vote in this referendum to do so, recognising the importance of the decision to the future of the country, and to ask that the Council takes steps to encourage those eligible to vote in the referendum ensure they are registered to vote.

*[Notes:*

1. *A motion from the Liberal Democrat group had been moved by Councillor Paul Crossley, and seconded by Councillor Liz Hardman, as set out in the agenda papers. This motion was replaced by the successful amendment.*

2. *The successful resolution above was carried as an amendment with 36 Councillors voting in favour, 20 Councillors voting against and 2 abstentions and then as the substantive motion with 47 Councillors voting in favour, 7 Councillors voting against and 4 abstentions.]*

**105 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

Councillor Alison Millar made a statement regarding the proposed Park & Ride to the East of Bath. She thanked officers and the Chair of the Scrutiny Panel who had hosted the Scrutiny Inquiry day the previous day, and all of the residents who had contributed. She raised concerns however, about the choice of speakers and expressed her view that one day was not enough to address this critical and complex matter. She urged Cabinet to receive a full presentation from the Bathampton Meadows' Alliance. In response to a question from Councillor Martin Veal about whether Councillor Millar was a member of the Alliance or had been asked by them to speak to Council, Councillor Millar replied that a local resident had asked her to ensure that all pertinent evidence was considered. Councillor Millar's statement was referred to the Cabinet Member for Transport.

The meeting ended at 10.00 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Council
MEETING DATE:	12th May 2016
TITLE:	<b>Appointment of Committees and Panels and other Annual Business</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 - Current Terms of Reference of Panels and Committees in the Council's Constitution</p> <p>Appendix 2 - Constitution Working group proposed amendments</p> <p>Appendix 3 – Public Rights of Way functions – delegated powers</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 2016 to May 2017 and associated annual business.

## **2 RECOMMENDATION**

Council is asked to:

- 2.1 Approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and identified in its current form in this report at Appendix 1;
- 2.2 Note that there has been a change to the political group numbers, and agree that the status quo on proportionality will remain until confirmation of future group numbers has been achieved, when a review will be brought to a future Council meeting;
- 2.3 Approve the terms of reference for Committees and Panels etc as set out in Appendix 1 to the report and constitute those bodies accordingly;
- 2.4 Appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 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 and the allocation of chairing entitlements made at this meeting;

- 2.6 Determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
- 2.7 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as out lined in paragraph 6.1;
- 2.8 Note that an Independent Panel to consider members' allowances has been established and that it will report its recommendations to the next convenient Council meeting;
- 2.9 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.10 Note that the Monitoring Officer has made an amendment to the Constitution as set out in paragraph 7.2;
- 2.11 That the amendments to the Council's Constitution as set out in Appendix 2 to the report be approved;
- 2.12 Agree changes to the Public Rights of Way delegation scheme as described in section 7.3 (the proposed scheme is attached as Appendix 3);
- 2.13 Note the position regarding the frequency of meetings (as set out in Section 8) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis.
- 2.14 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 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 None.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Council is required to put in place arrangements for the effective discharge of its business.

### **5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS**

- 5.1 The Council's Constitution sets out the approved executive, non-executive and regulatory decision making structure and the Council's policy development and scrutiny arrangements. The size, terms of reference and delegated powers of

those bodies are set out in the Constitution and attached as Appendix 1 to this report.

## **6 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS**

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

## **7 CHANGES TO THE COUNCIL'S CONSTITUTION**

7.1 The Constitution working group met again on 17<sup>th</sup> March 2016 and have put forward the proposed amendments contained in Appendix 2;

7.2 In order to address an unlawful provision in the Constitution, the Monitoring Officer made the following delegated decision on 19<sup>th</sup> April 2016 regarding part 4A, rule 31(d);

- *The decision – to delete the words “or as a result of a petition, statement or deputation submitted to the meeting.”*
- *The rationale – adopting a recommendation without proper advance notification of the item in accordance with the Local Government Act 1972 100 (b) 4, and without it being deemed as urgent business, is not permissible.*

### 7.3 Public Rights of Way functions – delegated powers

The Divisional Director for Environmental Services has agreed changes to the delegation scheme for the public rights of way functions. The scheme includes a new function so is submitted to Council for approval.

The changes are:

- Highways Stopping up applications are included; they are not currently covered by a Scheme of Delegation and they recently came under the PROW Team's responsibility.
- The job title for Kelvin Packer, Group Manager Highways & Traffic, has been brought up to date;
- Minor functions (like authorising a new gate) are delegated to 'Team Manager - Highways Maintenance & Drainage' and 'Senior Officer: Public Rights of Way'.

## **8 COUNCIL MEETING SCHEDULE**

8.1 The frequency of Full Council, Committee and Panel meetings is decided by the Council. The general pattern of Committee and Policy Development & Scrutiny Panel meetings is based on a meeting cycle of once every two months. The Development Management Committee meets on a monthly cycle. The Licensing Sub-Committee meets as required to deal with the applications. Committees and Panels have discretion to vary their schedule of meetings according to workload, but Members need to be aware that there are resource

and workload implications if there are significant changes made to the overall frequency of meetings.

8.2 Once meeting dates are arranged, they are available online.

## **9 OTHER ISSUES**

9.1 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.

9.2 No such decisions were taken in the previous year.

## **10 RISK MANAGEMENT**

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

## **11 EQUALITIES**

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

## **12 ADVICE SOUGHT AND CONSULTATION**

12.1 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.

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

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

# Terms of Reference – appendix 1

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## **Avon Pension Fund Committee**

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

### **Function and Duties**

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

The key duties in discharging this role are:

1. Determining the investment strategy and strategic asset allocation.
2. Determining the pensions administration strategy.
3. Making arrangements for management of the Fund's investments in line with the strategic policy.
4. Monitoring the performance of investments, investment managers, scheme administration, and external advisors.
5. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
6. Approving the Pension Fund's Statement of Accounts and annual report.
7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's workplan.
8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
9. Considering requests from organisations wishing to join the Fund as admitted bodies.
10. 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.

<b>Membership of the Committee</b> 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.

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## **Avon Pension Fund Investment Panel**

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

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.
2. Review the Statement of Investment Principles and submit to Committee for approval.

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

### **Panel Membership**

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

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

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

The Council will nominate the Chair of the Panel.

### **Panel Meetings**

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

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

### **Panel Quorum**

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

### **Panel Substitution**

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

## **Panel Minutes**

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

## **Officer Delegations**

Officers are responsible for:

1. Day to day implementation and monitoring of the investment, administration, funding strategies and related policies.
2. Appointment of specialist advisors to support the Committee in discharging its functions.
3. The Section 151 Officer has authority to dismiss investment managers, advisors and 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).
4. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
5. Under its wider delegated powers, the Section 151 Officer has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.
6. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

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# **Charitable Trust Board**

## **Background**

A Charitable Trust can be established by a benefactor in their lifetime through a deed of trust or after their death through their will. Charitable Trusts have a charitable purpose as defined by the Charities Act and exist for the benefit of the public.

## **The Council's current responsibilities**

The Council is responsible for the Trust detailed in Schedule 1, namely the Alice Park Trust having been appointed as sole Trustee by a Charity Commission Scheme in 1973, but subject to clarification of the status of the Trusts in Schedule 2. The legal basis and management responsibility for the Trusts listed in Schedule 2 are either independently managed but the land is owned/held by the Council or the Council's responsibility for management has still to be determined.



## **Governance principles**

The constitution of a charitable trust is called its governing document. This will derive from the provisions of the original trust deed or will. It will specify the charitable purpose (objects) of the trust and set out arrangements for its governance and administration. Trust law completes the governance framework for Trusts, providing certain statutory powers for trustees. The Charity Commission is the regulator for charitable Trusts and their operation.

As the trustee, the Council's role is to provide leadership and direction for the charity in line with its governing documents. Its overriding duty is to act in the best interests of the charity at all times. In this role, the Council must not be influenced by the interests of other parties or organisations (including the Council as a whole). It must make independent decisions and be seen to do so.

Without specific arrangements in place, it is difficult to distinguish the role of trustee for the charity from that of managing the wider Council. The creation of a Charitable Trust Board, concerned solely with the interests of the charity Trusts, would facilitate the separation of these roles. The Charity Commission has indicated that it would regard such an arrangement as a satisfactory way forward.

## **Proposed Charitable Trust Board**

It is important to remember that the Council corporately is the trustee of the charitable trust (Schedule 1). This structure cannot be changed by the Council.

The Charitable Trust Board will be a committee of the Council and members of a Charitable Trust Board would not be trustees but nominated councillors (and possibly others who are co-opted onto it) which shall have delegated to it the operational management of the charitable trust (Schedule1) but with the Council as trustee retaining overall responsibility for the charity and its affairs.

Charities exist to provide benefit to the public and any Trust Board should fulfil the requirements of public accountability. This is principally achieved through the reporting regime and by making information publicly available. As a committee of the council the Trust Board would be subject to the Council's full range of procedures for Council committees and meetings

A Trust Board would be expected to be well informed about the needs and wishes of its beneficiaries. To achieve this end it could engage with interest groups and representatives of local residents and undertake consultation on plans and significant projects.

It would be possible to include in a Trust Board one or more individuals from outside the Council. Such a person could bring relevant skills or experience to the Board but the over-riding requirement would be that they apply independent and objective consideration in the best interests of the trust. Representatives of special interest or residents groups would not be appropriate because of the potential for conflicts of interest.

Since the Council is the sole trustee of the charities listed in Schedule 1 it could only delegate powers to a committee of the Council, i.e. a group of councillors. An independent person co-opted onto the Board would not have voting rights.

In the light of the above, it is considered that a Trust Board created as a committee of the council and consisting of a small number of councillors plus an independent person would be an appropriate arrangement. Constitutionally, the Board would create a sub-committee to manage each of the charities listed in Schedule 1 and act as an advisory board to the Council in respect of the charities listed in schedule 2.

The Council is responsible for a number of other charitable Trusts within its area (see Schedule 2). These are typically areas of open land or buildings. In most cases, the Council is the sole trustee, responsible for both managing the trust and holding the title to the land. In some cases, the title of the land is held by the Official Custodian. In the case of the Recreation Ground, the Council holds the title of the land but its management is the responsibility of an independent trustee body. Where possible and subject to further changes to the proposed ToR below the Board and sub-committees will have delegated to it/them the operational management functions in respect of those Trusts listed in Schedule 1 or where that is not possible will act in an advisory role to the Council in respect of those Trusts listed in Schedule 2

### **Proposed terms of reference**

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

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

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

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

- to identify and manage potential conflicts of interest.

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

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

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

The Board will comprise:

- Five councillors  
(to include the Cabinet member responsible for Community Services and at least one councillor who is not a member of the controlling group but who's appointment is determined by the controlling group),  
and
- One independent person with suitable skills, experience or interests to be appointed by the Board from applicants who wish to be considered following advertisement of the role.

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

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

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

Each sub-committee will report annually to the Trust Board after submitting any annual report to the Charity Commissioners and the Trust Board shall thereafter provide an annual report to Council on the financial standing of

each Trust and update the Council on the work undertaken by each Trust in the preceding year

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

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## **Corporate Audit Committee**

### **Powers and Duties**

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

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

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

effectiveness of the Committee.

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

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

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

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

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

### **Membership**

The membership of the Committee shall be 5 Councillors (3 Conservative, 1 Liberal Democrat, 1 Labour Group) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Conservative Group.

### **Quorum**

The quorum of the Committee shall be three councillors.

### **Frequency of Meetings**

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

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## **Development Management Committee**

### **Functions**

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

The Committee will act in accordance with the Local Plan and Local

Development Framework elements of the Council's Policy Framework.

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

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

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

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

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

### **Limitation on delegation**

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

### **Frequency**

Monthly

### **Membership**

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

### **Quorum**

The quorum of the Committee shall be three councillors.

## **Employment Committee**

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

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

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

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

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

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

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

### **Membership**

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

### **Quorum**

The quorum of the Committee shall be three councillors.

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## **Health And Wellbeing Board**

### **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) and pharmacy needs assessment (PNA)
- 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
- The Better Care Fund for B&NES including sign off and ongoing oversight and audit.

2.2 The Board will seek to:

- influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA, PNA and JHWS
- promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
- 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 Adult Social Care and Health, Cabinet Member for Children's Services)
  - Clinical Commissioning Group x 3 (CCG Chair x 1, CCG Board member x 1, CCG lay member x 1)
  - Healthwatch B&NES x 2
  - NHS England (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 Board will be co-chaired by the Council's Cabinet Member for Adult Social Care and Health and the Chair of the Clinical Commissioning Group. Chairing of each meeting will alternate between the two co-chairs and matters of agenda planning will be considered jointly. Co-chairs will also be able to provide cover and support to each other in the absence of one of them.

#### **Quorum**

- 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.

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## **Joint Committee For The Oversight Of Joint Working**

### **Statement of purpose:**

To oversee the operation of joint working partnership arrangements established between the 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 Health & Wellbeing Select Committee) 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 by the B&NES Council and B&NES CCG representatives.

## **Quorum**

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.

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## **Licensing Committee**

### **Status of the Committee**

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

Licensing policies shall be the responsibility of the Cabinet Member with responsibility for 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 11 elected members of the authority in the political group proportion (6 Cons: 3 Lib Dem: 1 Labour: 1 Independent & Village Voice), or such other proportion agreed by the Council from time to time.

### **Quorum**

The quorum of the Committee shall be three councillors.

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 Conservative Group.

### **The Council's objectives on Licensing**

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

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

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

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

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

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;

- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

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

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

**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:	
	<i>Animal Boarding Establishments Act 1963</i>  <i>Animal Welfare Act 2006</i>  <i>Breeding of Dogs Act 1973</i>  <i>Breeding of Dogs Act 1991</i>  <i>Caravan Sites and Control of Development Act 1960</i>	<i>Petroleum (Regulation) Acts 1928 &amp; 1936</i>  <i>Poisons Act 1972</i>  <i>Police Factories, etc. (Miscellaneous Provisions) Act 1916</i>  <i>Public Health (Control of Disease) Act 1984</i>

	<p><i>Charities Act 2006</i></p> <p><i>Dangerous Wild Animals Act 1976</i></p> <p><i>Environmental Protection Act 1990</i></p> <p><i>Fireworks Act 2003</i></p> <p><i>Food Act 1984</i></p> <p><i>Food Safety Act 1990</i></p> <p><i>Gambling Act 2005</i></p> <p><i>Game Act 1831</i></p> <p><i>Guard Dogs Act 1975</i></p> <p><i>Highways Act 1980 Part VIIA</i></p> <p><i>House to House Collections Act 1939</i></p> <p><i>Hypnotism Act 1952</i></p> <p><i>Licensing Act 2003</i></p> <p><i>Local Government (Miscellaneous Provisions) Act 1976</i></p> <p><i>Mobile Homes Act 2013</i></p> <p><i>Local Government (Miscellaneous Provisions) Act 1982</i></p> <p><i>Performing Animals (Regulation) Act 1925</i></p> <p><i>Pet Animals Act 1951</i></p> <p><i>Pet Animals 1951 (Amendment) Act 1983</i></p>	<p><i>Public Health Acts Amendment Act 1907</i></p> <p><i>Riding Establishments Act 1964</i></p> <p><i>Riding Establishments Act 1970</i></p> <p><i>Scrap Metal Dealers Act 2013</i></p> <p><i>Theatres Act 1968</i></p> <p><i>Town Police Clauses Act 1847</i></p> <p><i>Town Police Clauses Act 1889</i></p> <p><i>Transport Act 1981</i></p> <p><i>Vehicles (Crime) Act 2001</i></p> <p><i>Violent Crime Reduction Act 2006</i></p> <p><i>Zoo Licensing Act 1981</i></p>
4.	To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.	
5.	To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub	

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

**How the Committee will operate, including Substitution and Delegated Powers**

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

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

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

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

- Licensing (Regulatory) Sub-Committee [3 Members – 2 Cons, 1 Lib Dem] – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above.

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

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



**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
<b>LICENSING ACT 2003</b>				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
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				All cases

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

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
environmental health officer object to a late Temporary Event Notice				
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	
<b>GAMBLING ACT 2005</b>				
Approval of three year Statement of Licensing Principles	X			

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

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
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

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

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

# **Policy Development and Scrutiny Panels - General Terms of Reference**

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

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

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

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

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

## **Within their allocated remits, each Panel**

- (i) has broad-based responsibility for Overview and Scrutiny in its particular area of responsibility, in line with the Council's objectives
- (ii) scrutinises Performance Management information for the allocated performance areas on a scheduled basis and advises the Cabinet accordingly
- (iii) receives and carries out work as allocated, including
  - (a) determination of Call-Ins of executive decisions made but not yet implemented,
  - (b) carrying-out of in-depth reviews, as set out in their Overview and Scrutiny Work Plan
  - (c) undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity
  - (d) offering overview advice and reports of policy development issues

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



- (e) evaluating the impact of Council and Cabinet decisions and policies
  - (f) undertaking scrutiny of agreed Action Plans and Policies, to ensure compliance (including those required by the District Auditor)
  - (g) reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - (h) dealing with any relevant Councillor Call for Action
  - (i) carries out its roles within the Council's petition scheme.
- (iv) may send communications and reports directly to other Overview and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
  - (v) may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights)
  - (vi) may invite participants to give evidence, either verbally or in writing, on any issue contained within their Overview and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
  - (viii) may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Overview and Scrutiny Procedural Rules
  - (ix) may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers

**All Overview and Scrutiny Panels may also:**

- **on scrutiny issues**
  - i) review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to individual decisions and over a period of time;
  - ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - iii) question members of the Cabinet and Officers about their decisions and performance\*, whether generally in comparison with service

plans and targets over a period of time, or in relation to particular decisions, initiatives or projects (\*this does not relate to the performance review (“appraisal”) process which is a staff managerial responsibility);

- iv) make recommendations to the Cabinet arising from the outcome of the scrutiny process;
- v) invite any person to give evidence and answer questions (subject to the Overview and Procedure Rules)

- **on overview issues**

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- (ii) conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (v) carry out in-depth reviews of key local issues, subject to the provisions of the Overview and Scrutiny Work Plan.
- (vi) request reports from Officers and Cabinet Members.

**Meeting Frequency:**

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

## **Policy Development and Scrutiny Panel Remits**

### **PLANNING, HOUSING & ECONOMIC DEVELOPMENT**

(Designated Flood Risk Management Panel)

**Panel remit is –**

- Housing, Housing delivery and travellers
- Housing choices for vulnerable people
- Regeneration Projects
- West of England Partnership

- Planning
- Economic Enterprise and Business Development
- Tourism (Heritage Services, Destination Management, Arts & Festivals including the film office)
- World Heritage Management

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

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

### **Quorum**

The quorum of the Panel shall be three councillors.

## **RESOURCES**

### **Panel remit is –**

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

Membership: 4 Conservative Members; 1 Liberal Democrat Member; 1 Labour Member and 1 Independent & Village Voice Member

Chair is nominee of Independent & Village Voice Group. Vice Chair is nominee of Conservative Group

### **Quorum**

The quorum of the Panel shall be three councillors.

## **CHILDREN & YOUNG PEOPLE**

(Designated Curriculum Complaints Panel)

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

### **Panel remit is –**

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

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

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

### **Quorum**

The quorum of the Panel shall be three councillors.

## **COMMUNITIES, TRANSPORT & ENVIRONMENT**

### **Panel remit is –**

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

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

Membership: 5 Conservative Members; 2 Liberal Democrat Members; 1 Labour and 1 Green.

Chair is nominee of the Labour Group. Vice Chair is nominee of Conservative Group.

### **Quorum**

The quorum of the Panel shall be three councillors.

### In addition to General Terms of Reference

Further to the Police and Justice Act 2006 (and associated regulations), the designated Crime and Disorder Panel in relation to responsible authorities (or co-operating bodies or persons) may

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

## **HEALTH & WELLBEING SELECT COMMITTEE**

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

### **Panel remit is –**

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

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's

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

Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Health & Wellbeing Select Committee. Councillors on the Health & Wellbeing Select Committee therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

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

Chair is nominee of the Conservative Group.

### **Quorum**

The quorum of the Committee shall be three councillors.

### **In Addition to General Terms of Reference**

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

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

### **HEALTH SCRUTINY: Background**

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

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

### **Provisions of the Health Scrutiny Regulations**

- The council's overview and scrutiny body can scrutinise any NHS

Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.

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

### **Reporting Arrangements**

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

### **JOINT HEALTH SCRUTINY FUNCTION**

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

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

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

### **Membership**

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

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

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

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

### **Quorum**

The quorum of the Committee shall be three councillors.

### **Terms of Reference**

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



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

### **Health Services located within B&NES**

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

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

### **Health Services located elsewhere but used by B&NES residents**

*E.g. Bristol Royal Infirmary (BRI)*

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

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

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## **West Of England Joint Scrutiny Committee**

Membership: 2 Conservative Members; 1 Liberal Democrat 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:

- and will conduct overview and scrutiny on behalf of the Local Enterprise Partnership (statutory);
- and may also meet individually in their own right and as and when necessary to consider their authority's position on a particular issue.

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 2 Conservatives, 1 Liberal Democrat. 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**

Three members have been nominated to a West of England Scrutiny Committee by each of the four authorities to meet jointly as the West of England Joint Scrutiny Committee. It will conduct an overview and scrutiny function on their behalf of the Local Enterprise Partnership (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 Strategic Leaders Board 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.

\*It follows that if members wish to amend the ToR that it will be necessary to make recommendations to the leaders and chief executive of the participating unitary authorities via their respective overview and scrutiny management committees

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.

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## **PARISH LIAISON MEETING**

### **Membership**

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

### **Purpose**

5. The Liaison Meeting will provide an opportunity for the discussion of issues of common interest, identified by the Council or by Parish/Town

Councils (individually or collectively), that are relevant for discussion in this forum

6. Items of relevance are likely to be those:

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

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

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

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

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

### **Function and role**

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

a. to secure compliance with:

i. The LGPS (Amendment) (Governance) Regulations 2014 (the “regulations”)

ii. Any other legislation relating to the governance and administration of the Scheme

iii. Requirements imposed by the Pensions Regulator in relation to the Scheme; and

b. to ensure the effective and efficient governance and administration of the Scheme.

The Board has an advisory role in assisting the Administering Authority by making recommendations about compliance, process and governance. The Board does not have a decision making role with regard to strategy or policy

nor will it ratify or challenge decisions made by the administering authority. Its role is to have oversight of the governance process for making decisions and agreeing policy.

The Board will exercise its duties in the following areas:

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

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

### **Establishment**

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

### **Board Membership**

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

### **Appointment process**

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

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

### **Role of advisors**

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

### **Role of officers**

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

### **Frequency of meetings**

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

### **Voting rights**

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

### **Board Quorum**

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

### **Substitutes**

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

### **Sub-committees**

Sub-committees will not be permitted.

### **Board work plan and Budget**

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

### **Access to Board papers**

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

### **Term of office**

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

### **Code of Conduct**

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

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

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

The Board is required to act within its Terms of Reference. The Board should ensure that in addition to the Council Policy it has its own policy for managing conflicts of interest in line with any further stipulations from the Pensions Regulator and members must abide by this policy.

### **Removal from Board**

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

- A poor attendance record;
- If a member does not undertake training as requested by the administering authority; If a member is in breach of Council's Code of Conduct / Declarations policy; If a member has a conflict of interest that cannot be managed in accordance with the Board's conflicts policy;



□ If a representative member ceases to represent his constituency e.g. leaves the employer so no longer has the capacity to represent the Fund's employers. If there is an unsatisfactory annual review of individual members

If there is a vote of no confidence in the Chairperson by the Board then the Administering Authority will conduct a process to appoint another Chairperson. The Council's Standards Committee and Monitoring Officer will determine any removal from the Board.

### **Expenses**

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

### **Allowances**

An annual allowance will be paid to the Independent Chairperson.

### **Knowledge and understanding**

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

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

### **Reporting**

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

The annual report will cover:

- i. summary of the work of the Board
- ii. details of areas the Board has investigated and how they have been dealt with
- iii. details of conflicts of interest that have arisen in respect of the Board members and how have been managed
- iv. whether there are any risks or other areas of potential concern which the Board wishes to raise with the Administering Authority

- v. details of training a future training needs
- vi. the work plan of the last year and draft work plan for following year
- vii. details of expenses and other costs incurred and anticipated expenses for forthcoming financial year

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

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

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

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

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

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

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

## **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 where the matters are contentious
- (2) Commons Registration (including Town and Village Greens)

***\*Note 1 – The Service Manager: Highways and Team Leader: Highways and Drainage have been delegated general as well as specific responsibility in respect of these functions.***

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

**Membership:**

4 members of the Council in the political proportion - 3 Conservative Members and 1 Independent & Village Voice Group Member.

Chaired by nominee of the Conservative Group.

**Quorum**

The quorum of the Committee shall be three councillors.

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## **Re-Structuring Implementation Committee**

**The Committee's Span of Responsibility**

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

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

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

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

**Membership**

The Committee shall comprise 5 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour Member, 1 Independent Member and 1 Green Member.

**Quorum**

The quorum of the Committee shall be three councillors.

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

**Function**

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

### **Membership**

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

### **Timetable**

Meetings fixed as and when necessary.

## **Standards Committee**

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) To recommend to the Council one or more Codes of Conduct and Practice or protocols for members and/or employees of the Council;
- (d) To monitor and from time to time review such Codes and Protocols and make recommendations to the Council;
- (e) To make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for members and employees of the Council;
- (f) To liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (g) To provide advice and guidance to members, co-opted members and employees and to make arrangements for training in connection with any matter within the terms of reference of the Committee.
- (h) To consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.

- (i) To oversee the effectiveness of the Council's constitutional arrangements from an ethical perspective including Standing Orders and the Terms of Reference of Committees and internal and external codes of conduct and make recommendations to the Council on any desirable or necessary changes concerning matters of accountability, transparency, good administration or the promotion of high standards of conduct in the administration of local government.
- (j) To recommend to the Council a Code of Practice on relations between members and officers.
- (k) To develop support mechanisms for councillors in all their roles, in conjunction with a member level steering panel.
- (l) To oversee the democratic decision making process and make recommendations to the Council from time to time on any desirable or necessary changes.
- (m) To consider the Council's procedures for investigating and responding to complaints and other procedures referred to it by the Monitoring Officer.
- (n) To oversee the register of member interests.
- (o) To approve a code of practice on planning issues.
- (p) To undertake such other functions as the Secretary of State may by regulations refer to a local authority Standards Committee.
- (q) To consider and determine the Council's response to any Internal or District audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (r) To recommend to the Council from time to time as necessary the appointment of co-opted members to the Committee following open advertisement, short listing and interview.
- (s) To exercise the functions at (a) to (g) above and (x) below in relation to the Parish Councils wholly or mainly in the B&NES area and the members of those Parish Councils.
- (t) Considering i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.
- (u) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to disclosable pecuniary interests as set out in the Localism Act 2011.
- (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 a Policy Development and Scrutiny Panel, of whether or not a Member of the Cabinet, or the Chair of a Committee (including Policy Development and Scrutiny Panels) has acted without good cause or reason either in breach of any requirement of the Constitution or in breach of the Council's Local Code of Conduct for Councillors.

- (x) To consider and determine any allegations of misconduct against Members of the Council

**Membership of the Standards Committee**

5 x elected members (voting) - 3 Conservative, 1 Liberal Democrat and 1 Independent and Village Voice member. Chairing rights allocated to the Conservative group.

3 x independent members selected by an independent panel (non-voting)

3 x parish representatives

**Quorum**

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

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

The quorum for considering individual cases shall be 5 members.

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**CONSTITUTION WORKING GROUP – proposed amendments to Constitution**  
**[Thursday 17<sup>th</sup> March 2016]**

	<b>RULE NUMBER &amp; TITLE</b>	<b>CURRENT RULE (or part of)</b>	<b>PROPOSED CHANGE</b>	<b>RATIONALE FOR AMENDING</b>
1.	<b>4A, 35 – Motions</b>	<i>A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.</i>	<i>A Member who moves a proposal may, with the agreement of the seconder, <del>and on one occasion only in a debate on an item,</del> accept a suggestion for a minor adjustment to the wording of the proposal.</i>	To facilitate a more free flowing debate. The decision to accept proposed words remains with the mover and seconder. If they don't accept, the proposed words can be put forward as a formal amendment.
2.	<b>4A, 36 &amp; 38 - Amendment</b>	<p>Debating flow chart (step 7) – <i>Mover of original motion (1)</i></p> <p>Rule 38 – <i>“At the end of a debate about a motion, the Member who first proposed it at the meeting may exercise a right of reply to the points raised in the debate.”</i></p>	<p>See attached chart (appendix 3 a)</p> <p>Amend to <i>“At the end of a debate about a motion, the member who <b>proposed the substantive motion</b> may exercise a right of reply to the points raised in the debate.”</i></p>	Flowchart and rule needed clarifying to confirm rules for the right of reply, which is always to the mover of whatever is currently the substantive motion on the table (whether it is the original motion, or an amendment <u>which has become the substantive motion</u> following a vote).

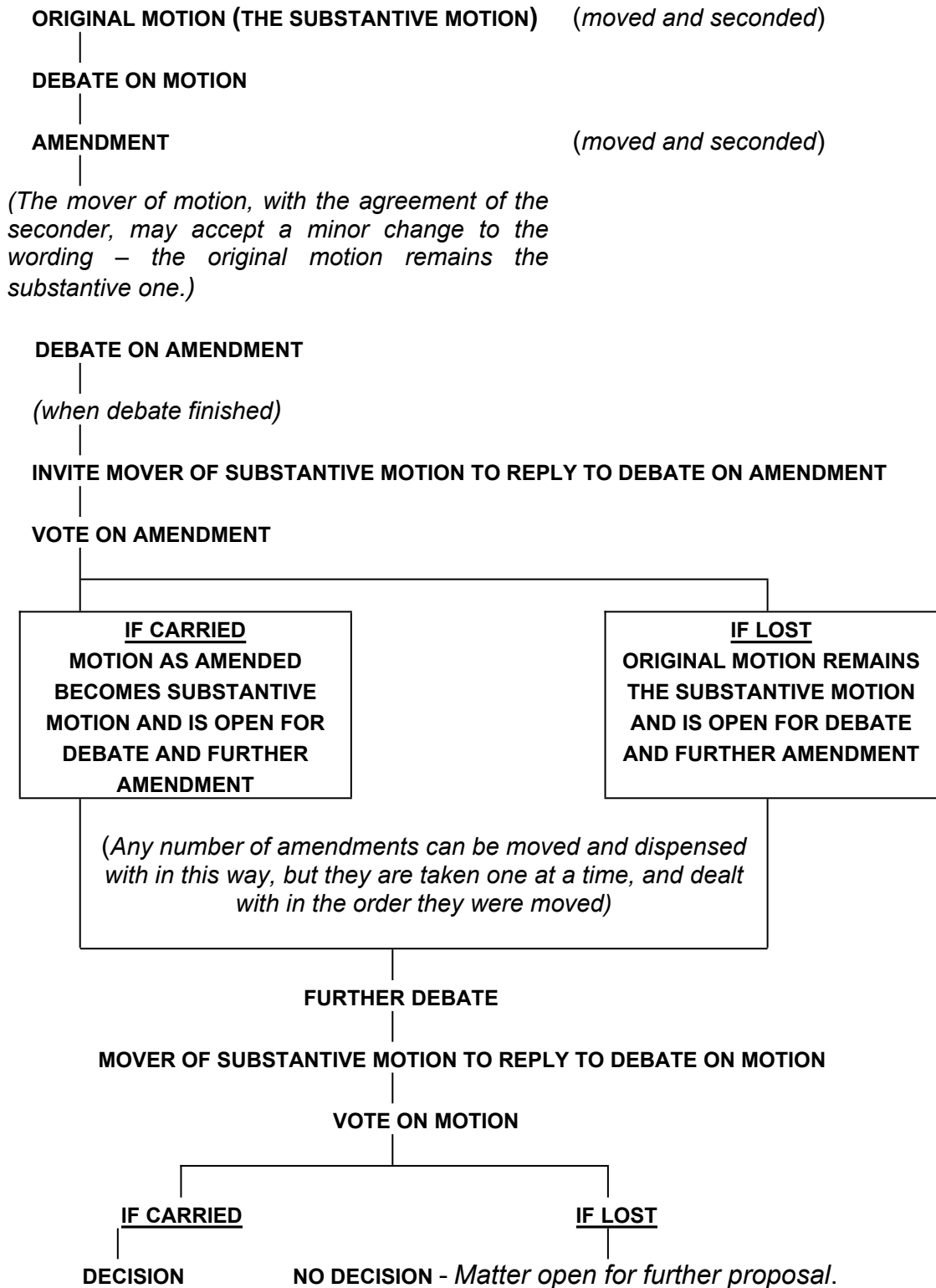
3.	<b>4A, 48 – Duration of Council meeting</b>	3 <sup>rd</sup> para – <i>“If the meeting is unable to complete its business by 10pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. Any item of business being dealt with at the time of the adjournment will be put immediately to the vote. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session.”</i>	<i>“If the meeting is unable to complete its business by 10pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. <b>For any item of business being dealt with at the time, the substantive motion will be put immediately to the vote without further debate.</b> All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session.”</i>	Was an issue at last Council so needed consideration.
4.	<b>4A, 31, 32, 33, 34 – Statements/ Petitions/Questions from Public &amp; Cllrs</b>	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed immediately to the debate. Where there is no such agreement, no debate will be permitted.</i>	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed <del>immediately</del> to the debate. Where there is no such agreement, no debate will be permitted.</i>	This will allow the Chair discretion to decide when it is best to take the debate.
5.	<b>4A, 34 – Petitions, Statements, Deputations etc</b>	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting.</i>	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting. <b>The submission must be relevant to the Council and/or the Bath &amp; North East</b></i>	Not explicitly stated.



			<b>Somerset area.</b>	
6.	<b>4A, 34 – Statements from public</b>	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>Once the submission has been made, the Chair will invite <b>each</b> Group Leader <b>once, if they require any clarification on the submission</b>, to ask factual questions of the person making the submission.</i>	Current practice is not limited to factual information checking.
7.	<b>4A, 34 – Statements from public</b>	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission. <b>The Group Leader can defer this right to another member within the Group.</b></i>	Right to defer to other members not explicitly stated in the rules (as in rules 32 & 33) although the convention has been that GLs defer the right to ask factual questions to other members.
8.	<b>4A, 34 (Council) 4D, 31 (Cabinet) 4E, 32 (Scrutiny)– Statements etc from public</b>	Currently there is no limit on how many statements/petitions/deputations can be submitted per person at each meeting.	<i>Add – “There is a limit of one submission per item per individual member of the public.” Add – “There is a limit of one hour for items from the public, extended at the Chair’s discretion.”</i>	Multiple statements from the same individuals can take up excessive Council time.
9.	<b>4A, 34 (Council) 4D, 31 (Cabinet) 4E, 32 (Scrutiny)– Statements etc from public</b>	Currently there is no limit on how many questions can be submitted per person at each meeting (for public).	<i>Add – “2 questions will be accepted per member of the public (each question to have no more than 2 sub-sections)” If passed, remove the words “A question in multiple parts will be treated as a series of individual questions.”</i>	A limit will establish a sensible boundary in which officers are better able to work with Members to provide answers in advance of the meeting.
10.	<b>4A 32, 33 (Council)</b>	<i>“.. in which case, that written answer shall</i>	<i>“ .. in which case, that written answer</i>	Currently, there is no

	<b>4D 29,30(Cabinet)</b>	<p><i>be provided no later than 5 clear working days after the day of the meeting.</i></p> <p>Add the words “where practicable”</p>	<p><i>shall be provided no later than 5 clear working days after the day of the meeting, where practicable.</i></p> <p>Add the words “where practicable”</p>	<p>recognition of the difference in complexity of responses needed to questions submitted to Council &amp; Cabinet &amp; the varying amount of time a response might need.</p>
11.	<b>4D, 5 - Exception to call-in</b>	<ul style="list-style-type: none"> <li>• <i>“The effect of the call-in alone would be to cause the Council to miss a statutory deadline.”</i></li> </ul>	<p><i>“The effect of the call-in alone would be to cause the Council to miss, <b>or fail to comply with or fulfil</b>, a statutory deadline <b>or duty</b>”.</i></p>	<p>Example - neighbourhood plans. Once a referendum has been held, Cabinet does not have the option to not approve, so therefore call-in would not be valid.</p>
12.	<b>4A, 4 - Chair &amp; Vice-Chair of the Council</b>	<p>Final paragraph <i>The Council shall at its January meeting in each year other than a Council election year etc..</i></p>	<p>Amend to <i>The Council shall, at its <b>first meeting</b> in any calendar year, other than a Council election year etc..</i></p>	<p>Council (21 May 2015) agreed to dispense with a January Council meeting, but instead hold a March meeting. Identifying the Chair designate in advance allows for forward planning of the Chairman’s calendar.</p>

DEBATING FLOW CHART



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## **PUBLIC RIGHTS OF WAY FUNCTIONS – DELEGATED POWERS**

1. The powers and duties relating to the lawful and unlawful interference with public rights of way

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

2. The authorisation of stiles and gates on public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

3. The power to provide and maintain safety barriers on public highways

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

4. The powers and duties of the Authority to improve public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

5. The erection and maintenance of signposting of public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

6. Proceedings in respect of false and misleading notices

Group Manager: Highways and Traffic

Team Manager - Highway Maintenance and Drainage

7. Any proceedings in respect of the prohibition on keeping bulls on land crossed by public rights of way

Group Manager: Highways and Traffic

Team Manager - Highway Maintenance and Drainage

8. The appointment of wardens for public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

9. The powers and duties relating to Definitive Map Modification Orders

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

Regulatory (Access) Committee

10. The powers and duties relating to Public Path Orders

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

Regulatory (Access) Committee

11. The making of applications to the Magistrates' Court to stop up and divert highways

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

12. The entering into of permissive path agreements

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

13. The creation of public rights of way by dedication or deed of declaration

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

Regulatory (Access) Committee

14. The power of entry for purposes connected with legal orders relating to public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

15. Power to require information as to ownership of land

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

16. Power to use vehicles and appliances on public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

17. Power to authorise motor vehicle trials on public paths

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

18. The powers and duties relating to unopposed Traffic Regulation Orders

Divisional Director – Environmental Services

Group Manager: Highways and Traffic

19. The power to discharge, and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

Regulatory (Access) Committee

20. The power to enter into agreements relating to compensation and the execution of works on public rights of way

Group Manager: Highways and Traffic

Team Manager - Highways Maintenance & Drainage

21. The power to enter into agency agreements relating to the maintenance of public rights of way

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

22. The powers and duties relating to landowner deposits

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

23. The powers and duties of the Authority as an Access Authority

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

24. The powers and duties of the Authority as Commons Registration Authority

Team Manager - Highways Maintenance & Drainage

Senior Officer: Public Rights of Way

Regulatory (Access) Committee

<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Council</b>	
MEETING DATE:	<b>12 May 2016</b>	
TITLE:	<b>West of England Devolution Agreement</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
West of England Devolution Agreement		

**1 THE ISSUE**

1.1 The local authorities of the West of England (Bristol, B&NES, North Somerset and South Gloucestershire) in partnership with the West of England Local Enterprise Partnership, have worked together to secure the best available devolution deal for the West of England. The West of England Devolution Agreement is appendix 1.

**2 RECOMMENDATION**

2.1 Note the proposals laid out in the West of England Devolution Agreement.

2.2 Contribute observations and comments for consideration by the Cabinet concerning the proposals laid out in the West of England Devolution Agreement prior to the formal report being presented to Council for decision on 29 June 2016.

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

3.1 There are no resource implications of the recommendation

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

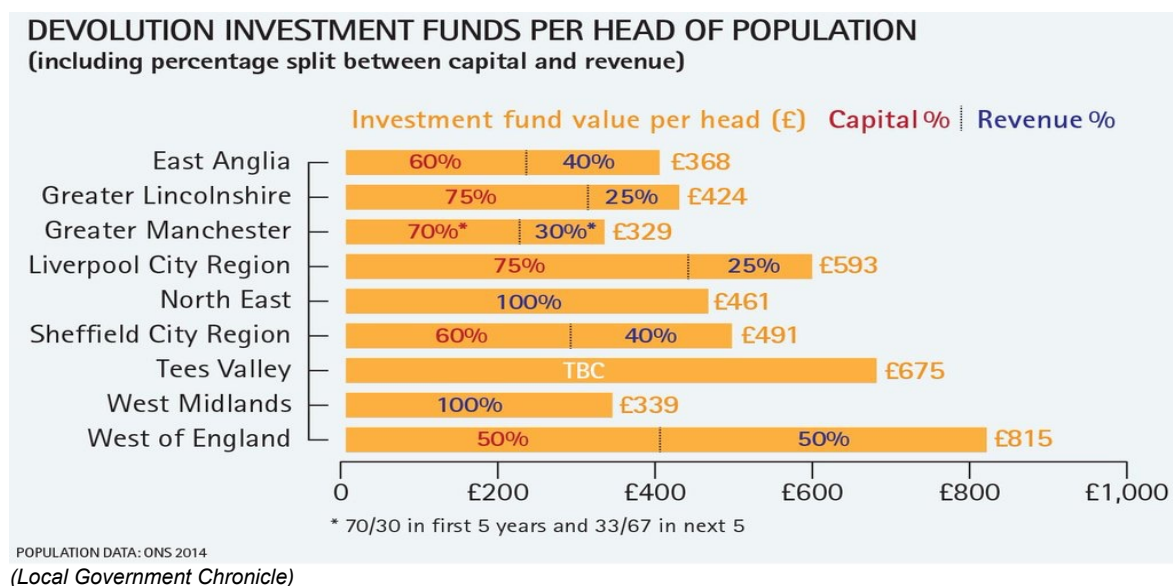
Devolution is the *‘transfer of powers and funding by central government to local government’*. The Cities and Local Government Devolution Act 2016 provides the power to introduce directly-elected mayors to combined local authorities in

England and Wales and to devolve housing, transport, planning and policing powers to them.

## 5 THE REPORT

5.1 Devolution is the ‘*transfer of powers and funding by central government to local government*’ and gives regions greater control over matters such as transport, housing, planning, as well as levers to grow local economies. Devolution is current Government policy. There have been 8 deals so far (Cornwall, greater Manchester, Liverpool City Region, North East, Sheffield City Region, Tees Valley, West Midlands, West Yorkshire). The March budget announced deals with the West of England, Greater Lincolnshire and Greater Anglia and other areas are in discussion with Government on a deal for their region.

5.2 The local authorities of the West of England (Bristol, B&NES, North Somerset and South Gloucestershire) in partnership with the West of England Local Enterprise Partnership, have worked together to secure the best available devolution deal for the West of England – equating to over £1 billion of investment.



5.3 The work to develop the devolution deal has built upon the existing, successful joint working arrangements in the West of England. This work had already seen the four councils secure more than £700m for the area during the last five years through the Local Growth Deal (£230m) and City Deal (£500m over 25 years); this funding has supported large scale projects in B&NES including Bath City Riverside.

### West of England devolution

5.4 The West of England is the only region (outside of London) that has demonstrated above average productivity and economic growth (over the past 15 years). In recent times a number of issues have been identified by the local authorities of the West of England as needing to be addressed, including productivity, skills shortages, housing availability and affordability, deprivation



and issues with skills attainment, and levels of traffic congestion which are amongst the highest in the UK.

- 5.5 The existing Government investment to date (City Deal, 2012 and Local Growth Deals 2014 & 2015) is significant, but does not meet all the requirements to invest over the next 10 years if the West of England is to continue to attract high value investors and employers.
- 5.6 The West of England devolution deal has the potential to help the area deliver more ambitious projects (projects that address the challenges set out in 5.3) by providing greater certainty over future income streams and greater local flexibility over how this investment will be spent.
- 5.7 The deal would secure £900 million of investment over 30 years with the potential to advance the investment through prudent borrowing to be paid back when the government monies are received.
- 5.8 The deal has the potential to lever in additional funds such as a single capital pot mainly for transport funding linked to the Joint Transport Plan. It is therefore expected to be worth over £1 billion initially with the potential for additional financial benefits.
- 5.9 The protection of the City Deal should be considered alongside the Devolution Deal. This protection is of a £500 million economic fund, already being used to support work on B&NES regeneration projects such as Bath Quays. This is important as the new system for business rates retention due to be introduced by 2020 potentially has the effect of substantially diluting the worth of this funding.
- 5.10 The deal would also devolve significant powers to the region, including decisions about transport, investment, funding, skills training, business support, housing and strategic planning. The new powers will ensure that local people benefit from economic growth and that the area has a skilled workforce that meets the needs of business. *(For further detail please see appendix one 'West of England Devolution Agreement')*.

#### **What does the deal mean for Bath and North East Somerset Council?**

- 5.11 The proposed devolution deal does not impact upon any powers or responsibilities currently exercised by Bath and North East Somerset Council. The autonomy of each constituent Council would be maintained and protected, including protection of Council assets. Any transfer to the Combined Authority of existing powers or resources currently held by the constituent authorities must be by agreement with the relevant authorities. All powers exercised by the Combined Authority would be those currently exercised by central government.
- 5.12 As a member of the Combined Authority, Bath and North East Somerset Council would be able to access the funding allocated to the West of England through the devolution agreement, and be part of the decision making over how this funding is to be spent and allocated across the West of England.

#### **How will it work?**

5.13 The deal sets out how the investment and new powers would be overseen by the leaders of the four councils, plus a West of England Mayor elected by the public. This will be through what is referred to as a 'combined authority'. The details of the governance scheme are being worked up by legal officers within the West of England, and will be presented to Full Council. The governance scheme will ensure that no single council can monopolise decision making.

### **What happens next?**

5.14 Now that a deal has been negotiated with Government, the four councils must decide whether they wish to support it or not by 4 July 2016.

5.15 If the deal goes forward, there would be a period of consultation with the public on the technical details of the deal, including governance arrangements, on behalf of the Secretary of State. This would be an opportunity for the public to express their views to Government.

5.16 In October 2016 an order would be laid in Parliament to approve the proposed deal.

5.17 If all other stages have been completed, an election for the West of England Mayor would take place in May 2017.

## **6 RATIONALE**

6.1 Devolution is the '*transfer of powers and funding by central government to local government*' and gives regions greater control over matters such as transport, housing, planning, as well as levers to grow local economies. Devolution is current Government policy. The West of England Devolution Agreement

6.2 The West of England devolution deal has the potential to help the area deliver more ambitious projects (projects that address the challenges set out in 5.3) by providing greater certainty over future income streams and greater local flexibility over how this investment will be spent

6.3 The deal would secure £1 billion of investment over the next thirty years, as well as devolve significant powers to the region, including decisions about transport, investment, funding, skills training, business support, housing and strategic planning. The new powers will ensure that local people benefit from economic growth and that the area has a skilled workforce that meets the needs of business.

## **7 OTHER OPTIONS CONSIDERED**

7.1 The work to develop the devolution deal has built upon the existing, successful joint working arrangements in the West of England.

## **8 CONSULTATION**

8.1 Full consultation with the Council's monitoring and section 151 officers was undertaken as part of the development of the West of England Devolution Agreement.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue will be undertaken in compliance with the Council's decision making risk management guidance.

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<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# WEST OF ENGLAND

# DEVOLUTION

# AGREEMENT



*George Osborne*

The Rt Hon George Osborne  
Chancellor of the Exchequer

*N.C. Ashton*

Councillor Nigel Ashton  
Leader of North Somerset Council

*Greg Clark*

The Rt Hon Greg Clark  
Secretary of State for Communities  
and Local Government

*Tim Warren*

Councillor Tim Warren  
Leader of Bath and North East  
Somerset Council



*J O'Neill*

.....  
**Lord Jim O'Neill**  
Commercial Secretary to the Treasury

.....  
**Mayor George Ferguson CBE**  
Mayor of Bristol City Council

*Matthew Riddle*

.....  
**Councillor Matthew Riddle**  
Leader of South Gloucestershire  
Council

.....  
**Robert Sinclair**  
Interim Chair of the West of England  
LEP

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## WEST OF ENGLAND DEVOLUTION AGREEMENT

This document sets out the terms of a proposed agreement between the government and the Bristol Mayor and other Council Leaders of the West of England to devolve a range of powers and responsibilities to a West of England Combined Authority and a new directly elected mayor for the city region. This Devolution Agreement marks the next step in a progressive process of devolution of funding, building on the City Deal (agreed in 2012) and the Growth Deals (agreed in July 2014 and January 2015).

This agreement is directed at building upon the area's successful local economy, to increase its contribution to the national economy and to increase the prosperity of local residents. The city region generates some £30.8 billion in economic output (GVA) and is home to 1.1 million people. The West of England geography closely matches the functional economy of the city region (85 per cent of people that work here also live here). The city region has significant industrial clusters<sup>1</sup> in creative, health, advanced engineering, transport & aerospace, real estate, food & drink, and insurance & financial jobs. There is also a growing cluster around 'low carbon energy' – notably, Bristol was awarded European Green Capital for 2015.

This Devolution Agreement marks the next step in the transfer of resources and powers from central government to the West of England. The West of England will continue to have further devolution dialogue with the government in the future.

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<sup>1</sup> <http://www.westofenglandlep.co.uk/about-us/strategicplan>

## Summary of the proposed Devolution Agreement agreed by the government and the Bristol Mayor and other Council Leaders of the West of England.

A new, directly elected West of England Mayor will act as chair of the West of England Combined Authority and will exercise the following powers and functions devolved from central government:

- Responsibility for a consolidated, devolved local transport budget, with a multi-year settlement.
- The ability to franchise bus services, subject to necessary legislation and local consultation, which will support the Combined Authority's delivery of smart and integrated ticketing.
- Responsibility for a new Key Route Network of local authority roads that will be managed and maintained by the Combined Authority on behalf of the Mayor.
- Powers over strategic planning, including to adopt a statutory spatial development strategy which will act as the framework for managing planning across the West of England region.

The West of England Combined Authority, working with the Mayor, will receive the following powers:

- Control of a new additional £30 million a year funding allocation over 30 years, to be invested in the West of England Single Investment Fund, to boost growth.
- Responsibility for the 19+ Adult Education Budget, which will be devolved from academic year 2018/19.
- Joint responsibility with the government to co-design the new National Work and Health Programme designed to focus on those with a health condition or disability and the very long term unemployed. The West of England Combined Authority will also bring forward a proposal to pilot more intensive support for those furthest from the labour market.

In addition:

- The government will work towards closer cooperation with the West of England Combined Authority on trade and investment services, including joint activities with UKTI.
- The government will work with the West of England Combined Authority to realise the economic potential of the Bristol and Bath Science Park and Food Enterprise Zone at J21 Enterprise Area, and to support the development of the West of England Growth Hub.
- The government will work with the West of England Combined Authority to agree specific funding flexibilities. The joint ambition will be to give the West of England Combined Authority a single pot to invest in its economic growth.

Further powers may be agreed over time and included in future legislation.

## Governance

1. This agreement is subject to the formal ratification of the constituent councils of Bristol City Council, Bath & North East Somerset Council, North Somerset Council and South Gloucestershire Council that currently make up the West of England. This agreement is also subject to the statutory requirements including parliamentary approval of the secondary legislation implementing the provisions of this agreement. This agreement protects the integrity of the four existing West of England local authorities.
2. As part of this agreement, the West of England constituent councils will establish a Combined Authority and adopt the model of a directly elected mayor for the area of the West of England Combined Authority. The first election for the directly elected Mayor will be held in May 2017. The strength of the governance arrangements of the mayoral combined authority will be commensurate with the powers of that authority, including all new devolved powers, recognising that strong governance is an essential prerequisite of any devolution of powers to a city region. There is no intention to take existing powers from local authorities without agreement.
3. The directly elected Mayor of the West of England Combined Authority will autonomously exercise new powers. The West of England Combined Authority Mayor will chair the West of England Combined Authority, which will be comprised of the other members of the Combined Authority.
4. The West of England Combined Authority, including the Mayor, will be scrutinised and held to account by the West of England Overview and Scrutiny and Audit committee(s). The West of England Combined Authority Mayor will also be required to consult the West of England Combined Authority on his/her strategies, which it may reject if two-thirds of the constituent council members agree to do so. The West of England Combined Authority will also examine the Mayor's spending plans and will be able to amend his/her plans, if two-thirds of the constituent council members agree to do so.
5. Proposals for decision by the West of England Combined Authority may be put forward by the Mayor or any constituent Member. The Mayor will have one vote as will other voting members. Any questions that are to be decided by the West of England Combined Authority are to be decided by a majority of the members present and voting, subject to that majority including the vote of the Mayor, unless otherwise set out in legislation, or specifically delegated through the Authority's Constitution.
6. This agreement continues to recognise the importance of the LEP and the private sector in the design and delivery of the area's economic growth strategies. As such the West of England Combined Authority Mayor will be a member of the LEP.
7. Any transfer to the West of England Combined Authority of existing powers or resources currently held by the constituent authorities must be by agreement with the relevant authorities, as set out in this document.

## Fiscal

8. The West of England Combined Authority will create a Single Investment Fund to deliver an ambitious investment programme across the Combined Authority region to unlock the economic potential of the West of England. The West of England Combined

Authority commits to creating and investing in the Single Investment Fund and prioritising investment based on economic impact. To support this investment approach, government agrees to allocate an additional £30 million per annum of funding for 30 years (50% capital and 50% revenue), which will form part of and maintain the West of England Combined Authority single pot. The fund will be subject to 5-yearly gateway assessments.

9. The government will work with the West of England Combined Authority to agree specific funding flexibilities. The joint ambition will be to give the West of England Combined Authority a single pot to invest in its economic growth. This pot will comprise a flexible, multi-year settlement providing the freedom to deliver its growth priorities, including the ability to re-direct funding to reflect changing priorities, whilst upholding their statutory duties. This local freedom will be over a range of budgets to be determined by the West of England Combined Authority and the government shortly. The Combined Authority will have the flexibility to secure substantial private and public sector leverage. The Combined Authority will also be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives. The government expects to disburse this agreed settlement to the West of England Combined Authority annually in advance.
10. The government commits to discuss the business rates appeals system and general appeals process with the West of England Combined Authority to help ensure the West of England Combined Authority is prepared for ongoing developments within the Business Rates system. The West of England Combined Authority will continue to discuss with the government the proposed business rate reforms and how it will affect the city region.
11. The government will give the West of England Combined Authority Mayor the power to place a supplement on business rates to fund infrastructure, with the agreement of the local business community through the local enterprise partnership, up to a cap of 2p per pound of rateable value.
12. As part of the Bristol and West of England City Deal (agreed in 2012) the government supported the creation of an Economic Development Fund with funding provided by the retention of Business Rates from the Temple Quarter Enterprise Zone and the five West of England Enterprise Areas. To enable the ongoing success of this fund the Enterprise Zone and Enterprise Areas will continue to enjoy their current benefits. These include for the Temple Quarter Enterprise Zone and agreed extension to new sites in Bristol, Bath and Somer Valley Enterprise Zone branding and business rates discounts for business moving onto the zone. The Enterprise Zone and Enterprise Areas will also continue to benefit from 100% growth of business rates retention (from the agreed baseline) for 25 years from their designation with 100% protection from any future reset or redistribution.

### **Skills (19+)**

13. The government will enable local commissioning of outcomes to be achieved from the 19+ Adult Education Budget in academic year 2017/18; and will fully devolve budgets

to the West of England Combined Authority from academic year 2018/19 (subject to readiness conditions). These arrangements do not cover apprenticeships.

14. Devolution will proceed in two stages, across the next three academic years:
  - a. Starting now the West of England Combined Authority will begin to prepare for local commissioning. For the 2017/18 academic year, and following the area review, government will work with the West of England Combined Authority to vary the block grant allocations made to providers, within an agreed framework.
  - b. From 2018/19, there will be full devolution of funding. The West of England Combined Authority will be responsible for allocations to providers and the outcomes to be achieved, consistent with statutory entitlements. Government will not seek to second guess these decisions, but it will set proportionate requirements about outcome information to be collected in order to allow students to make informed choices. A funding formula for calculating the size of the grant to local / combined authorities will need to take into account a range of demographic, educational and labour market factors.
15. The readiness conditions for full devolution are that:
  - a. Parliament has legislated to enable transfer to local authorities of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances.
  - b. Completion of the Area Review process leading to a sustainable provider base.
  - c. After the area-reviews are complete, agreed arrangements are in place between central government and the Combined Authority to ensure that devolved funding decisions take account of the need to maintain a sustainable and financially viable 16+ provider base.
  - d. Clear principles and arrangements have been agreed between central government and the West of England Combined Authority for sharing financial risk and managing failure of 16+ providers, reflecting the balance of devolved and national interest and protecting the taxpayer from unnecessary expenditure and liabilities.
  - e. Learner protection and minimum standards arrangements are agreed.
  - f. Funding and provider management arrangements, including securing financial assurance, are agreed in a way that minimises costs and maximises consistency and transparency.
16. The Department for Business, Innovation and Skills and the West of England Combined Authority will discuss how the Advanced Learner Loans system can best support more residents to progress to Level 3+, and better meet the needs of the local labour market.
17. The West of England Combined Authority will assume responsibility for the Apprenticeship Grant for Employers (AGE). The AGE funding must be used alongside mainstream apprenticeship participation funding to incentivise employers to offer apprenticeships, but the West of England Combined Authority are free to vary the criteria associated with the grant (e.g. size and sector of business) to meet local needs.

The Skills Funding Agency will work with the West of England Combined Authority to identify an appropriate share.

### **Skills (16-18)**

18. The government will work with the West of England Combined Authority to ensure that local priorities are fed into the provision of careers advice, such that it is employer-led, integrated and meets local needs. In particular, the West of England Combined Authority will ensure that local priorities are fed into provision through direct involvement and collaboration with government in the design of local careers and enterprise provision for all ages, including collaboration on the work of the Careers and Enterprise Company and the National Careers Service.

### **Employment**

19. The West of England Combined Authority will work with DWP to co-design the new National Work and Health Programme designed to focus on those with a health condition or disability and the very long term unemployed.

20. The respective roles of DWP and the West of England Combined Authority in the co-design will include:

- a. DWP sets the funding envelope, the West of England Combined Authority can top up if they wish to, but are not required to.
- b. The West of England Combined Authority will set out how they will join up local public services in order to improve outcomes for this group, particularly how they will work with the Clinical Commissioning Groups/third sector to enable timely health-based support. There will be a particular focus on ensuring the integration of the new programme with local services, in order to ensure that national and local provision works well together, and opportunities for greater integration are identified and levered.
- c. DWP set the high-level performance framework and will ensure the support appropriately reflects labour market issues. The primary outcomes will be to reduce unemployment and move people into sustained employment. The West of England Combined Authority will have some flexibility to determine specific local outcomes that reflect local labour market priorities, these outcomes should be complementary to the ultimate employment outcome. In determining the local outcome(s) the West of England Combined Authority should work with DWP to take account of the labour market evidence base and articulate how the additional outcome(s) will fit within the wider strategic and economic context and deliver value for money.
- d. Before delivery commences, DWP and the West of England Combined Authority will set out an agreement covering the respective roles of each party in the delivery and monitoring of the support, including a mechanism by which each party can raise and resolve any concerns that arise.

- e. DWP to facilitate protocols for data sharing and transparency by tackling some of the obstacles and developing solutions to enable the West of England Combined Authority to develop a strategic needs assessment for the area.
21. The West of England Combined Authority will co-commission the Work and Health programme with DWP. The respective roles of DWP and the West of England Combined Authority will include:
- a. DWP sets the contracting arrangements, including contract package areas, but should consider any proposals from the West of England Combined Authority on contract package area geography.
  - b. The West of England Combined Authority will be involved in tender evaluation.
  - c. Providers will be solely accountable to DWP, but DWP and the West of England Combined Authority's above-mentioned agreement will include a mechanism by which the West of England Combined Authority can escalate to DWP any concerns about provider performance/breaching local agreements and require DWP to take formal contract action where appropriate.
22. Building on the learning from the HYPE programme, the West of England Combined Authority will develop a business case for an innovative pilot to support those who are hardest to help and furthest from the labour market. The business case should set out the evidence to support the proposed pilot, cost and benefits and robust evaluation plans, to enable the proposal to be taken forward as part of the delivery of this agreement, subject to Ministerial approval.

### **Supporting and attracting business**

23. The government will work towards closer cooperation with the city region on trade and investment services, including joint activities with UKTI such as:
- a. Consultation on services and trade missions within an export plan jointly agreed between UKTI and the Combined Authority.
  - b. Ring-fenced trade services resource within the Combined Authority area. Ring-fenced resource remains subject to departmental budget changes.
  - c. Data sharing where practical and feasible on trade and investment specific to the city-region.
  - d. Taking account of the city region's approach to smart specialisation, which places emphasis on the support for trade and investment services in specific sub-sectors identified as having exceptional presence in the city region.
  - e. Appropriate information sharing to ensure aligned mutually supporting activity in day to day activity. Commitment from appropriate UKTI Sector Specialists to engage in a regular dialogue and joint working with Invest Bristol & Bath (IBB) sector specialists.
  - f. Joint governance structure for the city region investment strategy, through six-monthly meetings.

- g. Explore co-location of inward investment operations with UKTI, making full use of the well-established Engine Shed, a city-regional growth hub.
24. On co-location, the government will review the Inward Investment resource location of regional (IST) staff across the three levels of: Partnership Managers; Business development and Key Account Management teams, currently in 8 locations nationally. The government will also look at options for co-location, under UKTI/IST management, without harming the overall efficiency of the working of the investment model.
25. There will be a strengthened partnership between locally delivered services and UKTI, with a joint governance structure including six-monthly meetings attended by a Director level representative from UKTI and the West of England Combined Authority. These will provide a forum to discuss progress on inward-investment team co-location, and on account management activity by both parties in the region. This structure will wherever possible be used to review key decisions and initiatives planned and/or implemented by both parties, including building a better shared understanding of the inward investment opportunities available in the region.
26. The government will explore what options exist for using a portion of GREAT campaign budget for overseas based activity aligned to City Region sector strengths with delivery managed by UKTI Marketing teams with input from the West of England Combined Authority. This activity should be supported by sector based resource in overseas posts who have been specially briefed to have a strong understanding of the West of England Combined Authority sector strengths.
27. The West of England Combined Authority will work with government and their neighbouring regions to develop a regional co-ordinating function for Foreign Direct Investment (FDI) activities. This will lever the existing capacity of Invest Bristol & Bath and its well established FDI based partnerships with neighbouring areas.
28. The government commits to working with the West of England Combined Authority and local partners to realise the economic potential of the Bristol and Bath Science Park and the Junction 21 Enterprise Area Food Enterprise Zone.
29. The government agrees to continue to develop and deliver, in collaboration with the West of England Combined Authority, the joint programme to drive commercial rollout of superfast broadband, particularly in rural areas of the city region.
30. The government will work with the West of England Combined Authority to support the development of the West of England Growth Hub, so that it joins-up and co-ordinates public, private, third sector, national and local support to ensure new and existing businesses access the help they need to boost their productivity and grow.
31. The West of England will work with partners, including government, to develop a strategic approach to regulatory delivery. To build on the Better Business for All national programme, overcoming regulatory barriers and supporting local priorities for growth and reform.



## Energy

32. The government recognises the tidal range of the Severn Estuary has the potential to make a significant contribution to the UK's electricity generation from an indigenous renewable source. The government has launched a review to assess the strategic case for tidal lagoons and whether they could represent value for money for the consumer. The government welcomes the West of England establishing cross-regional governance (in conjunction with South Wales) responsible for developing a Severn Estuary and Bristol Channel Energy Strategy.

## European funding

33. The government is committed to working with the West of England Combined Authority to achieve Intermediate Body status for the European Regional Development Fund and European Social Fund. The government will work with the West of England Combined Authority to agree how to delegate powers to select projects on the basis of strategic fit with operational programmes and local conditions. This will allow the West of England to integrate and align investments with other aspects of the devolution deal, to select projects for investment, to improve performance and maximise economic impact.

## Housing and planning

34. The West of England is committed to the delivery of high quality, planned, sustainable growth and is leading the way on a strategic approach to regional planning through its emerging Joint Spatial Plan (JSP) and Joint Transport Plan (JTP).
35. The West of England Combined Authority will set an ambitious target for delivering new homes which will be supported by the planning powers detailed below. The housing target will be set out in the West of England Joint Spatial Plan for the period from 2016 to 2036. The West of England will bring forward the Joint Spatial Plan for submission in summer 2017 and this will be subject to an examination in public to ensure it is sound being and undertaken by an independent inspector appointed by the Secretary of State in accordance with the National Planning Policy Framework.
36. The West of England authorities will bring forward a Joint Transport Plan by the end of 2017 followed by a strategic infrastructure delivery plan which identifies infrastructure needed to deal with both the current deficit and Joint Spatial Plan generated requirements, and proposals to fund this through devolved infrastructure funds and other appropriate programmes.
37. The West of England Combined Authority will work with government and its agencies to co-invest in new homes, accelerating the unlocking of barriers to growth, and plan and prioritise investment in associated infrastructure (including transport, schools and health).
38. The Joint Spatial Plan will provide the higher level strategic planning policy framework for each Unitary Authority's local plan reviews. All planning authorities in the West of

England commit to bringing forward up to date Local Plans in line with this overall strategic framework.

39. The Secretary of State for Communities and Local Government will acknowledge the weight of the West of England Joint Strategic Plan and the four respective local plans as the basis of a comprehensive plan-led approach. The Secretary of State for Communities and Local Government will assist, where possible, in streamlining planning processes so that once the Joint Strategic Plan is in place Local Plans can be rapidly adopted.
40. To improve public confidence in both strategic planning and the planning delivery system for sustainable growth, the government will work with the West of England Combined Authority to enable a strategic approach to a five year housing supply. This would support local authorities when resisting speculative development appeals.
41. The West of England Combined Authority Mayor will exercise strategic planning powers to support and accelerate these ambitions. These will include powers to:
  - a. Adopt a statutory spatial development strategy, which will act as the framework for managing planning across the West of England region, and for the future development of Local Plans. The spatial framework will need to be approved by unanimous vote of the members appointed by constituent councils of the Combined Authority.
  - b. Create supplementary planning documents and a single viability appraisal process, subject to the approval process in paragraph 41a.
  - c. Be consulted on and/or call-in planning applications identified as being of potential strategic importance in the West of England.
  - d. Prepare, submit and determine planning applications for agreed schemes.
  - e. Undertake land assembly and compulsory purchase; and to form joint ventures with landowners, developers and Registered Providers.
  - f. Create Mayoral Development Corporations, with planning and land assembly powers, which will support delivery of strategic sites in the West of England region. This power will be exercised with the consent of the appropriate Members in which the development corporation is to be used.
42. To support delivery of these commitments the West of England Combined Authority and government agree to:
  - a. Review all land and property (including surplus property and land) held by the public sector to better enable strategic infrastructure and housing priorities to be realised.
  - b. The government will work with the West England to support the operation of the Joint Assets Board, and support better coordination on asset sales. This will include ensuring the representation of senior HMG officials on the Joint Assets Board, using that Board to develop as far as possible and consistent with the government's overall public sector land target, a joint programme of public sector asset disposal. The Joint Assets Board will identify barriers to delivery and develop solutions to address those barriers to help the West of England Combined

Authority meet its housing goals and to unlock more land for employment use.

- c. A strong partnership to support key large housing sites (1,500 homes +) and joint action to deliver early on starter homes. The government and associated agencies will work in partnership with the area's local authorities to help resolve barriers with utility companies or government agencies, and invest in suitable land. The government and the West of England Combined Authority will continue discussions on the principle of securing longer term frameworks for funding of key sites, subject to the development of a full business case, meeting our value for money and other funding criteria.
43. Support the West of England in the development of proposals for ambitious reforms in the way that planning services are delivered, and which could enable greater flexibility in the way that fees are set, with a particular focus on proposals which can streamline the process for applicants and accelerate decision making.

### Transport

44. The directly elected Mayor of the West of England will:
- a. Take responsibility for a devolved and consolidated local transport budget, with a multi-year settlement. Functions will be devolved to the Combined Authority accordingly, to be exercised by the Mayor.
  - b. Have the ability to franchise bus services in the city region, subject to necessary legislation and local consultation. This will be enabled through a specific Buses Bill which will provide for the necessary functions to be devolved. This will support the Combined Authority's ambitions in delivering a high quality bus network and in enhancing the local bus offer. This includes the delivery of smart and integrated ticketing, local branding and provision of minimum standards across the network.
  - c. Take responsibility for a Key Route Network of local roads, which will be defined and agreed by the constituent local authorities, and will be managed and maintained at a city region level, by conferring highway and traffic management powers on the Combined Authority once it is in place. The management, maintenance and improvement of the Key Route Network will be supported by devolving all relevant local roads maintenance funding as part of the Mayor's consolidated, multi-year local transport budget. This will also support the delivery of a single asset management plan for the local authority network across the Combined Authority area, and streamlined contractual and delivery arrangements.
45. In addition and as part of the deal:
- a. In establishing the Combined Authority, appropriate<sup>2</sup> local transport functions will be conferred to the Combined Authority and exercised by the Mayor. In

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<sup>2</sup> In establishing the Combined Authority, responsibility for an area-wide local transport plan, public transport functions and the Key Route Network part of the local authority road network will be conferred to the Combined Authority and exercised by the Mayor.

addition, a new single policy and delivery body will be created covering the same area in order to determine, manage and deliver the Mayor's transport plans and the delivery of an integrated public transport network for the city region.

- b. To support better integration between local and national networks, the government and the West of England Combined Authority will enter into joint working arrangements with Highways England and Network Rail on operations, maintenance and local investment through a new Memorandum of Understanding.
- c. The West of England Combined Authority will bring forward alternative proposals for the management of current and new rail stations in the Combined Authority area (i.e. the areas of the constituent councils). If any of these proposals would lead to the transfer of any rail station or infrastructure assets to the Combined Authority, the Combined Authority will be obliged to bring forward a business case for consideration by the government.
- d. The Combined Authority Shadow Board will bring forward proposals that would enable the Mayor and Combined Authority to implement Clean Air Zones in the Combined Authority area. This will help achieve Air Quality Plan objectives at both the national and local level.
- e. The government will work with the West of England Combined Authority to establish any appropriate local traffic and highway powers to be conferred on to the Mayor as part of the Key Route Network.

### **Under this geography**

- 46. The Mayor for the West of England will be elected by the local government electors for the areas of the constituent councils of the West of England Combined Authority. The West of England Mayor and West of England Combined Authority will exercise the powers and responsibilities described in this document in relation to its area, i.e. the area of the constituent councils of the West of England Combined Authority.
- 47. Additional funding or budgets that are devolved as a result of this agreement will go to the West of England Combined Authority, to be exercised by the West of England Mayor or Combined Authority as set out in this document.
- 48. The West of England Combined Authority must exercise functions in relation to its geographical area.
- 49. Under the West of England Mayor model, it is not expected that the role of the LEP or private sector would be lessened.

### **West of England Combined Authority commitments**

- 50. The West of England Combined Authority is accountable to local people for the successful implementation of the devolution deal; consequently, the government expects the West of England Combined Authority to monitor and evaluate their deal in order to demonstrate and report on progress. The Cities and Local Growth Unit will

work with the West of England Combined Authority to agree a monitoring and evaluation framework that meets local needs and helps to support future learning.

51. The West of England Combined Authority will be required to evaluate the additional £30 million per annum of funding for 30 years, which will form part of and capitalise the West of England Combined Authority single pot. The £30 million per annum fund will be subject to:
  - a. Gateway assessments for the £30 million per annum scheme. The West of England Combined Authority and the government will jointly commission an independent assessment of the economic benefits and economic impact of the investments made under the scheme, including whether the projects have been delivered on time and to budget. This assessment will be funded by the West of England Combined Authority, but agreed at the outset with the government, and will take place every five years. The next five year tranche of funding will be unlocked if the government is satisfied that the independent assessment shows the investment to have met the objectives and contributed to national growth.
  - b. The gateway assessment should be consistent with the HM Treasury Green Book, which sets out the framework for evaluation of all policies and programmes, and where relevant with the more detailed transport cost-benefit analysis guidance issued by the Department for Transport (DfT). The assessment should also take into account the latest developments in economic evaluation methodology.
  - c. The government would expect the assessment to show the activity funded through the scheme represents better value for money than comparable projects, defined in terms of a Benefit to Cost ratio.
52. The West of England Combined Authority will work with the government to develop a full implementation plan, covering each policy agreed in this deal, to be completed ahead of implementation. This plan will include the timing and proposed approach for monitoring and evaluation of each policy and should be approved by the DCLG Accounting Officer.
53. The West of England Combined Authority will agree overall borrowing limits and capitalisation limits with the government and have formal agreement to engage on forecasting. The West of England Combined Authority will also provide information, explanation and assistance to the Office for Budget Responsibility where such information would assist in meeting their duty to produce economic and fiscal forecasts for the UK economy.
54. The West of England Combined Authority will agree a process to manage local financial risk relevant to these proposals and will jointly develop written agreements with the government on every devolved power or fund to agree accountability between local and national bodies on the basis of the principles set out in this document.
55. The West of England Combined Authority will continue to adhere to their public sector equality duties, for both existing and newly devolved responsibilities.

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<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
DATE:	<b>12<sup>th</sup> May 2016</b>
TITLE:	<b>B&amp;NES Core Strategy Review</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Attachment 1: Summary of the Revised Local Development Scheme	

## **1 THE ISSUE**

- 1.1 This report outlines the scope and basis of the forthcoming partial review of the B&NES Core Strategy and updates the B&NES Local Development Scheme.

## **2 RECOMMENDATION**

- 2.1 That the Council;

- a) Authorises the Strategic Director for Place to make arrangements to commence the revision of the B&NES Core Strategy in accordance with the scope set out in para 5.14 below and the timetable set out in the revised Local Development Scheme in Attachment 1, and
- b) Agrees amendments to LDS as set out in Attachment 1 and resolve that the revised LDS will have effect from 20<sup>th</sup> May 2016
- c) Approves allocation of reserves within the financial planning reserve of £30k for 2017/18 to fund the additional staffing requirement.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Preparation of the Core Strategy is funded from the LDF budget and is resourced by the Planning Policy Team, drawing on expertise from other Council departments as required.
- 3.2 The proposed approach to review the Core Strategy described in this report is a larger task than that previously proposed, but it still does not entail a full review of the Core Strategy. The resource requirement is therefore higher but this is mitigated by;

- a) Much of the evidence base needed to support the JSP is of direct relevance to the Core Strategy review; and
- b) The timetable for the review of the Core Strategy being amended as set out in the revised LDS so that the substantial work occurs after the Placemaking Plan public examination

3.3 The additional staffing resource requirement, after mitigation by re-timetabling the Core Strategy review, amounts to £30k. This will need to be addressed as an approved commitment when the Budgets for 2017/18 are considered.

3.4 Preparation of land-use planning policies will inevitably have an impact on the value of land & buildings, which in turn would impact Council Tax and Business Rates. However, impacts to Council Tax and Business Rates cannot be taken into consideration as part of the assessment and preparation of the Planning Policies.

#### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Both the JSP and the revision to the Core Strategy must be prepared in compliance with the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”). Once adopted, they will both be statutory Development Plan Documents (“DPD”).

4.2 Preparation of the Plans has also accorded with national policy in the National Planning Policy Framework (“NPPF”) and guidance in the National Planning Practice Guidance (“NPPG”). In particular, the Council has sought to ensure that the JSP and the revised Core Strategy are sound in that they (inter alia);

- a) Have been **positively prepared** – the plans seek to meet objectively assessed needs for development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits;
- b) are **justified** – the plans are the most appropriate strategies, when considered against the reasonable alternatives, based on proportionate evidence;
- c) are **effective** – the plans are deliverable; and
- d) are **consistent with national policy** – the plans enable the delivery of sustainable development

4.3 Any changes to the Core Strategy must be subject to a Sustainability Appraisal (“SA”) and Strategic Environmental Assessment (“SEA”) in line with the requirements of the SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004). It must also be subject to an integrated Habitats Regulation Assessment (“HRA”) in line with the requirements of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”).

4.4 A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004.



- 4.5 Changes arising from the Planning & Housing Bill will have implications for the preparation of the JSP and the Core Strategy review and these will need to be taken into account as the Bill proceeds to enactment.

## **5 THE REPORT**

### **Background**

- 5.1 The B&NES Core Strategy was adopted in 2014 following a prolonged and complex preparation process involving some difficult decisions for the Council to review the Green Belt in order to release land for housing. Critical to the successful adoption of the Core Strategy by Full Council in 2014 was the demonstration that Bath had a separate Housing Market Area (HMA) to that of Bristol. This enabled the plan to be found sound at examination but the sub-regional issue of how the unmet housing need arising from Bristol should be accommodated remained outstanding.
- 5.2 Full Council accepted the Inspector's recommended arrangements for the review of the Core Strategy. This included 2 options, both linked to the need to address the Bristol housing issue. The two review options were;
- (a) when the Bristol Plan is reviewed in 2016, if Bath no longer has its own HMA, then the B&NES SHMA would need to be reviewed as part of the wider Bristol SHMA. The scope of the review would be dependent on the outcome of the SHMA update but it could lead to a more substantial review of the Core Strategy.
  - (b) if the evidence showed that Bath remained a separate HMA, then there would be no need to review the B&NES SHMA but only undertake a partial review of the Core Strategy to consider whether it was appropriate to accommodate any unmet Bristol need.
- 5.3 All four Councils signed a Memorandum of Agreement (MoA) in 2014 which committed them to aligning their plan reviews through the Joint Spatial Plan (JSP). Notwithstanding the benefits of joint working, the reason for this commitment by B&NES is that whilst Bath has a separate HMA, the HMA boundaries are in reality quite complex and the western part of B&NES lies within the Wider Bristol HMA. Therefore, under the Duty to Co-operate (Localism Act 2011), B&NES is obliged to co-operate with the other UAs on this Plan.

### **Update on JSP Progress**

- 5.4 Preparation of the JSP is progressing on target. The Issues & Options consultation concluded in late January with around 2,000 comments received on the JSP and the Joint Transport Study (JTS) combined. Work is now progressing on the preparation of the Draft JSP scheduled for completion in June 2016. Evidence shows that Bath continues to have its own HMA and hence the B&NES Strategic Housing Market Assessment (SHMA) has not been reviewed at this stage although a partial review of the Core Strategy is still necessary. This approach has avoided the need to consider a new housing target for B&NES now, so soon after the Core Strategy was adopted and limits the risk of undermining the adopted Core Strategy in advance of the scheduled five-year review. However, this has resulted in B&NES being out of step with the other three UAs who are all obliged to undertake full reviews of their housing need. This inconsistency has

raised concerns about the increased the risk of unsoundness of the JSP. This concern has also been raised through the Issues and Options consultation for the JSP and remains a risk.

- 5.5 Preparation of the JSP is therefore progressing on the basis of a review of the Wider Bristol SHMA only but the housing need will be accommodated across all four UAs. Locations in B&NES, and especially in the B&NES part of the Wider Bristol HMA, are being considered as 'equal contenders' with other locations in the WoE to meet the housing need. Under this approach, the B&NES SHMA is not reviewed and only a partial review of B&NES Core Strategy is required to make changes to accommodate some of the sub-regional housing need, with the quantum and locations being determined via the JSP. The work is being aligned with the Joint Transport Study (JTS) in light of the crucial link between new development and infrastructure, especially transport.
- 5.6 The JSP is a high level, strategic plan and it will be the role of the UA Local Plans (formerly Core Strategies) to allocate the sites for development closely following the JSP. In the case of B&NES, whilst the housing figure of 13,000 dwellings from 2011 to 2029 remains unaltered, the Core Strategy will need a partial review to accommodate additional housing to be allocated at new strategic development locations for the period 2016 to 2036. However, these locations are most likely to be needed only post 2026 unless the demands of 5-year Housing Land Supply (HLS) warrant some early limited releases.

### **Risks**

- 5.7 The position of B&NES in the JSP always posed a limited degree of risk but as work has progressed, the following issues have arisen;
- a. Unlike the HMA geography, the whole of the WoE sub-region has been identified as a Functional Economic Market Area (FEMA) instead of separate Bristol & Bath FEMAs. This has exacerbated the existing mismatch between the evidence base and the geography of the Plan. Not only is there a different geography between the housing requirement and the plan area but there is now also a spatial mismatch between the strategies for accommodating the housing and the jobs. This adds to the complexity in devising the spatial strategy and increases the risks of unsoundness.
  - b. Similarly, the JTS is being formulated on a WoE basis whereas the housing growth relates only to part of the sub-region which makes it difficult to formulate a co-ordinated approach to transport infrastructure for the whole of the sub-region. This also undermines the case for new investment in infrastructure in the eastern part of B&NES.
  - c. The JSP has been cited as a key vehicle for delivering the Devolution proposals but this partial evidence base provides a less robust position on which to base investment in infrastructure in the WoE because the development needs for only part of the sub-region are being considered.

- d. the key development locations in B&NES will be used for the Wider Bristol need. There will be no opportunity to request that the other UAs accommodate any unmet B&NES need at the time of the 2019 review because the JSP spatial strategy will have been agreed by then.

### **Alternative Approach**

- 5.8 In light of the concerns outlined above, there is a window of opportunity for B&NES to review its role before the draft JSP is prepared. This is scheduled for publication in June 2016. This alternative approach is for B&NES to align with the other UAs and review the B&NES SHMA now instead of 2019 as part of the JSP. This would address most of the risks of the current approach.
- 5.9 Initial informal assessments indicate that if the B&NES SHMA was updated now, the likely increase in housing need to 2036 would be relatively limited and would relate primarily to rolling forward the spatial strategy beyond 2029 to 2036. The actual figure can only be properly determined by undertaking a full SHMA review but the annual housing requirement is likely to be lower than that in the current Core Strategy.
- 5.10 The key implications of the alternative way forward are set out below.
  - a) the Core Strategy is reviewed once ( not twice in five years) and in lock-step with adjoining UA partners
  - b) it enables consideration of the whole picture of housing and economic growth cohesively, comprehensively and holistically and this addresses the legal advice that the current approach risks JSP being found unsound at examination,
  - c) any new housing apportioned to B&NES is not just to meet 'Bristol overspill' but can help to meet B&NES' own housing needs. Therefore, some of the best locations for new development could be used to meet the needs of B&NES,
  - d) this approach provides the opportunity for the other UAs to accommodate any B&NES overspill housing if the preponderance of national & international environmental designations in B&NES limit the capacity of B&NES to accommodate new housing,
  - e) whilst the likelihood that development locations in the eastern and southern parts of the district would also now be needed, this enables a more comprehensive approach and makes a more robust case for securing large scale infrastructure investment in the eastern part of the district because it can be directly linked to growth for the whole district,
  - f) because the net increase in housing need arising from B&NES is relatively small, it is likely to have limited impact on the overall housing requirement for each UA,
  - g) The pressure on 5-year HLS is not exacerbated and might even be ameliorated in the short term in the light of the emerging lower growth forecasts
  - h) As with the existing approach, much of the new housing can be phased to beyond 2026, depending on 5-year HLS requirements.

- i) there is the possibility of opening up the Core Strategy to a wider review on existing locations and other policy areas, but this risk is limited because these locations are the outcome of an independently endorsed examination, are part of an adopted plan and they are needed for 5-year HLS.

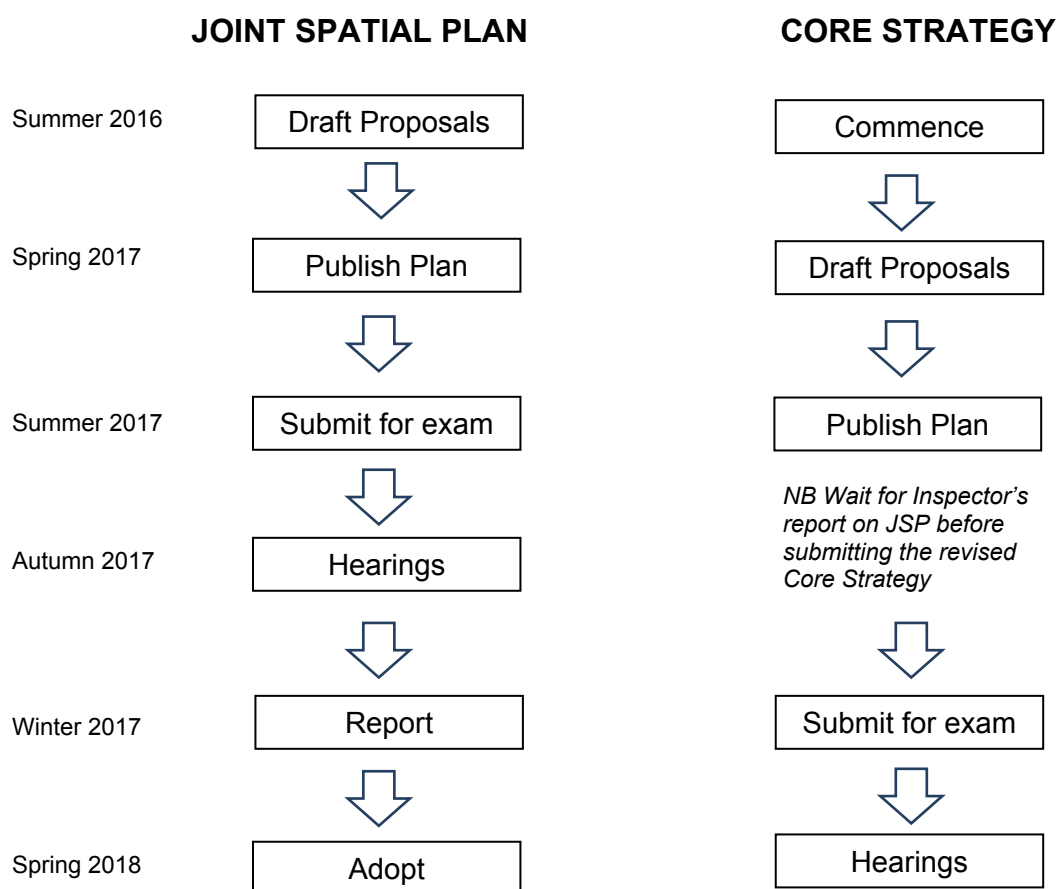
### **Scope of Core Strategy review**

- 5.11 If members were minded to agree the revised approach, then the scope of the review needs to be clearly established. This would need to be set out in a *pre-commencement document* to formally launch the review. The review would still be a *partial* review and would be restricted to the following issues;
- a) A revised Housing Requirement for B&NES for the period 2016 to 2036, including affordable housing based on a updated SHMA
  - b) The formal allocation of sites in the strategic locations included in the JSP to meet identified development needs, and setting development and infrastructure requirements
  - c) Establish a strategy for and identify any other sources of housing land supply not identified in the JSP to meet identified development needs,
  - d) The affordable housing policies
  - e) A revised five-year Housing Land Requirement assessment
  - f) Inclusion of new policies or amendments to existing policies arising from a-c above; or from new legislation eg the Starter Homes Initiative; or from any other significant changes in circumstances and evidence to ensure that the plan is up-to-date.
- 5.12 Depending on the outcome of the Housing and Planning Bill, the allocations in the revised Core Strategy might be designated as sites with *Permission in Principle*. It is essential that existing allocations and commitments in adopted plans are retained in order to maintain the Council's housing land supply including the five-year HLS. Loss of any sites could make the District's housing land supply vulnerable.

### **Local Development Scheme Amendments**

- 5.13 The timetable of the review of the Core Strategy needs to align closely with that of the JSP but allowing for key JSP milestones to be achieved in order to avoid abortive work on the review of the Core Strategy. The timetable for the revision of the Core Strategy will need to be set out in the Local Development Scheme (LDS – see Attachment 1). The overarching programmes of both plans are illustrated in the LDS extract below.

## PLAN PROGRAMMES



5.14 As a result of legislative changes, the position in plan-making in B&NES, and the interrelationship between different plans, is already quite complex entailing;

- a) Some saved policies from the adopted 2007 Local Plan
- b) The adopted Core Strategy
- c) The JSP & the Placemaking Plan under preparation

5.15 The interrelationship of these plans will be explained in the revised LDS but in essence, the Existing Core Strategy and the Placemaking Plan will be combined to form a new B&NES Local Plan due to be adopted in 2016, replacing any outstanding saved policies from the old 2007 Local Plan. This new Local Plan will then be amended by the JSP/Core Strategy review, to be adopted in 2019.

5.16 Other changes to the Local Development Scheme are included in Attachment 1

## **Conclusion**

- 5.17 It has become evident that changing circumstances has made the existing position of B&NES less favourable than when the JSP project began. These risks can be addressed by aligning the B&NES position more closely with the other UAs and reviewing the B&NES SHMA now instead of 2019. Whilst this approach is not without risks, these are outweighed by the advantages.
- 5.18 Moreover, the overarching issue in either option is that by being involved in the JSP, B&NES will need to accommodate an additional housing requirement via the JSP. The quantum is unlikely to be significantly affected whether the B&NES SHMA is updated or not, although the locations might be. Bringing forward the review of the B&NES SHMA also brings additional benefits in terms of reduced risk of unsoundness of the JSP, a more robust basis to plan for infrastructure and enabling the best development locations to be used to meet the housing needs of B&NES. The risk that there would be a successful challenge to existing Core Strategy commitments is limited.
- 5.19 Therefore, on balance, it is concluded that it is in B&NES interests to align with its partners in the WoE and bring forward the update of the B&NES SHMA as part of the evidence base for the JSP.

## **6 RATIONALE**

- 6.1 The reason for the recommendations are is to provide clarity on the scope of the Core Strategy review and the LDS timetable.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 The Council could undertake a full review of its SHMA in 2019 as currently timetabled.

## **8 CONSULTATION**

- 8.1 The Council's Monitoring Officer (Head of Legal and Democratic Services and Council Solicitor) and Section 151 Officer (Divisional Director – Business Support) have had the opportunity to input to this report and have cleared it for publication.
- 8.2 Cabinet Programme Board have been updated and had opportunity to feed into the works underway.

## **9 HUMAN RIGHTS AND EQUALITIES**

- 9.1 The review of the Core Strategy is at an early stage and any revision to it will be subject to a democratic process. As such, it is not considered that any issues arise under the Human Rights Act 1998 or the Equality Act 2010.

## **10 RISK MANAGEMENT**

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

<b>Contact persons</b>	<i>Lisa Bartlett 01225 477550      Simon de Beer 01225 477616</i>
<b>Background papers</b>	<p>B&amp;NES Core Strategy 2014</p> <p>National Planning Policy Framework</p> <p>National Planning Practice Guidance</p> <p>JSP Issues &amp; Options Consultation <a href="#">document</a></p> <p><a href="#">Transport Study Topic Paper</a></p> <p><a href="#">Strategic Housing Market Assessment Volume 1</a></p> <p><a href="#">Strategic Housing Market Assessment Volume 2</a></p> <p><a href="#">Economic Development Needs Assessment</a></p> <p><a href="#">B&amp;NES Local Development Scheme</a></p>
<b>Please contact the report author if you need to access this report in an alternative format</b>	





<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
MEETING DATE:	<b>May 2016</b>
TITLE:	<b>Youth Justice Plan 2016-17</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Youth Justice Plan 2016-17	

## **1 THE ISSUE**

- 1.1 The Local Authority has a statutory duty, in consultation with key partner agencies Health, Police and Probation, to produce an annual Youth Justice Plan. The Plan sets out how youth justice services are to be composed and funded, how they will operate and what functions they will carry out to prevent youth offending and re-offending across Bath and North East Somerset.

## **2 RECOMMENDATION**

- 2.1 The Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board for England and Wales.
- 2.2 The Youth Justice Plan is adopted as part of the Council's Policy and Budget Framework and can be accommodated within the Council budget.
- 2.3 The relevant Development and Scrutiny Panel oversees progress and performance.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The Council is the lead partner in the multi-agency arrangements to prevent youth offending, working closely with Police, Probation and Health Services. All partners have statutory responsibilities to participate in the resourcing of the Youth Offending Service. Following consultation, the National Probation Service staffing contribution is reducing but they are contributing £5,000 into the pooled budget, after a number of years of making no contribution. There are no changes to the contributions of other statutory partners. The Council makes a significant contribution in terms of staff, cash and additional support, including provision of office accommodation and financial and human resources support services. In 2016-17, the Council is contributing £440,700, most of which pays for staff salaries.

3.2 The work of the Service also depends on a national grant from the Ministry of Justice, via the Youth Justice Board. It has recently received notification of 11.2% reduction for 2016-17 (a reduction of nearly £21,000) but there is confidence that the Youth Offending Service can still deliver services as planned. Submission of a Youth Justice Plan is a condition for receipt of this grant.

#### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 Preparation of a Youth Justice Plan is required under Section 40 of the Crime and Disorder Act 1998. The national Youth Justice board for England and Wales has published guidelines for its completion and requires it to be submitted by September 2016.

#### **5 THE REPORT**

5.1 The principal, statutory aim of the youth justice system is to prevent youth offending by 10-17 year olds. The Youth Justice Plan reviews the positive progress made last year in work with young people at risk of offending and re-offending and with their parents/carers and victims and sets out how services are to be resourced and delivered in 2016-17.

5.2 Actions in the work plan will contribute to making Bath and North East Somerset a safer place and to helping young people work towards more positive, crime-free outcomes.

#### **6 RATIONAL**

6.1 The Council has a statutory obligation to publish a Youth Justice Plan

#### **7 OTHER OPTIONS CONSIDERED**

7.1 None

#### **8 CONSULTATION**

8.1 This Plan draws on learning from a recent HMIP Inspection, feedback from service users and consultation with the Youth Offending Service, its Management Board and two sub-groups, the Youth Crime Prevention Board and the Custody Review Panel.

8.2 A copy of this Plan has been sent to the Trade Unions.

8.3 This Plan has been approved for publication by the Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and the Section 151 Officer (Divisional Director – Finance).

#### **9 RISK MANAGEMENT**

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

<b>Contact person</b>	Sally Churchyard: 01225 396966
<b>Background papers</b>	Youth Justice Plan 2015-16
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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Bath and North East Somerset

# Youth Justice Plan 2016 – 2017

Working in partnership to prevent youth offending

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**Bath & North East  
Somerset Council**



National  
Probation  
Service



*Bath and North East Somerset  
Clinical Commissioning Group*

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## 1. Introduction

Youth Offending Services were established under the Crime and Disorder Act 1998 to prevent youth offending. This Plan is written in accordance with the Crime and Disorder Act 1998 and guidance from the Youth Justice Board and sets out how this work will be taken forward in the year ahead. It summarises the achievements of the Youth Offending Service and its partners in 2015-2016 and, drawing on feedback from service users, a review of local performance data and learning from a very recent Inspection, sets out a work plan for 2016-2017. The Plan has been consulted with members of the Youth Offending Service, its Management Board and the two sub-groups, the Youth Crime Prevention Board and the Custody Review Panel. The Youth Offending Service is very well established within the Authority and makes a substantial contribution to the work of a range of other partnerships and work streams. It regards these as opportunities to learn and share good practice and to influence other strategies to ensure they take account of the interests of young people at risk of offending and re-offending, their parents/carers and victims.

At the time of compiling this Plan, the youth justice system is subject to a national review which will report in July 2016. The year ahead is likely to prove a significant time in shaping future delivery of services for young people who offend. Time has been set aside for the Management Board to consider the implications of the review and direction of travel for the Service.

## 2. Local Priorities

The Children and Young People's Plan 2014-2017 sets out an agreed vision for supporting children and young people to achieve the best possible outcomes:-

**We want all children and young people to enjoy childhood and to be well prepared for adult life**

This applies equally to young people at risk of offending or re-offending and as part of the wider children's workforce, the Youth Offending Service is committed to the three priority outcomes:-

1. Children and young people are safe
2. Children and young people are healthy
3. Children and young people have equal life chances

The Service has also adopted the local ambition for parenting:-

**Parents take responsibility for understanding and meeting their children's needs, enjoying their childhood with them and preparing them for adult life**

The lead partner for the Youth Offending Service is Bath and North East Somerset Council whose corporate priorities up until 2020 are shown in the table below, together with the in-year priorities for the Service within which the Youth Offending Service is directly managed:-

<b>Corporate Priorities</b>	<b>Linked Children, Young People and Family Service Priorities</b>
A strong economy and growth	Narrow the gaps in education and employment outcomes for vulnerable groups of children and young people.
A focus on prevention	Prevent and reduce significant harm and the need for children to grow up in care – achieve sustainable improved outcomes at the lowest level of intervention.
A new relationship with customers and communities	Keep children and young people at the heart of everything we do - listening to children and young people, parents, carers, victims of crime at team, service & divisional level.
An efficient business	Support staff to work effectively with children, young people and families through workforce development, streamlining systems and processes and focusing our resources.

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The Youth Offending Service reviews its performance in relation to the following nationally reported outcomes;

1. Reduction in the rate of first time entrants
2. Reduction in the rate of re-offending
3. Reduction in the rate of custody
4. Suitable accommodation
5. Suitable education, training and employment

These local priorities and national outcomes are incorporated into the Work Plan on page 20.



### **3. Core areas of work for the Youth Offending Service**

**3.1** Staff from a wide range of backgrounds including Police, Health, Social Care, Education and the National Probation Service, participate in the multi-agency Youth Offending Service. They work in an integrated way alongside other specialists and have key statutory functions, including the supervision of young people on Out-of-Court Disposals and Court Orders, giving victims a voice, enabling young people who have offended to make amends for the harm they have caused and strengthening parenting skills. The statutory work is supplemented by a prevention service, Compass, which works on a voluntary basis with children aged 8-17 years who are at high risk of offending, and with their families. The Youth Offending Service is responsible for safeguarding young people and supporting them to make positive lifestyle choices and achieve better outcomes. The main areas of work are set out below:-

#### **3.2 Prevention**

The Youth Offending service has been actively involved in the introduction of an Early Help strategy and a refreshed Parenting Strategy and has aligned its own prevention work with these developments. Compass is a long-standing service has been designed to work with young people aged 8-17 who are assessed as being at high risk of offending, and with their parents/carers. The service aims to reduce the risk of individual young people offending and entering the youth justice system and supports them to improve their social and emotional well-being, to fully participate in education, training and employment and to strengthen parenting skills. Compass is now part of the local 'early help' offer, a wider range of support and services for children and young people to help them before the issues they face become more serious. The Local Authority also commissions an independent sector service, Mentoring Plus, to work with 12-21 years olds at risk of offending and a young person's substance misuse service. The Youth Offending Service is fully involved in the commissioning processes for both services. Additionally, Compass also undertakes Return Home Interviews with young people who have returned home after going missing. This supports identification of those who would benefit from early help, including in prevention of child sexual exploitation or offending.

#### **3.3 Diversion**

A Cannabis diversion initiative has been piloted this year, in partnership with Police and DHI's Project 28, the local young people's substance misuse service. Young people who may have previously been issued with an immediate Youth Caution by the Police are now offered an opportunity to attend an awareness raising workshop with Project 28. If they take this offer up, they can be dealt with by an informal community resolution and will not be recorded as formally entering the youth justice system. Those who want it then have an opportunity to continue to work with Project 28. Between January 2015 and March 2016, thirty one young people attended the Cannabis diversion scheme. Twenty five of these young people had no previous criminal record. Youth Offending Service and Avon and Somerset Constabulary records indicate that only three of those twenty five young people have gone on to receive a Youth Caution or higher criminal sanction. The scheme has successfully diverted twenty three young people away from becoming first time entrants to the criminal justice system and provided substance awareness interventions they would not otherwise have had..

### 3.3 Pre-Court Disposals

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, young people who have admitted a minor offence can be dealt with outside of the Courts through a Youth Caution or a Youth Conditional Caution. The Youth Offending Service support this process by assessing young people, shared decision making at fortnightly 'Out of Court Disposals Panels' and delivery of short-term interventions to young people and parents/carers to reduce the risk of re-offending.

### 3.4 Arrest and Court work

- ❖ **Appropriate Adult services** for young people to safeguard their interests when they are being formally interviewed by the Police. This service is commissioned from Bristol Youth Offending Service.
- ❖ **Bail Support and Supervision** – The Youth Offending Service supports and supervises young people who are conditionally bailed by the Courts to maintain contact with the Youth Offending Service.
- ❖ **Remand to the Care of the Local Authority** - The Youth Offending Service supports young people who are remanded to the Care of the Local Authority and become Looked After children. They also have an allocated Social Worker and are entitled to the same level of support as other Looked After young people.
- ❖ **Report Writing** - preparation of written reports to inform key decision making about young people who have offended, such as supporting contract requirements for Referral Order Panels, and analysis of the offence and proposal of sentencing options to the Courts via Pre-Sentence Reports.
- ❖ **Court Duty** – providing information and advice to the fortnightly sitting of the local Youth Court and occasionally attending Bristol Crown Court and other Courts when young people from Bath and North East Somerset are being sentenced. The Service also supports young people to understand the sentences passed, makes assessments of those who have been remanded or sentenced to custody and makes follow-up arrangements for working with young people subject to Court Orders.

### 3.5 Supervision of young people in the community

Young people who are sentenced in the Courts are usually supervised by the Youth Offending Service in the community – that is, they remain living with their parents or foster carers; occasionally, they may be living in a residential setting. The Youth Offending Service works with young people to assess their needs and vulnerability and their likelihood of re-offending and where relevant, of causing serious harm to others. They then work with young people, their parents/carers and other agencies to agree plans to address these concerns. The level of contact with the Youth Offending Service is determined by the assessed level of risk and the interventions delivered include specific offence-focussed work, raising victim awareness, encouraging positive activities and supporting engagement in education training or employment. The Youth Offending Service is responsible for managing young people subject to Intensive Supervision and Surveillance requirements made by the Court as an alternative to custody. Such an Order requires the young person to engage with a 25 hour per week programme of education, training and employment, supervision and activities and an electronically monitored curfew. The Service also supervises young people subject to Unpaid Work Orders.

### 3.6 Work with young people in custody

A minority of young people are remanded or sentenced to custody, usually because of the seriousness of their offending, but sometimes because of repeated failure to co-operate with the requirements of Court Orders. The Youth Offending Service provides risk assessments to the Youth Justice Board to ensure the young person is safely placed in the most appropriate establishment and plans supervision of young people when they return to the community. The most common youth custodial sentence is the Detention and Training Order, lasting for up to two years. Longer sentences apply for more serious offences. Bath and North East Somerset is part of a sub-regional Resettlement Consortium which collaborates to share best practice in supporting young people whilst they are in custody and upon their return to the community.

### 3.7 Restorative Justice and Work with Victims

Restorative justice approaches are an important part of the Youth Offending Service's work. The Service aspires to be a restorative service and encourages staff to raise and address internal issues restoratively wherever possible; there have been some positive experiences of this taking place in the last year. The Service has also been working towards achievement of the Restorative Justice Quality Mark.

All known victims are visited and work is tailored to their individual needs. During 2015, the network of trained restorative justice facilitators was increased and the Service began to work in partnership with other agencies including Lighthouse (who offer victim support), the Young Victims' Service and the North East Restorative Approaches Partnership. The Youth Offending Service now has a 'virtual team' of trained facilitators who can jointly deliver restorative justice work for all offences, including vulnerable and sensitive victims.

Examples include multi-agency restorative meetings with Curo housing, where family conflicts were addressed in order to avoid evictions and completion of restorative conferences for assaults and criminal damage. Shuttle mediation has been undertaken to answer victims' questions when it has not been possible for victims and young people to meet face to face. Payment for damages and direct reparation has been undertaken and victims have usually provided excellent feedback.

"It's nice to know that victims are taken into consideration, you helped get my money back"

"I'm glad I met the offender (and) I'm glad I got the opportunity to hear his side. I wanted him to know, he can change his life"

"I feel really bad about this, I've been beating myself up. It actually helps talking to another person. I appreciate everything you have done"

One person questioned the use of a Youth Hub for a meeting, saying that it did not feel a sufficiently neutral environment as it was more comfortable for the young person to be there than for the victim. The Service has learned from this and is now reviewing 'neutrality' of location in every instance.

It is clear that young people are also appreciative of what they learn from engaging in this work:-

"I said all I wanted to and felt listened to and heard things that I hadn't heard before"

"(It was) fine (and the) victim was easy to talk to. I learnt one punch could do a lot of damage and that I can turn my life around"

"(It was) fine and I'm happy I did it and said sorry. (I learned) never to try and ride away from Police when stopped."

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Where direct involvement with victims is not possible, then young people are asked to make amends or pay back the wider community by undertaking reparation work. This continues to be planned on a more bespoke basis in order to better meet the needs of victims, the local community and young people. Discussions are had with both victims and young people, with direct reparation completed where appropriate. If victims do not wish for direct reparation they are encouraged to suggest projects they feel are important where reparation could be carried out.

A large Bath store asked for any reparation to support the work of the Woodland Trust, a charity it supports, or activity in the environment which would benefit the local community. After discussion with the store and young person it was agreed that they would spend time making open spaces in the city centre better for the community to enjoy. Part of his reparation was with the Council's Parks Department, potting up 1000 daffodil bulbs as well as gardening in Bath's Parade Gardens. He also did a litter pick near the entrance of community green space, the Linear Park.

Young people are often keen to do litter picking for their reparation and so the challenge is to encourage them to broaden their horizons and do a reparation activity that has some relevance to the offence and also their aspirations. The Service continues to work with young people to boost their confidence and esteem. Examples include packing food parcels at the Foodbank, growing fruit and vegetables on the allotment, helping in a charity shop in Midsomer Norton and helping walk dogs and care for cats at the Bath Cats and Dogs Home.

### **3.8 Work with parents/carers and families**

The Youth Offending Service led in the refresh of the Parenting Strategy this year, promoting whole family approaches and re-stating the commitment to evidence-based work in supporting parents undertakes assessment of a young person's family situation and parenting and offers a range of interventions designed to support family relations, improve parenting skills and confidence. Work with parents is usually on a voluntary basis but can sometimes be within a Parenting Order. The interventions include individual parenting skills sessions, family mediation and joint work with the parents/carers and the young person, for example, concerning a young person's aggression within the home. The Youth Offending Service is also part of the Connecting Families' wider matrix team and sometimes takes on the role of 'lead professional' with families who meet the national Troubled Families criteria. This includes undertaking a Whole Family Assessment profile, organising regular Team Around the Family Meetings and co-ordinating a Whole Family Plan to provide support for all family members.

## **4. Multi-Disciplinary work**

A key strength of Youth Offending Services is that they are multi-disciplinary. The co-location of staff from a wide range of disciplines supports information sharing and planning and enables readily tailored approaches to young people's needs.

### **4.1 Education (Bath and North East Somerset Council)**

A new Education Worker has enabled a fresh look at how the Youth Offending Service supports young people's engagement in education, training and employment, a key protective factor in reducing the risk of offending. She monitors young people's participation in learning and will be comparing this with data for the whole academic age 16/17 cohort in the Local Authority. She is working closely with the Council's new Youth Connect Service to integrate approaches to identifying and addressing young people's need and with the Special Educational Need and Disability Team to strengthen information sharing and support for young people. It is clear that a small number of young people known to the Youth Offending Service have particular needs that are hard to meet from the provision currently available and key areas of work for 2016-17 will be with commissioners to ensure that young people's needs for compulsory education up to the school leaving age are met, and to support the development of a 14-25 Strategy.

### **4.2 Health (Bath and North East Somerset Clinical Commissioning Group)**

The Youth Offending Service benefits from secondment of a part-time Speech and Language Therapist and a part-time Nurse. Speech and Language therapist achievements this year have included:

- ❖ Increased rate of screening and identification of speech, language and communication needs
- ❖ Systematic tracking of cases and development of information sharing between professionals
- ❖ Input into interventions leading to improved engagement and participation by service users
- ❖ Introduction of 'communication profiles' for magistrates/panel members that have impacted upon the understanding of the way the service-user may present, due to their speech and language therapy needs.

Over the next year, the priorities are to maintain the current effectiveness of screening during transition to the new assessment tool, strengthening joint-working practice with case managers and continue involvement in the training of staff, volunteer Panel Members and Magistrates.

The inclusion of a Nurse in the multi-agency team has been valuable, has enhanced education of the Service in health matters and information sharing. Links with professionals and young people at Project 28 are now well established and a weekly enhanced sexual health clinic has been set up, supporting vulnerable girls and access to appointments in dental care and with GP surgeries. With one young person, this led to a diagnosis which enabled staff to support him holistically whilst he completed his Court Order. With young people working voluntarily with the Compass team, she has been able to attend Team around the Child meetings with families and support with links with paediatricians and the Child and Adolescent Mental Health Service. Joint work with Social Care includes supporting a family where there has been an allegation of harmful sexual behaviour. Opportunities this year also included delivering a session to colleagues on the workings of the teenage brain, enabling the team to look at the biological differences and how interventions with young people can be tailored to their individual needs.

#### **4.3 Probation Officer (National Probation Service)**

A seconded Probation Officer works as a case manager, directly supervising young people subject to Court Orders and bringing skills in assessing and managing risk, including working closely with Impact and Multi-Agency Public Protection Arrangements to ensure integrated planning for work with young people who present a higher risk of serious harm to others. They also support the transition to adult criminal justice services for young people who continue to offend. Following national consultation, the National Probation Service is reducing the post in Bath and North East Somerset from full-time to half-time. Whilst this is a loss to the case management capacity which will need to be identified from elsewhere, it provides an opportunity to strengthen the transition arrangements for young people from youth to adult justice services, with the same member of staff providing a level of direct continuity in some cases.

#### **4.4 Social Worker and Youth Justice Worker (Bath and North East Somerset Council)**

Two full-time qualified staff work as case managers and bring particular skills in child development and safeguarding and working with young people in the context of their family experience. They undertake assessments and interventions with young people involved in sexually harmful behaviour and support victims of child sexual exploitation.

#### **4.5 Police (Avon and Somerset Constabulary)**

Two four-day per week seconded Police Constables provide a link with the Integrated Offender Management Service concerning the young people at highest risk of re-offending, support the Out of Court Disposals Panel and lead on work with victims.

#### **4.6 Panel Members**

Volunteer Panel Members take on a key statutory function in chairing Referral Order meetings with young people and, where they are willing, the victim of their offence, to agree how they will make amends and what work they need to undertake to reduce their risk of re-offending. As part of our commitment to supporting Panel Members, annual appraisals are held in order to identify opportunities for development. In addition, they are regularly offered training that will help them in their roles. In 2015-2016 this included diversity training, emotion coaching (understanding attachment disorders) and child sexual exploitation training. In addition The Youth Offending Service has begun holding regular bi-monthly meetings for Panel Members in-house; this gives them the opportunity to meet up and discuss any problems or concerns – as well as being a good way for the Service to promote and praise good practice. In order to meet their' varying schedules, these meetings are alternated between daytime and evening sessions in order to give as many people as possible the chance to attend. The Service recognises the commitments of its volunteers in its bi-monthly newsletters to Panel Members and by nominating them for relevant awards. In 2016, they were nominated for the Volunteer Team of the Year, at an event run by the Council.

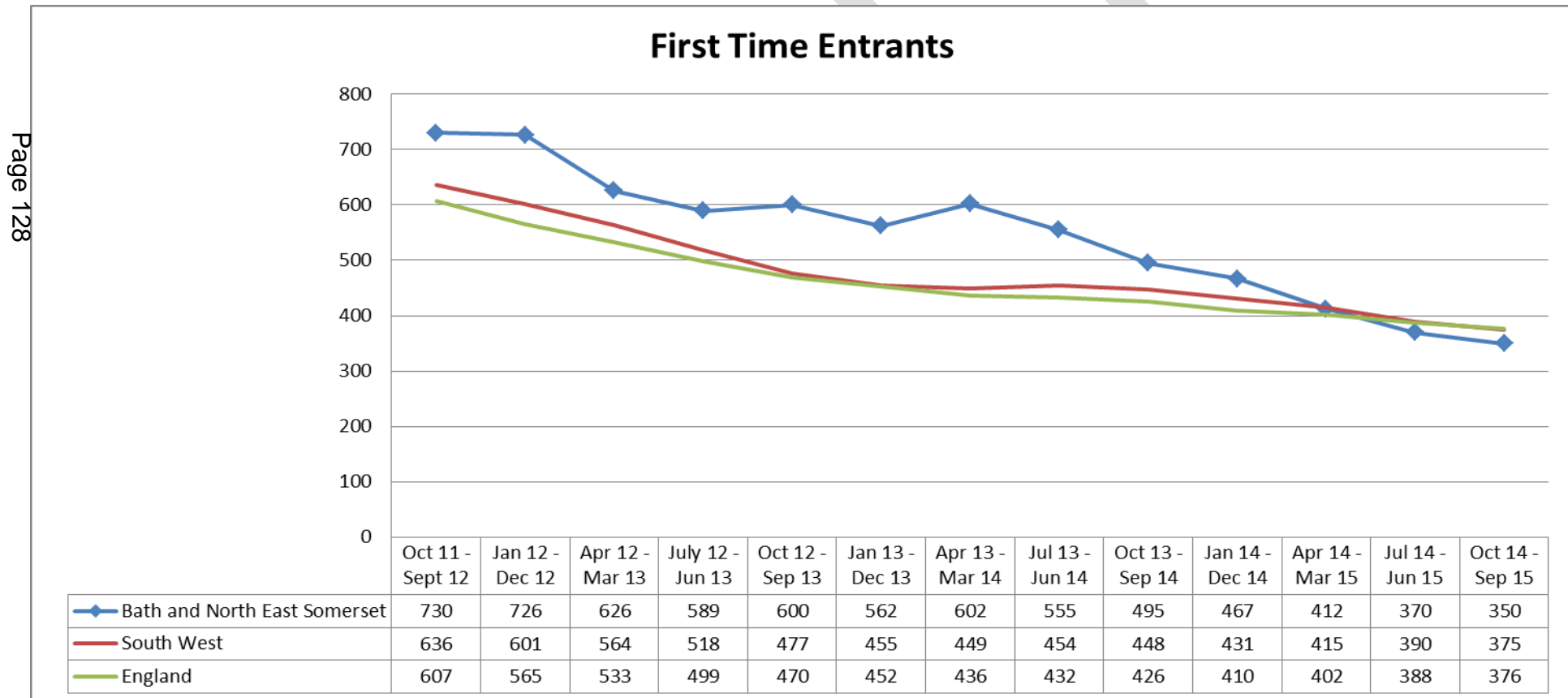
A new cohort of Panel Members will be recruited in May 2016.

## 5. Performance

5.1 The principal aim of the youth justice system is to prevent offending by young people. The effectiveness of the work is measured through five national performance measures. During the year ahead, the Service will be working on more 'distance travelled' approaches to measuring outcomes for young people.

### 5.2 Reduce the rate of first time entrants to the youth justice system

This performance measure helps understanding of how effective the local area has been in supporting young people not to offend and enter the youth justice system for the first time. It is shown as a rate of young people per 100,000 in the general population of 10-17 year olds who received their first substantive outcome (a Youth Caution or Youth Conditional Caution following admission of an offence, or a conviction in Court), to enable comparisons to be made. Data is taken from the Police National Computer and is published in rolling full years.



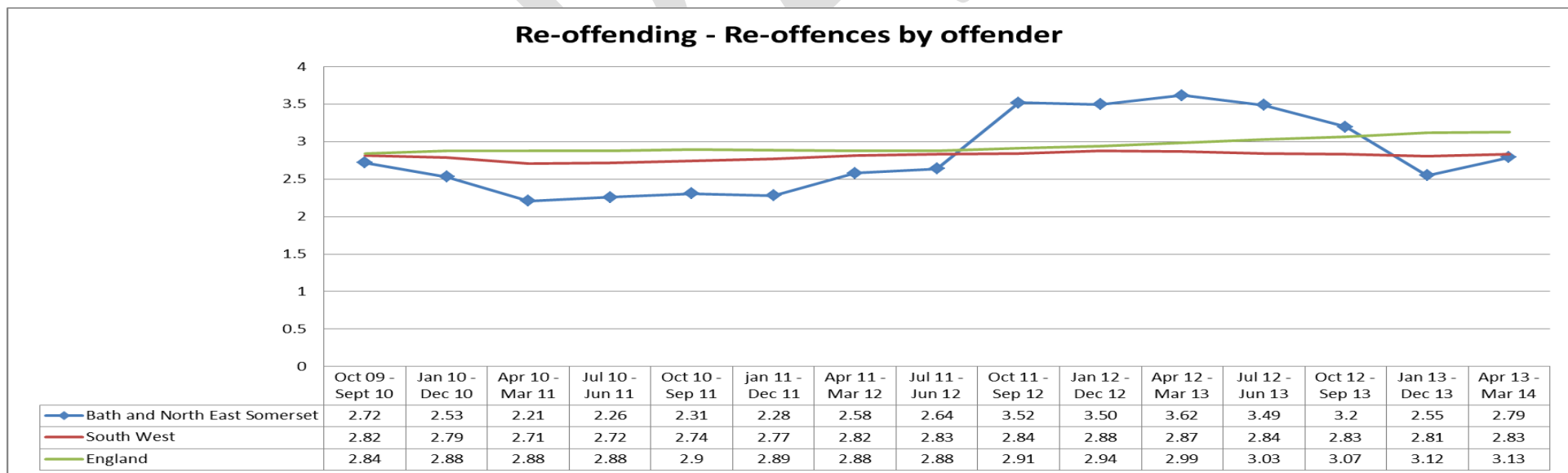


Local performance has shown significant improvement after a number of years with a higher rate than comparators and a slower rate of improvement than other areas. These trends re now reversed and a continued local focus on early help and the introduction of the Cannabis Diversion initiative have had an impact and performance is now lower (better) than comparators and is improving at a faster rate.

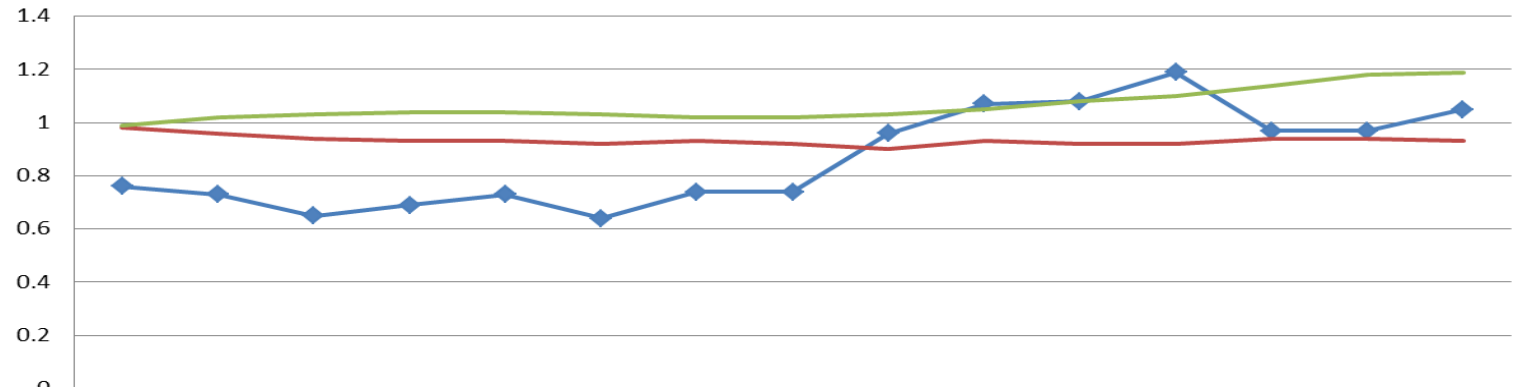
### 5.3 Reduce the rate of re-offending

This performance measure helps understanding of the effectiveness of the youth justice system in supporting young people who have previously offended to avoid re-offending. It is a quarterly rolling measure of the rate of re-offending after twelve months of a cohort of young people who received a Caution or Conditional Caution or a sentence in Court or were released from custody. The data is taken from the Police National Computer and published as a frequency rate (the number of re-offences per 100 young people) and as binary information (a count of the number of young people who re-offended, expressed as a percentage of the cohort). For re-offending, the indicator is the rate of re-offending after 12 months by a cohort of young people who received a substantive outcome.

This is now shown in three ways – re-offending by individual young people, the percentage of young people who re-offended (binary rate) and the number of young people in the cohort divided by the total number of offences they committed (frequency rate). The latest data available shows that after a considerable period of having lower rates of re-offending than all comparator groups, the local rate is increasing, although it is below the national average. With a reducing rate of first time entrants, the Youth Offending Service is working with a smaller cohort of more concerning young people whose offending is more prolific.

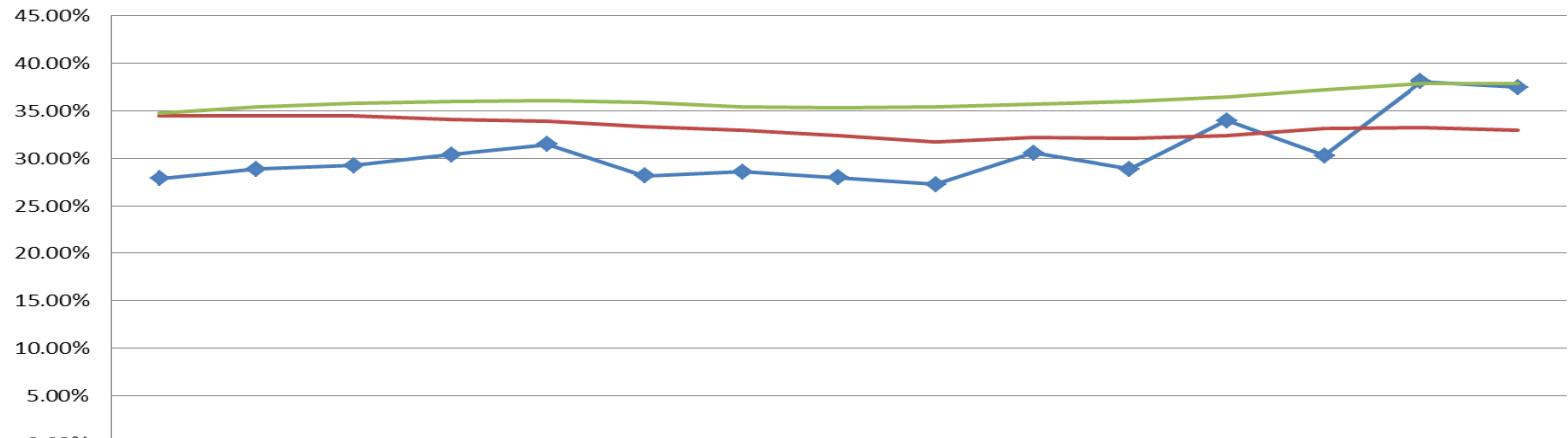


### Reoffending - Frequency Rate



	Oct 09 - Sept 10	Jan 10 - Dec 10	Apr 10 - Mar 11	Jul 10 - Jun 11	Oct 10 - Sep 11	Jan 11 - Dec 11	Apr 11 - Mar 12	Jul 11 - Jun 12	Oct 11 - Sep 12	Jan 12 - Dec 12	Apr 12 - Mar 13	Jul 12 - Jun 13	Oct 12 - Sep 13	Jan 13 - Dec 13	Apr 13 - Mar 14
—◆— Bath and North East Somerset	0.76	0.73	0.65	0.69	0.73	0.64	0.74	0.74	0.96	1.07	1.08	1.19	0.97	0.97	1.05
— South West	0.98	0.96	0.94	0.93	0.93	0.92	0.93	0.92	0.90	0.93	0.92	0.92	0.94	0.94	0.93
— England	0.99	1.02	1.03	1.04	1.04	1.03	1.02	1.02	1.03	1.05	1.08	1.10	1.14	1.18	1.19

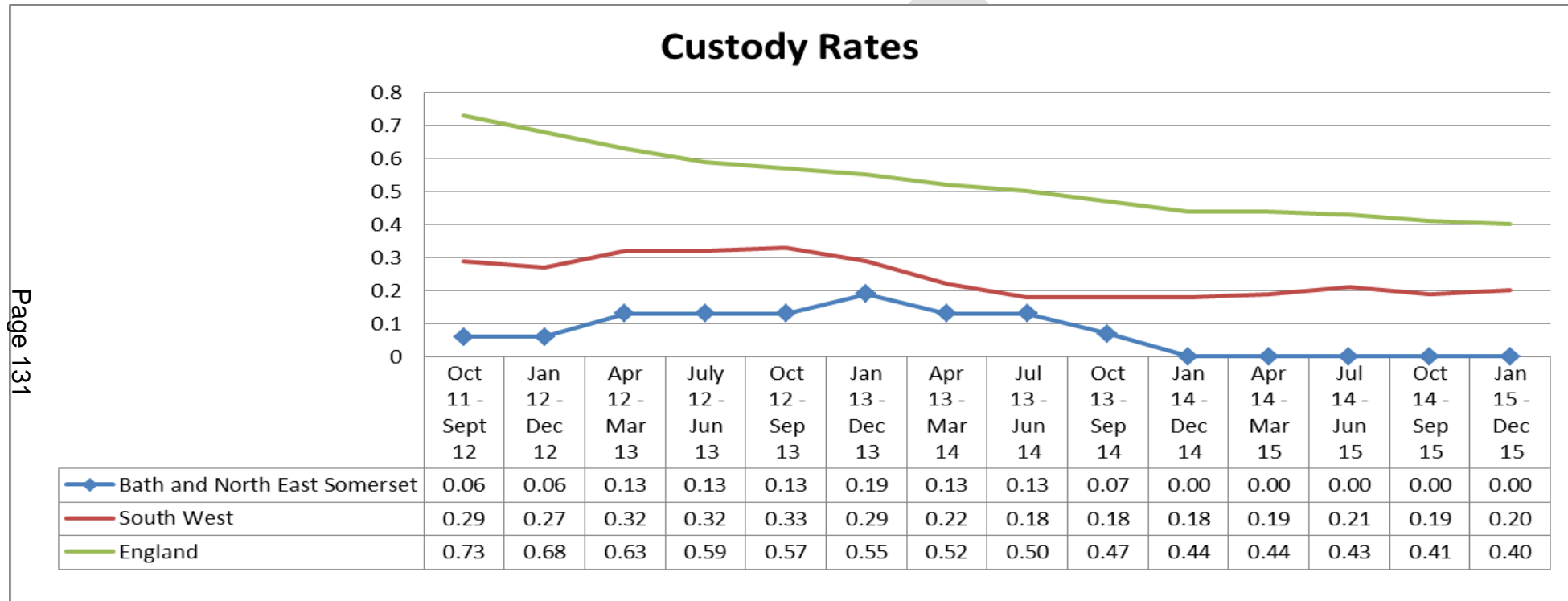
### Reoffending - Binary Rate



	Oct 09 - Sept 10	Jan 10 - Dec 10	Apr 10 - Mar 11	Jul 10 - Jun 11	Oct 10 - Sep 11	Jan 11 - Dec 11	Apr 11 - Mar 12	Jul 11 - Jun 12	Oct 11 - Sep 12	Jan 12 - Dec 12	Apr 12 - Mar 13	Jul 12 - Jun 13	Oct 12 - Sep 13	Jan 13 - Dec 13	Apr 13 - Mar 14
—◆— Bath and North East Somerset	27.90%	28.90%	29.30%	30.40%	31.50%	28.20%	28.60%	28.00%	27.30%	30.60%	28.90%	34.00%	30.30%	38.10%	37.50%
— South West	34.50%	34.50%	34.50%	34.10%	33.90%	33.40%	33.00%	32.40%	31.80%	32.20%	32.10%	32.40%	33.20%	33.30%	33.00%
— England	34.80%	35.40%	35.80%	36.00%	36.10%	35.90%	35.40%	35.30%	35.40%	35.70%	36.00%	36.50%	37.20%	37.90%	37.90%

## 5.4 Reduce the rate of custodial sentences

The third national performance measure relates to the use made of custody as a sentencing option. The Youth Offending Service makes proposals to Courts to assist sentencing decisions; any sentence of custody for a serious offence is not taken lightly and is avoided wherever young people can be safely supported to remain within the community. The Custody Review Panel supports this work by examining the role of Police, Social Care and the Youth Offending Service, in making suitable provision for young people at key stages in the youth justice process from arrest to sentence.

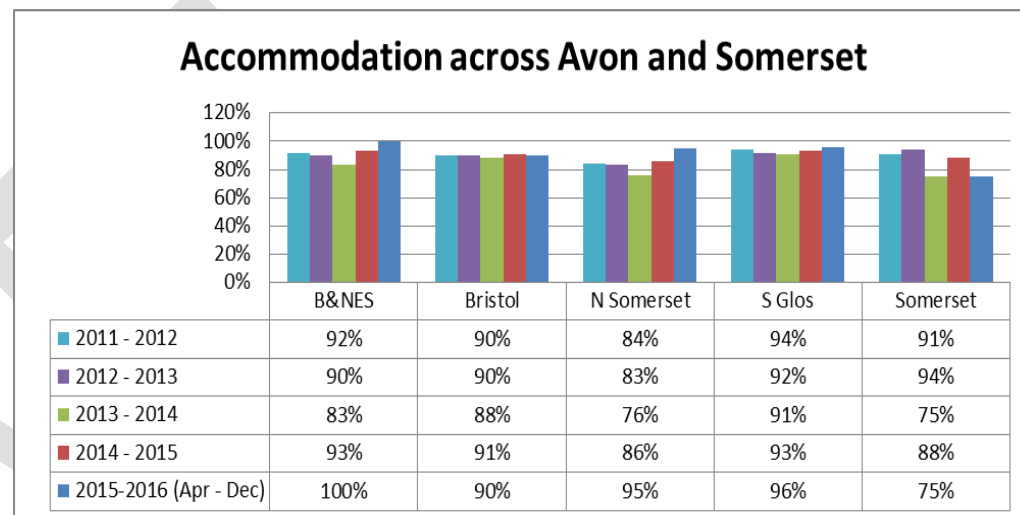
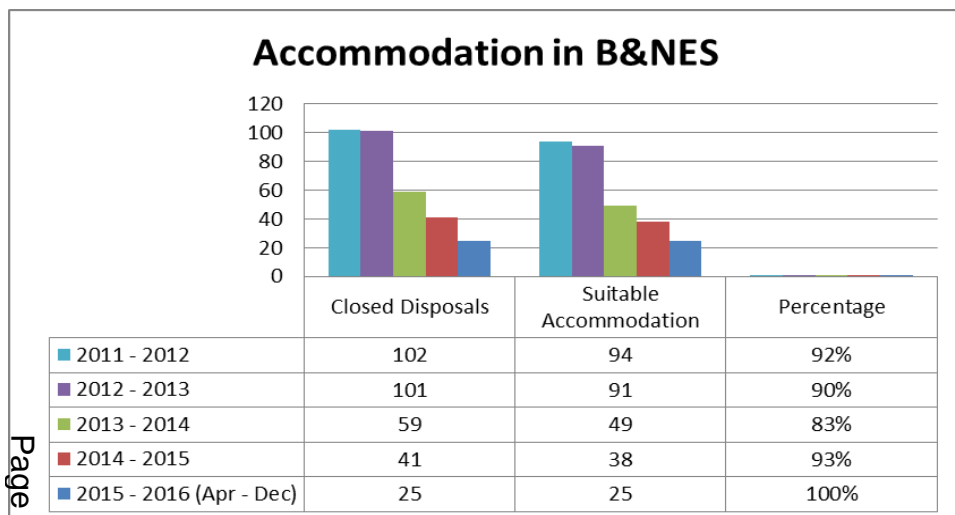


For four consecutive reporting periods, the local custody rate has been zero. Whilst Bath and North East Somerset has never been the only Authority to report at this level, there always being one or two others, it is the only area to have shown this rate of continuity, with no young person sentenced to custody for more than two years. However, the Service is continuing to work with challenging young people and is not complacent about this.

Outside the date range of the data being reported in this Plan, two young people have been sentenced to custody, one in 2013 and another in 2016. On both occasions, the sentence arose from their repeated return to Court for failure to co-operate with the requirements of their Court Orders, rather than as an immediate sentence for the presenting offence.

## 5.5 Accommodation

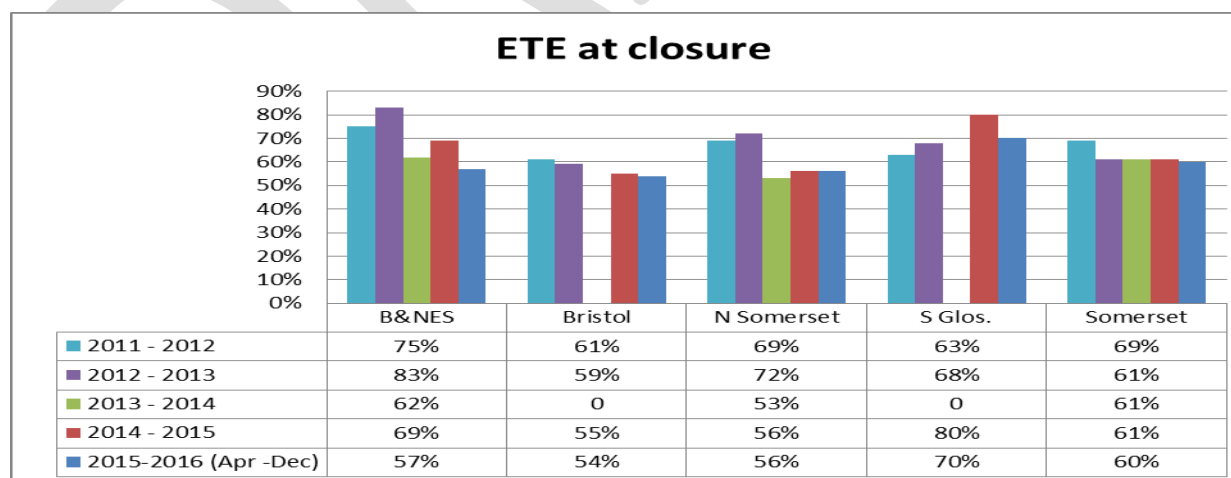
The tables below provide information about the suitability of young people's accommodation on the last day of their Court Order. The excellent performance masks some of the significant issues that young people face. The number is of Court Orders closed, not necessarily of the number of individual young people.



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## 5.6 Education, Training and Employment

The table below shows the proportion of Court Orders closed where the young people were assessed as being in suitable education, training and employment on the last day of their Court Order. This is a declining performance and there needs to be a review of provision for young people who have offended.



## 5.7 Performance reporting in 2016-2017

These measures will all continue to be monitored by the Youth Offending Service Management Board, supplemented with some further information on 'distance travelled' by young people from the start to the end of their statutory supervision. From 1 April 2016, monitoring of Compass will transfer from the internal Council commissioning service to the Board. The following will be monitored through quarterly reports:

1. Number and % of young people currently working with Compass who enter the youth justice system for the first time.
2. Number and % of young people entering the youth justice system up to one year after completing work with Compass.
3. Number and % of parents and carers accessing parenting support who report increased confidence in their parenting skills.
4. Number and % of reductions in assessed risk of offending.
5. Number and % of young people showing a measurable improvement in their social wellbeing at the end of the intervention (includes lifestyle indicators including engaging positively with peers, engaging in positive activities, increased confidence).
6. Number and % of young people showing a measurable improvement in their emotional wellbeing (including self-esteem and coping strategies).
7. Number and % of young people showing a measurable increase in their engagement in education, employment and training.

The Youth Offending Service Management Board will also be monitoring findings from the Re-offending Tracking Tool over a three year period which looks at Age, Gender, Ethnicity, Looked After Children, type of offence, time to further offending, seriousness of re-offending and types of outcomes. The Youth Offending Service will hold a workshop in the summer of 2016 to look at data over a three year period to see if there are any lessons to be learned and any patterns which we need to be addressed.

## 6. Learning from Feedback

The Youth Offending Service is keen to ensure that the service provided to young people, parents and carers, victims, the Courts and other partner agencies is of the highest quality. It seeks regular feedback and endeavours to implement changes from the comments received. Feedback from victims has been included above, in the Restorative Justice section of the Plan.

### 6.1 Young people

HMI Probation now facilitates an annual survey of young people known to Youth Offending Services, which has the advantage of being anonymous. The latest survey yielded the following comments from local young people:-

(a) Things that have made you less likely to offend:-

“Being able to talk about my problems”

“Mixing with the right people”

“Realising if I reoffend I will not be able to get the job I want”

“Moving back in with my Mum and Dad and being back in education”

“Coming to YOS”

“Thinking about the consequences of actions”

(b) What has got better with your health?

“That I don't drink”

“I'm using contraception and I'm eating properly”

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(c) What things have got better for you or how has the Youth Offending Service helped you?

“Helped me to think in a positive way”

“By listening to me”

“It's made me think more about my mistakes and my relationships with Mum and Dad have got better”

“I haven't been arrested in over a year now”

“Stopped drinking”

“Tag makes you not want to do it cuz (*sic*) it's just a waste of time”

“Thinking about my actions and consequences of my actions and keeping my temper”

"I have got a job and talk to people at the YOS"

"It made me think about what people I should hang around with"

"They have made me realise right from wrong"

(d) Ideas for how the Youth Offending Service could be improved (and the Youth Offending Service response):

"Less meetings, better reparation" (our new Community Involvement worker has been tailoring reparation to the wishes of victims and young people, wherever possible. More bespoke projects now take place)

"More computer-based stuff" (We have installed two new computers to facilitate this)

"Reparation was difficult to organise as I work full-time and no workers available the hours I am free" (We now have 3 sessional workers who are available at weekends)

"Make the offices look better" (We involved young people in re-painting and furnishing our two interview rooms. One young woman who was involved in this went on to obtain an apprenticeship in painting and decorating, drawing on this experience)

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## 6.2 Parents and Carers

The Service has collected less feedback from parents this year and will be endeavouring to increase this in the year ahead.

"When we first started working with the Youth Offending Service we didn't know what to expect. If I'm honest we clashed a bit at the beginning, that was partly due to us not understanding the system (family are from overseas). But when it all made sense it has been brilliant, not just for my son but for all of us as a family – it has been really holistic. I remember one conversation I had with his case manager when I was frantic and she listened and was able to get me to calm down and see things more clearly"

### **6.3 Courts and Magistrates**

The Youth Offending Service meets quarterly with the local Magistrates and Court Clerk. These meetings serve as opportunities to share service updates, provide case studies to Magistrates to enhance their confidence in sentencing and receive feedback about practice in Court. They have particularly found the work of the Speech and Language Therapist to be helpful in promoting good communication with young people in the Court setting. The congruence level between proposal and sentence in Pre-Sentence Reports has continued to be 100% in 2015-2016.

### **6.4. Short Quality Screening Inspection**

The Youth Offending Service was subject of a Short Quality Screening Inspection undertaken by HMI Probation in February 2016. The Inspectors reported as follows. "We were pleased to see that there had been overall improvements in the work of the YOT since our last inspection in 2010, and that many of our previous recommendations had been addressed. Compliance with orders was excellent, and reflected the skill and commitment of case managers. Work to reduce reoffending and to protect children and young people was sound, and was well supported by a wide range of partner organisations. Further improvement is needed in the quality of risk assessment and risk planning, and management oversight of public protection needs to be more robust." Actions to strengthen risk assessment and planning and management oversight have been included in the Work Plan.

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## **The Context for Youth Justice**

### **7.1 Implementation of AssetPlus**

AssetPlus is a new assessment and planning interventions framework developed by the Youth Justice Board to provide a holistic end-to-end assessment and intervention plan, allowing one record to follow a child or young person throughout their time in the youth justice system. It focuses on professional judgement of practitioners and will enable better-focused intervention plans to improve outcomes for children and young people. Implementation has been a major piece of work for the whole Service, involving database upgrades and training.

### **7.2 Walker Review of Youth Justice**

There is currently a national review of the youth justice system in England and Wales. It follows recognition of considerable success in reducing youth offending but the challenges in working with a group of children who continue to offend, some of them prolifically. The review is based on listening to the views of those working within the youth justice system – practitioners, young people and their families and staff in other parts of the criminal justice system. Two key principles are informing the review. The first is that children who break the law should continue to be dealt with differently from adults and the second is that education must be central to an effective youth justice system. In anticipation of publication of the review in the summer, the Youth Offending Service Management Board has set aside a day to reflect on the findings and their implications for local delivery.



## 8. Work Plan for 2016-2017

<b>Divisional Priority 1: Narrow the gaps in education and employment outcomes for vulnerable groups of children and young people (Children and young people have equal life chances)</b>					
<b>Indicators</b>		<b>Actions</b>	<b>Lead</b>	<b>Intended Impact</b>	<b>Timescale</b>
1. Increase in the proportion of young people engaged in education, training and employment 2. Number and % of young people aged 16-18 who are NEET 3. % of 16 and 17 year olds who have an offer of education or training by the end of September	1	Ensure all Youth Offending Service young people applying for post-16 education and training have transition plans and support in place.	Education Worker	Increased take up of suitable provision	September 2016
	2	Ensure all reparation projects provide an opportunity for young people to identify and record new skills.	Community Involvement Worker	Develop confidence and raise aspirations	December 2016
	3	Participate in review of post-16 provision and the development of the 14-19 Strategy, to ensure it reflects the needs of young people who have offended	Service Manager	Meet the needs of all young people	March 2017
	4	Work with Bath College to develop integrated support and procedures for vulnerable learners, together with transitions support.	Education Worker	Suitable provision for all young people	March 2017
	5	Work with commissioners to ensure access to compulsory education for those who have offended.	Service Manager	Suitable provision for all young people	March 2017
	6	Support access to work experience or the National Citizenship Scheme for those in Years 11 and 12 (linking with work to support Looked After Children).	Education Worker	Develop confidence and raise aspirations	March 2017
<b>Divisional Priority 2: Prevent and reduce significant harm and the need for children to grow up in care – achieve sustainable improved outcomes at the lowest level of intervention (Children and young people are safe and healthy)</b>					
<b>Indicators</b>		<b>Actions</b>	<b>Lead</b>	<b>Intended Impact</b>	<b>Timescale</b>
1. Reduction in the rate of first time entrants 2. Reduction in the rate of re-offending 3. Reduction in the rate of custodial sentences 4. Increase in the proportion of young people in suitable accommodation 5. Increase in the	1	Review the model for conducting return home interviews and ensure it addresses the needs of those at risk of offending, child sexual exploitation and/or those affected by parental imprisonment.	Team Manager	Young people signposted on to relevant support	June 2016
	2	Agree a model to proactively screen Police intelligence to identify those likely to be at greatest risk of offending.	Police Constable	Reduced first time entrants	September 2016
	3	Support a YOS practitioner to join the Willow Team for young people at risk of child sexual exploitation.	Operational Manager	Keep young people safe	September 2016
	4	Ensure all case managers are trained to work with those involved in sexually harmful behaviour (AIM).	Operational Manager	Reduced re-offending	September 2016

proportion of young people engaged in education, training and employment	5	Ensure risk assessments are clearly explained in relation to how previous behaviour and offences are linked to serious harm and arrange training (Inspection).	Operational Manager	Robust planning	September 2016
	6	Develop approaches to working with young people at risk of perpetrating child sexual exploitation.	Operational Manager	Keep young people safe	December 2016
	7	Review the Service's work in assessment and planning including management of risk of serious harm to others (Inspection).	Operational Manager	Plans address all identified risks	December 2016
	8	Address learning from forthcoming Laming Report on Looked after Children and offending	Service Manager	Reduced offending by Looked After Children	December 2016
	9	Ensure development of the Multi-Agency safeguarding Hub supports young people's referral into youth crime prevention projects.	Service Manager	Provision of early help	December 2016
	10	Apply learning from the YJB reducing re-offending project to introduce service improvements.	Operational Manager	Reduced re-offending	March 2017

**Divisional Priority 3: Keep children and young people at the heart of everything we do - listening to children and young people, parents, carers, victims of crime at team, service & divisional level**

Indicators		Actions	Lead	Intended Impact	Timescale
1. Reduction in the rate of first time entrants 2. Reduction in the rate of re-offending 3. Reduction in the rate of custodial sentences 4. Increase in the proportion of young people in suitable accommodation 5. Increase in the proportion of young people in education, training and employment Customer Service Excellence and Restorative Service Quality Mark	1	Support staff to be proactive in integrating and sharing plans with relevant partner agencies.	Operational Manager	Integrated planning and delivery	September 2016
	2	Introduce a more accessible format for young people's plans and ensure that they are always given a copy (Inspection)	Operational Manager	The purpose of our work understood by young people	September 2016
	3	Ensure that audits regularly seek evidence of the voice of the child	Operational Manager	All work is young people-centred	September 2016
	4	Review how parenting support is provided within the Youth Offending Service	Operational Manager	Identified parenting need addressed	March 2017
	5	Produce quarterly evidence of what the Service has learned from feedback and what it has done in response	Team Manager	Service users understand the value of their feedback	March 2017
	6	Ensure provision of an effective parenting intervention for parents of teenagers	Service Manager	More effective parenting	March 2017

**Divisional Priority 4: Support staff to work effectively with children, young people and families through workforce development, streamlining systems and processes and focusing our resources**

Indicators		Actions	Lead	Intended Impact	Timescale
	1	Complete implementation of new database (ChildView v.3)	Information Manager	Case management / reporting compliance	June 2016
	2	Transfer the monitoring of Compass to the Youth Offending Service Management Board	Information Manager	Consistent oversight and time efficiencies	June 2016
	3	Review staffing structure to strengthen accountability and ensure core of suitably qualified staff.	Service Manager	Within budget legislative compliance	June 2016
	4	Review 'buddying' system practice to ensure staff safety when making home visits.	Operational Manager	Staff safety	June 2016
	5	Ensure a compliant model of delivering Unpaid Work requirements in Court Orders.	Operational Manager	Legislative compliance	September 2016
	6	Agree a process for identifying, recording and supporting children affected by parental imprisonment.	Operational Manager	Provision of support	December 2016
	7	Agree local implementation of the national transitions protocol for young people moving to adult services.	Service Manager	Tailored support and reduced re-offending	December 2016
	8	Review Performance and Development Review process to include youth justice competencies and introduce 360 degree feedback for all staff.	Service Manager	Better supported and trained workforce	March 2017
	9	Complete the managers' module of the Bath and North East Somerset Workplace Wellbeing Charter.	Service Manager	Healthy workforce	March 2017
	10	Ensure staff are briefed on the Prevent Strategy, Child Sexual Exploitation and Female Genital Mutilation	Operational Manager	Meeting safeguarding responsibilities	March 2017
	11	Ensure all staff support young people in improving qualification levels and raise aspirations.	Education Worker	Raised aspirations	March 2017
	12	Review and update secure storage of all data and records	Information Manager	Compliance with Government Connect	March 2017
	13	Work with the Management Board to respond to the findings of the national review of youth justice.	Service Manager	Work to prevent youth offending	March 2017

## **9. Governance, Leadership and Partnership Arrangements**

**9.1** Bath and North East Somerset Council, as the relevant Local Authority, is the lead partner for youth justice. It has the primary responsibility to the Secretary of State for ensuring that the Youth Offending Service fulfils requirements and delivers services required under the Crime and Disorder Act 1998, and any subsequent criminal justice legislation and that it meets the requirements of all relevant legislation applicable to young people. The statutory partners (Social Care, Police, Probation, Education and Health) have a duty to ensure that statutory requirements are met, through the provision of resources and other support.

**9.2** Governance of the Youth Offending Service rests with the Community Safety Partnership's Responsible Authorities Group, and immediate oversight and accountability is provided by the Youth Offending Service Management Board, with representation from the key statutory partners. Following two very positive years of chairing by Michelle Maguire from Oxford Health NHS Trust, the Board now has a new chair in Mike Bowden. The new Head of Education Inclusion has now joined the Board. It continues to have a Partnership Agreement in place, setting out its responsibilities for the strategic direction, resourcing and operational delivery of youth justice services. A number of members of the Board also sit as members of the Local Safeguarding Children Board. The Management Board has two sub-groups – the Youth Crime Prevention Board that oversees work to reduce the rate of first time entrants and the Custody Review Panel that oversees work to reduce the rate of custody. Both groups are chaired by the 11-19 Prevention Service Manager and report annually to the Youth Offending Service Management Board.

**9.3** The Custody Review Panel supports prevention of the use of custody for young people wherever possible and oversees the local shared protocol on safeguarding in Police custody, use of the Youth Justice Board Remand Grant and the custody performance indicator. It is attended by the Youth Offending Service, Police, Children's Social Care, the Deputy Head of Safeguarding and Placements Strategy and Commissioning and aids partnership working at a strategic level. Meetings are held quarterly to review outcomes, identify learning and plan for improvements. During 2015-2016, the Panel has promoted awareness of legislative changes regarding the treatment of 17 year-olds in Police custody and the risk of custodial sentences for young people convicted of a second knife offence. It has clarified arrangements for Police notification of young people held overnight, the availability of alternative placements, case recording and a protocol for arrangements for young people with Education, Health and Care Plans who are sentenced to custody. Learning from cases has underlined the importance of early help for children under the age of ten who are involved in sexually harmful violent or otherwise concerning behaviour and the need for longer-term support.

**9.4** The Youth Offending Service is managed within the People and Communities Department of the Council. Strategic responsibility for the Youth Offending Service is allocated to the 11-19 Prevention Service Manager who is also responsible for the Youth Connect Service and is line managed by the Divisional Director. The Operational Manager has oversight of all services delivered and is supported by the Partnership and Intervention Manager. An organisational chart can be found in the appendices.

**9.5** This Youth Justice Plan will be monitored by the Youth Offending Service Management Board and there will continue to be a level of support and oversight from the Youth Justice Board. The Board receives quarterly financial and performance reports and annual assurance and National Standards reports and has now established a Challenge Register. Progress on the Work Plan will also be reported to the relevant Council Development and Scrutiny Panel.

## 9.6 Membership of the Youth Offending Service Management Board

Management Board Member	
Chair: Mike Bowden	Director, Children and Young People's Strategy and Commissioning, Bath and North East Somerset Council
Vice Chair: Richard Baldwin	Divisional Director, Children and Young People's Specialist and Targeted Services, Bath and North East Somerset Council
Chris Saunders	Detective Chief Inspector – Avon and Somerset Constabulary
Elizabeth Spencer	Assistant Chief Officer, South West South Central Division, National Probation Service
Michael Evans	Lead Member for Children, Bath and North East Somerset Council
Chrissie Hardman	Head of Children's Health Services, Sirona Care and Health
Michelle Maguire	Head of Service, Swindon, Wiltshire and Bath and North East Somerset NHS Foundation Trust
Amy Hunt	Youth Champion and Health and Wellbeing Officer, Avon and Somerset Police and Crime Commissioner's Office
Christopher Wilford	Head of Education Inclusion Service, Bath and North East Somerset Council
Pauline Kinton	South West Partnership Adviser, Youth Justice Board for England and Wales
Sally Churchyard	11-19 Prevention Service Manager, Bath and North East Somerset Council

## 9.7 Budget Summary 2016 - 2017

Source	Pooled budget £	Staffing costs £	Other costs £	Comments	Total £
<b>Avon and Somerset Police</b>	26,442	82,472	0	Seconded Police on-site access to Police National Computer is also provided but not costed.	<b>108,914</b>
<b>National Probation Service</b>	5,000	34,435	0	Following national consultation, the Probation Officer post is reducing to half-time during 2016-2017. No date has been set for this and so 75% of a full-time post is shown as the contribution.	<b>39,435</b>
<b>Bath and North East Somerset Clinical Commissioning Group (Health)</b>	14,885	31,109	0	CAMHS consultation is delivered through a separate contract and not costed to this budget.	<b>45,994</b>
<b>Bath and North East Somerset Council</b>	18,685	397,628	24,387	Office base, Financial and Human Resources services are also provided but not costed.	<b>440,700</b>
<b>Avon and Somerset Police and Crime Commissioner</b>	0	10,217	0	This represents a small reduction. Additionally, £7,902 will be contributed towards the commissioning of Project 28, a substance misuse service	<b>10,217</b>
<b>Youth Justice Board for England and Wales</b>	0	141,669	38,946	This is an 11.2% reduction on the grant for 2015-16	<b>180,615</b>
<b>Total</b>	<b>65,012</b>	<b>697,530</b>	<b>63,333</b>		<b>825,875</b>

## 9.8 Partner Agency Commitment

Partner Organisation	Name of Chief Officer	Signature	Date
Local Authority	Jo Farrar, Chief Executive of Bath and North East Somerset Council		
Local Authority	Ashley Ayre, Strategic Director for People and Communities		
Local Authority (Social Care representative)	Richard Baldwin, Divisional Director for Children and Young People's Specialist and Targeted Services		
Local Authority (Health and Education representative)	Mike Bowden, Director for Children and Young People's Strategy and Commissioning		
Avon and Somerset Constabulary (Police representative)	Chief Superintendent Ian Smith, North East Area Commander		
South West South Central Division, National Probation Service (Probation representative)	Elizabeth Spencer, Assistant Chief Officer		

## 10. Appendices

### Appendix A: Review of Work Plan 2015-2016

What will be done	Progress and Impact
<b>Priority Area 1: Service Development</b>	
1. Introduce a continuing professional development process to keep the team abreast of learning in risk management, safeguarding, effective practice and serious case review lessons.	<b>Completed</b> - eight reading and reflective practice workshops have been held in effective youth justice practice, the developing teenage brain and assessment, ensuring readiness for the new assessment framework, AssetPlus.
2. Implement a database upgrade to ChildView Version 2, including training all staff.	<b>Completed</b> - all staff have now been trained and are using a more efficient case management system.
3. Introduce youth justice competencies into Person Specifications and review how these are tested in staff recruitment and supported through Performance Reviews.	<b>Progressing</b> - these are being included as staff have their Performance Reviews and are being used as a basis for providing '360 degree feedback from peers and other agencies.' The process will be completed within 2016-17.
4. Implement the new AssetPlus assessment tool, including co-ordinating training for all staff.	<b>Progressing</b> – all staff will be trained by the end of April 2016 and improvements in analysis and planning are anticipated
<b>Priority Area 2: Youth Crime Prevention Work</b>	
1. Work with other preventative services to align referral processes and ensure young people have prompt access into the best service to meet their needs.	<b>Completed</b> - consent to share information has been incorporated into both Compass and Mentoring Plus referral forms and young people are now matched to the most appropriate service.
2. Use the forthcoming audit of National Standards to strengthen the quality of preventative provision.	<b>Completed</b> - work has been undertaken to proactively increase the rate of referrals and improve the timeliness of assessments.
3. Complete and commission external evaluation of the Cannabis Diversion pilot and support partners in considering its wider roll out.	<b>Completed (part discontinued)</b> - between January 2015 and March 2016, thirty one young people attended the Cannabis diversion scheme and just three have offended again and become first time entrants. An in-year reduction in the Youth Justice Board grant meant that external tracking and evaluation could not be commissioned, but the Police and Crime Commissioner is interested in supporting a wider roll out.



What will be done	Progress and Impact
4. Lead a 'task and finish' group to raise awareness, improve identification and promote effective support to children of prisoners, including youth crime prevention services where appropriate.	<b>Progressing</b> - a multi-agency task and finish group is working to raise awareness, address information sharing and provide support for young people. It will report back to the LSCB in June
5. Promote referral of girls at risk of offending into youth crime prevention services.	<b>Completed</b> – resulted in an increase from 3 referrals in 2014-15 to 13 in 2015-16
<b>Priority Area 3: Work with young people including managing risk of harm and safeguarding</b>	
1. Provide a member of staff from the Youth Offending Service to join the Willow Project, (Child Sexual Exploitation Virtual Team) and supervise their work as a member of a network of managers.	<b>Completed</b> – the Service has been actively involved in supporting victims through this initiative since May 2015.
2. Ensure effective liaison and co-operation between the Youth Offending Service and other agencies working to safeguard young people at risk of sexual exploitation.	<b>Completed</b> - active membership of the LSCB's sub-group continues, informed by learning from leading a peer challenge. Compass now undertakes Return Home Interviews.
3. Ensure that all assessments of likelihood of re-offending, risk of harm and vulnerability take into account the impact of gender.	<b>Progressing</b> - this was addressed in the diversity elements of case manager training in the new assessment framework
4. Ensure the Youth Offending Service takes a person-centred approach to assessment and planning with all young people and monitor this through case audits and feedback.	<b>Completed</b> – observation and case audit confirms this approach is supporting young people to help write their own intervention plans. The HMIP Viewpoint questionnaire 2015 highlighted that all young people questioned knew what was in their plan.
5. Review current reparation placements and ensure future placements provide specific, relevant opportunities for young people to repair the harm caused by their offending to the community.	<b>Completed</b> - wherever possible, placements are now successfully tailored to reflect the wishes of the victim. Young people are assessed and matched to placements that they also regard as an opportunity to make a worthwhile contribution.
6. Ensure the processes for feedback and planning meetings with young people focus reparation placements as closely as possible to their offence(s), interesting and skills-based.	<b>Completed</b> – young people's feedback is now informing development of reparation placements. Victims play a greater role in the selection of reparation activities, as noted in the HMIP Inspection report.
7. Embed delivery of effective resettlement practice amongst all Youth Offending Service staff by refreshing practitioners' understanding of their role when a young person is sent to custody, demonstrating that provision is based on lessons from research and addressing the emotional impact of custody on all concerned	<b>Completed</b> – after a long period with no young people sentenced to custody, this has raised awareness and strengthened readiness amongst staff.

What will be done	Progress and Impact
8. Review arrangements for provision of Appropriate Adult services to young people being interviewed by Police.	<b>Progressing</b> – reviewed through the Youth Appropriate Adult Service Governance Group and is being kept under review.
9. Introduce regular review of data by gender to understand the trends of offending by girls and the needs they present.	<b>Carried forward</b> - this will be incorporated into the Re-Offending tracking initiative
10. Review ASSET assessments to understand the specific needs of girls in the youth justice system and ensure appropriate interventions are available and are offered to meet their needs.	<b>Completed</b> – a review of best practice with girls was undertaken by the seconded Probation Officer. The Service is considering offering a ‘girls-only’ afternoon.
11. Develop exit strategies to ensure girls have access to ongoing support when their involvement with the Youth Offending Service ends.	<b>Completed</b> - a resource list for practitioners has been developed for ‘signposting’ young people to follow-up support.
12. Introduce Speech and Language Therapy communication cards for young people with these needs to support communication during meeting with Courts, Police, or other official agencies.	<b>Completed</b> - communication plans written in the young person’s voice have been submitted to Bath Youth Court. Magistrates have been very positive and there have been good outcomes.
13. Work with the Community Involvement Worker to recruit and train a small cohort of new volunteer Community Panel Members.	<b>Carried forward</b> - following a review of need for new Panel Members, this has been postponed until May 2016.
14. Incorporate young people’s feedback into the review of offending behaviour resources by membership of the monthly Creative Resources Group.	<b>Completed</b> - feedback from young people has been presented to this group and will continue to be done at future groups following the implementation of the new assessment framework
15. Pilot the recruitment of volunteers to work alongside and supervise young people on reparation activities and to continue their involvement with young people as mentors.	<b>Discontinued</b> - an in-year reduction in national funding meant that the project could not be introduced.
16. Participate in working group to promote understanding of risk factors leading to young people becoming child sexual exploitation perpetrators and develop work to address this.	<b>Completed and progressing</b> – this is included in the new Work Plan (Priority 2.6)
17. Analyse local data about young people’s re-offending and use this to identify how the Service can support reductions in the level and frequency. Participate fully in the YJB Reducing Re-offending initiative, including use of the live tracking tool.	<b>Carried forward</b> - work commenced but the Management Board agreed to defer this until a year’s data is available. A workshop will be held in the summer with input from the Youth Justice Board.
18. Review processes and protocols to support the work of the Service in promoting the full engagement of young people in education, training and employment.	<b>Progressing</b> – The protocols with Bath College and Youth connect have been reviewed

What will be done	Progress and Impact
19. Work with partners to learn from Laming's national review of offending by Looked after Children and identify how to apply the learning locally.	<b>Carried forward</b> – included in the new Work Plan (Priority 2.8)
<b>Priority Area 3: Work with Victims</b>	
1. Develop effective partnership working practice with new victim services - Lighthouse, the integrated victim care service, and the Young Victims' Service.	<b>Completed</b> – working agreements are in place with all three services to promote victims' access to support services
2. Achieve the Restorative Justice Council's Restorative Service Quality Mark and introduce identified Service improvements	<b>Progressing</b> – all required development work has been completed and the final on-site assessment is due in April
<b>Priority Area 4: Work with Parents, Carers and Families</b>	
1. Re-design parent support plans in consultation with parents/carers to ensure that they give a clearer description of specific planned work.	<b>Carried forward</b> - due to long-term staff sickness. This action is incorporated into the new Work Plan (Priority 3.4)
2. Introduce regular case reviews to focus on young people and families achieving positive outcomes.	<b>Completed</b> - new system is in place for all young people on Youth Rehabilitation Orders.
3. Ensure that quality assurance and management oversight arrangements support achieving both Connecting Families and Youth Offending Service outcomes.	<b>Completed</b> – arrangements have been reviewed at the respective Management Board and Steering Group and there is commitment to sharing learning
4. Ensure that the Youth Offending Service provides lead practitioners to work with whole families within the Connecting Families programme and audit work undertaken.	<b>Completed</b> - where appropriate, a wider whole family approach is taken as part of the matrix team.
<b>Priority Area 6: National Initiatives</b>	
1. Ensure that the Youth to Adult transition process is supported by a clear local protocol and a positive interface with Working Links (the local Community Rehabilitation Company) to ensure smooth and safe transitions of young people at 18 years old.	<b>Completed</b> - national protocol has been signed and the Probation Officer has reviewed processes to ensure they balance the individual needs of young people with the expectations of the Court.
2. Participate in the national review of self-assessment tools for Youth Offending Services.	<b>Completed</b> - the tools have now been published by the Youth Justice Board and will be used to review practice locally.
3. Nominate a champion for the Prevent / Channel initiative to prevent extremism, and raise awareness through training.	<b>Completed</b> – staff now have access to information and advice at a local level

## Appendix B: Youth Offending Service Values

1. Respect young people for who they are and take their needs and wishes seriously
2. Listen to young people and take any action necessary to keep them safe
3. Recognise the damaging impact of crime on individuals and communities and uphold the importance of preventing it
4. View diversity positively
5. Believe in the possibility and desirability of change
6. Want the best for young people and their families
7. Work restoratively
8. Work in an integrated and multi-agency way
9. Have a drive for results and courage when things don't go to plan

Locally, everyone who works with and on behalf of children and young people, and their parents/carers will collectively and individually:-

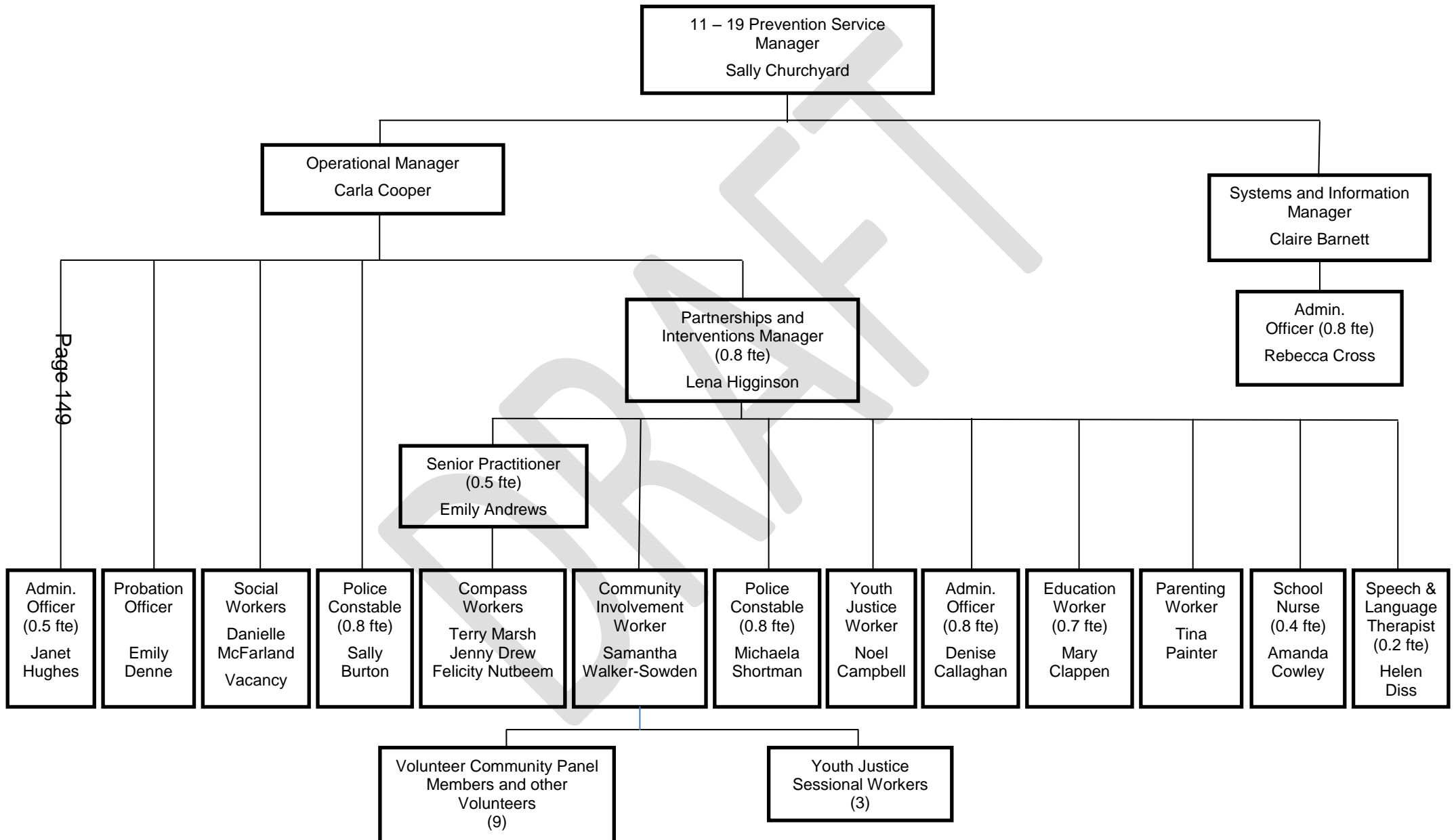
1. Expect the best of our children and young people across Bath and North East Somerset
2. Shows respect for all
3. Uses help/services that are evidenced based
4. Ensures transparency in decision making
5. Has energy and purpose
6. Does not “assume” without thinking
7. Is positively disposed to deliver the best outcomes for each individual child
8. Recognises that young people's participation in cultural, sports, play and leisure opportunities is valuable and is to be encouraged.

To support these values, there is an agreed set of behaviours that everyone is expected to embrace:-

1. Young people are central to any discussions of their needs
2. Young people are involved in any meetings/discussions about their individual needs and plans
3. All staff front –line staff/Head Teachers/managers/volunteers across the workforce will take responsibility for looking at the young people's needs and assessments holistically- look at the big picture:- will join up their work with that of other colleagues and or the family and develop one plan of support/intervention
4. The young person will know who is the lead person for their plan and how to contact them
5. Staff will be accountable to the young person in delivering the plan
6. Line managers will make it happen

## Appendix C: Youth Offending Service Organisational Chart (on 31.03.2016)

Bath and North East Somerset continues to comply with statutory minimum staffing requirements



## Appendix D: Youth Offending Service Staff by Gender and Ethnicity (on 31.03.2016)

The work of the Youth Offending Service would not be possible without its volunteers. We thank them again for their time and commitment. The Service has recently appointed a male Social Worker who will take up his post in May 2016.

Staff in the Youth Offending Team by gender and ethnicity based on census 2001 categories																
	Strategic Manager		Team Manager		Practitioner		Administrator		Sessional		Student		Volunteers		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
White British		1		2	2	10		2		3			2	5	4	23
White Irish													1	0	0	1
White Other								1							0	1
Black British						1									0	1
Black Caribbean															0	0
White and Black African															0	0
British Black Caribbean													1		1	0
White and Asian															0	0
Pakistani															0	0
Preferred not to say						1									0	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>12</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>5</b>	<b>27</b>

## Appendix E: Glossary of Terms

<b>Appropriate Adults</b>	Adults who safeguard a young person's interests under the Police and Criminal Evidence Act 1984 when they are being interviewed by the Police and a parent cannot attend. Bristol Youth Offending Service provides the service.
<b>Asset Plus</b>	A structured assessment tool used to consider how a range of factors contributes to a young person's risk of offending. It provides a holistic assessment and intervention plan, allowing one record to follow a young person
<b>ChildView</b>	Database used for case management and national reporting of data
<b>Community Panel Members</b>	Volunteer representatives of the local community, selected and trained to chair panels which meet with young people and their victims to agree how young people can make amends and address their offending behaviour.
<b>Connecting Families</b>	A local preventative initiative, part of the national Troubled Families work, to engage with and help improve outcomes for families experiencing a range of issues including having children involved in crime and/or anti-social behaviour.
<b>Early Help Strategy</b>	The Local Authority's commitment to work with vulnerable young people 'early on' to reduce need for specialist services.
<b>HMI Probation</b>	Her Majesty's Inspectorate of Probation is an independent Inspectorate, funded by the Ministry of Justice, and reporting directly to the Secretary of State, including on the effectiveness of youth justice work.
<b>LSCB</b>	The Local Safeguarding Children Board brings together local agencies working with children and families. LSCB is responsible for policy, procedures and services to support children and families in need to prevent significant harm.
<b>MASH</b>	A Multi-Agency Safeguarding Hub is being planned to ease sharing of information to identify children at risk of significant harm and support referral to early help for those not at immediate risk
<b>MAPPA</b>	Multi-Agency Public Protection Arrangements to oversee information sharing, planning and action to safeguard the public from serious violent or sexual harm by individuals who present a particular risk
<b>NEET</b>	Young people not engaged in education, training or employment
<b>Parenting Order</b>	Parents whose children offend or persistently truant from school can be made the subject of Court Orders, requiring them to attend parenting support, and sometimes, to exercise specific control over their child's behaviour.
<b>Return Home Interviews</b>	Independent assessments of young people who have returned home after a period of being 'missing,'

<b>Referral Order</b>	Under these Court Orders, young people are referred to a Community Panel, led by trained volunteers and attended by their parent(s) and the victim(s) of their offence(s) to agree how they can make amends for their behaviour.
<b>Reparation</b>	Making amends to someone harmed. This can be doing something of direct benefit to the victim of an offence or could be undertaking work that benefits the wider community, ideally suggested by the victim.
<b>Restorative Justice</b>	Restorative Justice describes a range of approaches to resolving a situation where harm, often an offence, has been caused. It focuses on victim satisfaction, offering a range of services by which the victim can gain an understanding of the offence, have a chance to be fully heard, and agree to or even participate in any suitable reparation. Where the victim does not wish to be involved, then the Youth Offending Service will work with a young person to raise awareness of the likely impact of their offending on others and will plan for them to take on some indirect reparation.
<b>Team Around the Child (TAC)</b>	A multi-agency planning meeting with the child and parent/carer(s) present. The young person can help decide the agenda and should be enabled to fully participate in the meetings and the planning.
<b>Unpaid Work Order</b>	Unpaid Work is a requirement available to the Court as part of a Youth Rehabilitation Order. Individuals aged 16 and over carry out work that will benefit the community in order to repay the harm caused by their offending.
<b>YRO</b>	The Youth Rehabilitation Order is a generic community sentence for young offenders and can combine a number of requirements into one generic sentence. It is the standard community sentence used for the majority of children and young people who offend. It simplifies sentencing for young people, while improving the flexibility of interventions.
<b>Youth Justice Board (YJB)</b>	The Youth Justice Board for England and Wales is now linked to the Ministry of Justice and is responsible for overseeing the youth justice system, including performance monitoring, providing advice and disseminating good practice.



<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Council</b>	
MEETING	<b>12 May 2016</b>	
TITLE:	<b>Request by Whitchurch Parish Council to change its name to Whitchurch Village Council</b>	
WARD:	Publow and Whitchurch	
<b>AN OPEN PUBLIC ITEM/</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Appendix 1 - Letter dated 14 March 2016 from the Clerk to Whitchurch Parish Council</b></p> <p><b>Appendix 2 - Plan showing the boundary of the Whitchurch Parish Council area</b></p> <p><b>Appendix 3 – Draft Notice</b></p>		

## **1 THE ISSUE**

- 1.1 The Whitchurch Parish Council, in the district of Bath and North East Somerset, wishes to change its name to Whitchurch Village Council.

## **2 RECOMMENDATION**

- 2.1 Note the receipt of the request from Whitchurch Parish Council to change its name
- 2.2 Agree to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Whitchurch Parish Council to Whitchurch Village Council.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The Council is required to comply with certain statutory notification and publicity measures. However the anticipated costs will be minimal and can be managed within the existing budget.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Local Government Act 1972 Section 75 (1) states that at the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.
- 4.2 Section 75 (2) states that notice of any change of name under section 75 (1) shall be sent by the district council concerned to the Secretary of State (in this case the Department of Communities and Local Government), Director General of the Ordnance Survey and the Registrar General.
- 4.3 Under Section 75 (2) such notice shall also be published by the district council in the parish and elsewhere in such a manner as the district council considers appropriate.
- 4.4 Section 75 (3) states that a change of name made in pursuance of the section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- 4.5 The Parish Council wishes to change its name on the basis of a Neighbourhood Survey which was completed during 2015 to which there was a 50% response. 98% of residents were concerned with keeping the status of the Green Belt around the village and preserving its identity. The Parish Council Members considered that its status as a village was not reflected in the name of the Parish Council. In addition it is considered that there have been several instances, by planning departments, where Whitchurch had wrongly been identified as being within Bristol. It appears that there has been adequate information to the residents of the village, by virtue of the Neighbourhood Survey, to ensure that their views have been canvassed so that the majority are in agreement. The Parish Council wish the change of name to take effect on 9 July 2016 when it will be celebrated on that day as part of the village's annual "Have a Field Day" event.
- 4.6 A parish may also change its name, amongst other things, by way of a community governance review ("review") under the Local Government and Public Involvement and Health Act 2007. A parish is required to submit a petition to the principal authority who would carry out such a review. However this process can take up to 12 months to complete. Therefore the name change can more easily be expedited under the 1972 Act.

## **5 THE REPORT**

- 5.1 Whitchurch Parish Council, in the District of Bath and North East Somerset, unanimously resolved at its meeting on 6 January 2016 to change the name of Whitchurch Parish Council to Whitchurch Village Council. No other changes to the Parish Council arrangements are proposed.
- 5.2 The Clerk to the Whitchurch Parish Council wrote to the Head of Legal and Democratic Services on 14 March 2016 requesting the name change. A copy of that letter is attached at Appendix 1 to this Report.

5.3 The plan attached at Appendix 2 to this Report shows the Whitchurch Parish boundary for information purposes.

5.4 A draft Notice is attached at Appendix 3 to this Report.

## 6 RATIONALE

6.1 Whilst the Parish Council could petition the Council for a change in name under the 2007 Act, the provisions in the 1972 Act would mean that the name could be changed much more quickly and in time to take effect on the desired date of 9 July 2016.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 No consultation has taken place in relation to the change of name as this is not legally required under the 1972 Act but see paragraph 4.5.

## 9 RISK MANAGEMENT

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

<b>Contact person</b>	<i>Maria Lucas maria.lucas@bathnes.gov.uk 01225 395171</i>
<b>Background papers</b>	<i>The Local Government Act 1972 The Local Government and Public Involvement in Health Act 2007</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# WHITCHURCH PARISH COUNCIL

Community Centre Office

Bristol Road

Whitchurch

Bristol BS14 0PT

Email: [info@whitchurchparishcouncil.co.uk](mailto:info@whitchurchparishcouncil.co.uk)

Tel: 01275 839873

Our Ref: WPC/NC/SD

14<sup>th</sup> March 2016

Maria Lucas, Monitoring Officer  
B&NES Council  
Legal and Democratic Services  
Guildhall  
Bath  
BA1 5AW

Dear Maria

## **Change of name for Whitchurch Parish Council**

I am contacting you to inform you that the members of Whitchurch Parish Council would like to change the name of the Parish Council to Whitchurch Village Council with effect from 9<sup>th</sup> July 2016. This is in accordance with the procedure set out in The Local Government Act 1972 ("the Act") Section 75.

This was agreed at the Parish Council meeting held on 6<sup>th</sup> January 2016, a copy of which is enclosed for your records.

The reasoning behind this change stems back to the Neighbourhood Plan survey completed during 2015 with a 50% response, when it was obvious that one of the main concerns for residents, 98%, was keeping the Green belt surrounding Whitchurch Village, therefore keeping the identity of the village. It was felt by the Councillors that this was not reflected in the name of the Council.

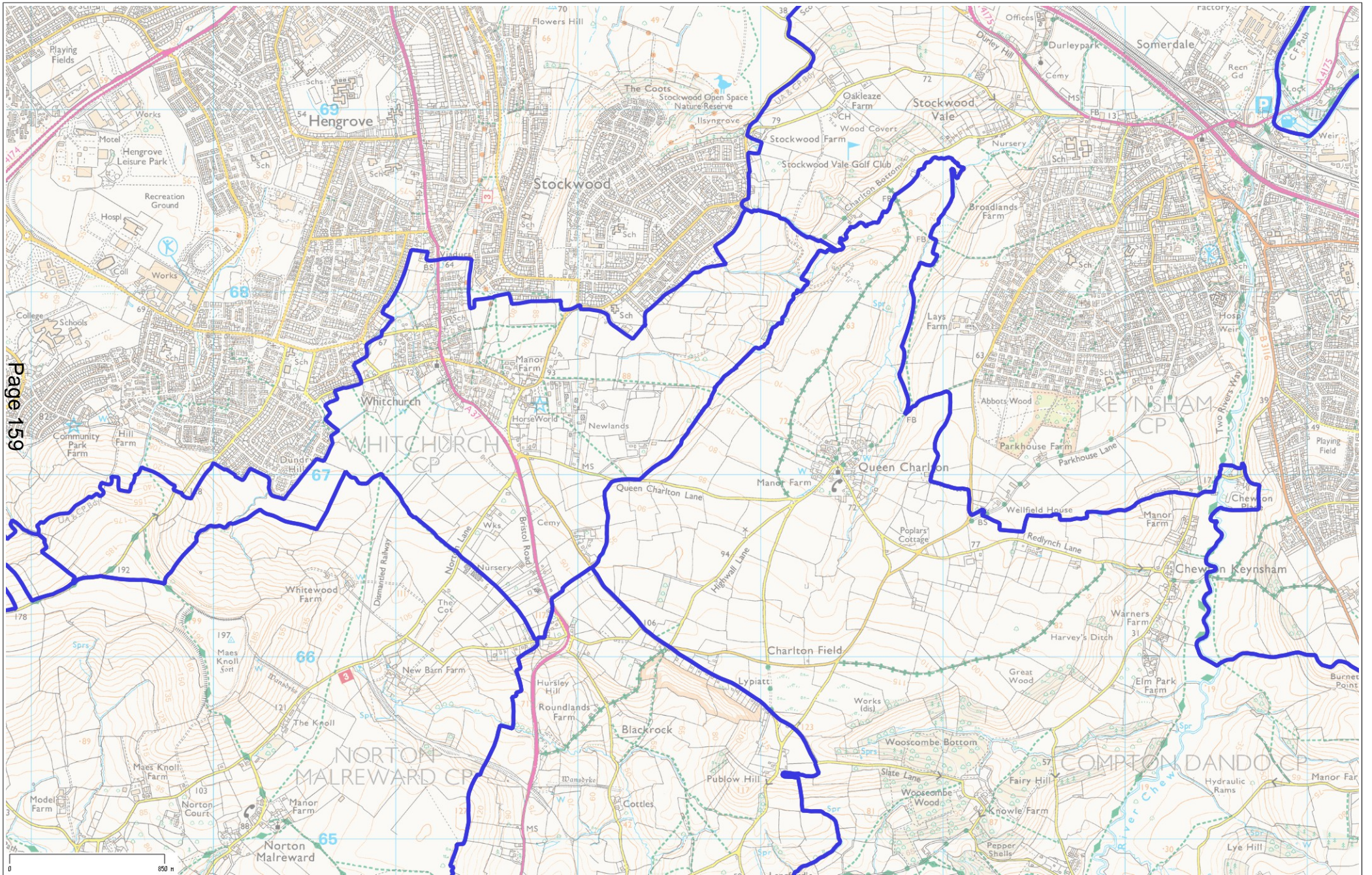
Also over the last few years there have also been several instances of Whitchurch Village being identified as being in Whitchurch, Bristol by the planning departments, which it of course is not. It was therefore felt by changing the name of the Parish Council to Whitchurch Village Council this will help in identifying the village as such.

I understand that this request will need to be considered at a Full Council Meeting to resolve that the name can be changed and I look forward to receiving your written confirmation as soon as possible after the next Council Meeting.

If you require any further information please do not hesitate to contact me.

Yours sincerely

Mrs S Dyer  
Parish Clerk



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Notice of Change of Name of Parish

In the District Authority Area of Bath and North East Somerset

Whitchurch Parish Council

TO: The Right Honourable The First Secretary of State of the Department of  
Communities and Local Government

The Director General of the Ordnance Survey

The Registrar General

The Whitchurch Parish Council of the Parish of Whitchurch in the above  
District Council area

WHEREAS

- (1) On 6 January 2016 the Whitchurch Parish Council of the parish of Whitchurch resolved to request the Bath and North East Somerset Council pursuant to the Local Government Act 1972 Section 75 that the name of the above parish should be changed to Whitchurch Village Council.
- (2) The Council resolved on (date) to change the name of the parish to Whitchurch Village Council.

NOW therefore the Council pursuant to the Local Government Act 1972 Section 75  
GIVES NOTICE that with effect from 9 July 2016 the name of the parish of  
Whitchurch is changed to Whitchurch Village Council

Signed.....

Dated .....

Solicitor to the Council

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