

# Council

**Date: Thursday, 10th May, 2018**  
**Time: 6.30 pm**  
**Venue: Council Chamber - Guildhall, Bath**

**To: All Members of the Council**

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday, 10th May, 2018** in **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:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Labour Group Room, Floor 2
Independent	Independent Group room

## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

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.

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) The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **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.** The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full. Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **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 signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings  
<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Council - Thursday, 10th May, 2018**

**at 6.30 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 8.

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 - 22ND MARCH 2018 (Pages 7 - 18)

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 & PANELS AND OTHER ANNUAL BUSINESS (Pages 19 - 104)

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

9. REVISED PARISH CHARTER 2018 (Pages 105 - 136)

Over the last eighteen months, the existing Parish Charter has been updated and revised in consultation with our parishes. The revised Charter was adopted by Cabinet in April 2018. Cabinet also agreed for a review in the first year in order to make any further refinements required as part of the Council's Changing Together programme. The Charter is now presented to Council, for its endorsement, and for its adoption of the Terms of Reference for Parish Liaison. The Charter will be presented to the Bath and North East Somerset branch of the Avon Local Councils' Association (ALCA) at its AGM in September 2018.

10. DESIGNATION OF CHIEF FINANCIAL OFFICER (Pages 137 - 140)

This report seeks confirmation of the designation of the Director of Finance (Donna Parham) as the Council's Section 151 Officer (Chief Financial Officer) with effect from 11 May 2018.

11. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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

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

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MINUTES OF COUNCIL MEETING**

Thursday, 22nd March, 2018

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

Apologies for absence: **Councillors** Fiona Darey, Marie Longstaff, Paul May, Michael Norton, Christopher Pearce and David Veale

**77 EMERGENCY EVACUATION PROCEDURE**

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

**78 DECLARATIONS OF INTEREST**

The Monitoring Officer issued a general dispensation for any Councillors in receipt of benefits in respect of item 15 – “Free School Meals”.

Councillor Joe Rayment declared a disclosable pecuniary interest in item 13 - “Supporting the Children of Alcoholics”, as a member of staff at DHI who provide drug and alcohol treatment services. The Monitoring Officer declared a dispensation for Councillor Rayment to participate in the debate and vote.

Councillor Eleanor Jackson declared an ‘other’ interest in item 14 - “Badger Cull” as a shareholder in RADCO who own a large dairy herd at Hardington (unaffected by TB).

Councillor Robin Moss declared an ‘other’ interest in item 14 – “Badger Cull”. This declaration was made at the item.

Councillor Chris Watt declared a disclosable pecuniary interest in item 14 - “Badger Cull” as a Director of Microgenetics Ltd which has research collaboration with Bristol University to develop Bovine TB testing and is entering into field based trials of its testing methods with the Animal Plant Health Agency. This declaration was made at item 14. Councillor Watt then withdrew from the meeting for that item.

**79 MINUTES - 13TH FEBRUARY 2018**

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

**RESOLVED** that the minutes of the meeting of 13<sup>th</sup> February 2018, including the exempt minute, be approved as a correct record and signed by the Chair.

**80 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chair made the customary announcements regarding mobile phones, webcasting, Councillors accessing meeting papers via their ipads and a comfort break. She explained that the exempt item 9 would be moved to the end of the agenda.

The Chair informed Councillors that she had hosted the Civic Reception the previous evening which had gone well and raised around £1000 for charity. She thanked her team for all the hard work in organising this.

The Chair informed the Council of the recent death of former Wansdyke and B&NES Councillor and Alderman, Les Sell, and asked the Council to stand for a minute's silence.

The Chair then apologised to Councillors for the removal of the Union Jack flag from the Chamber for the previous meeting and the unsatisfactory nature of her explanation of this to the Chamber at that time. [A full copy of the apology has been added to the Council Minute book.]

**81 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

**82 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following members of the public;

Christine Boyd made a statement about air quality with reference to the 31<sup>st</sup> March deadline for the Outline Business case submission and regretted the lack of scrutiny involvement in this. She commented that responsibility for this should not just rest with Cabinet members and enquired why B&NES had not been able to include scrutiny involvement in the way that Bristol City Council had. Councillor Tim Warren asked Christine if she was aware that Bristol CC had received their instruction 5 months earlier, to which she responded that she was aware they had managed to consult scrutiny. Councillor Richard Samuel asked about circumstances in which items not included in the first list could later be included. Christine responded that it would seem problematic for items to be included retrospectively.

Rachel Willis addressed the meeting about parking in Freeview Road and the specific problems with parking on the verges. She proposed a solution which had met with the approval of all the residents to whom she had spoken. A full copy of Rachel's statement has been placed on the Minute book and attached to the online

minutes. Councillor Mark Shelford asked Rachel if she would be happy to visit the area with himself and an officer to look at options. Rachel said she would welcome this. Councillor Dine Romero asked Rachel if she was aware of the extensive work that Councillor Tim Ball had carried out in this area, to which Rachel replied that she was, but that further action was now needed. Councillor Joe Rayment asked Rachel whether there was any argument for keeping the grass, to which she responded that, in its current state, there wasn't as it was just mud. Councillor Sarah Bevan asked about the visual impact of the disappearance of losing the verges and Rachel replied that she had received universally positive support for her suggestion.

Sarah Moore made a statement about the closure of Bath Community Academy and the pressure on secondary school places. She explained the negative impact of this on local children having to travel further by car or pay bus fares and add to traffic congestion. She asked if there wasn't anything further that could be done to provide secondary education on the Rush hill site as urgent action was needed. Councillor Dine Romero asked if Sarah was aware of the recent DFE report outlining the number of children without school places this September and projected for 4 years from now, to which Sarah replied that she was and that a school was definitely needed on that site. A suggestion from Councillor Dine Romero to hold a 10 minute debate on this subject was not supported by Councillor Tim Warren, but he suggested a separate member briefing be held on the subject. Councillor Eleanor Jackson subsequently suggested this should come to the Children & Young People Scrutiny Panel which was welcomed by Sarah. Councillor Sarah Bevan asked Sarah if the arguments used when Culverhay was threatened with closure were still valid, to which Sarah responded that those arguments still held as the schools around Culverhay had increased their intake at that time, but they were now reducing again so there weren't sufficient places available.

David Redgewell addressed the Council about various transport issues. He expressed concern about the lack of progress on a bus strategy. He urged Members and officers to continue to drive forward in securing funding for the area and suggested vigilance was needed to check that B&NES didn't end up paying for out of authority projects such as the new Bristol arena. A full copy of David's statement has been placed on the Minute book and attached to the online minutes. Councillor Mark Shelford asked if David was aware that WECA were going to publish their Bus Strategy in June, to which he replied that he was, and it was important to make sure there were sufficient resources to put it into action. Councillor Neil Butters asked David whether he felt we should be doing more to promote MetroWest. He responded that it could do with a push, but acknowledged the difficulty with North Somerset not being involved. Councillor John Bull referred to David's comment that bus franchising was important in improving the network and wondered if David considered WECA was doing enough on this. David responded that the Mayor should be doing that kind of study as it sharpened the operator's viewpoint in a franchising climate.

Paula Riseborough from Protect our NHS B&NES made a statement outlining their concerns about the RUH plans to set up a subsidiary company to manage support staff and calling on B&NES to ask the RUH to bring these proposals to a meeting of the Health & Wellbeing Select Committee (HWSC). A full copy of the statement can be seen on the Council's Minute book and attached to the online minutes. Councillor Pritchard asked if Paula was aware that an invitation had already been issued to

senior RUH staff to come to the HWSC, to which Paula replied that she had found out this evening and was very pleased. In response to a question from Councillor Tim Ball about the RUH's approach to this, Paula responded that there appeared to be a lack of transparency about sharing the business case. Councillor Robin Moss asked, in the light of the concerns raised, whether Council could hold a 10 minute debate on this issue. Councillor Tim Warren was not in agreement – there was an opportunity for debate at the HWSC.

The Chair referred all statements to the relevant Cabinet Members.

### **83 REQUEST BY CAMELEY PARISH COUNCIL TO CHANGE ITS NAME TO TEMPLE CLOUD WITH CAMELEY PARISH COUNCIL**

The Council considered a request from Cameley Parish Council to change its name for the reasons set out in the report.

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was unanimously

#### **RESOLVED**

1. To note the receipt of the request from Cameley Parish Council to change its name; and
2. To agree to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Cameley Parish Council to Temple Cloud with Cameley Parish Council.

### **84 ANNOUNCEMENT OF CHAIRMAN DESIGNATE FOR 2018/19**

On a motion from Councillor Sarah Bevan, seconded by Councillor Tim Warren, it was unanimously

**RESOLVED** that Councillor Karen Walker be designated as Council Chairman for the Council year 2018/19.

### **85 MOTION FROM THE LABOUR GROUP - ETHICAL CARE CHARTER**

On a motion from Councillor Vic Pritchard, seconded by Councillor Francine Haeberling, it was

**RESOLVED** as set out below;

#### **Council notes that:**

1. A national survey of homecare workers undertaken by UNISON, entitled *Time to Care*, found a committed but poorly paid and treated workforce doing its best to maintain good levels of quality care in a system that is in crisis and that poor terms and conditions for workers can contribute towards lower standards of care for people in receipt of homecare services.

2. In light of these findings, UNISON has called on local authorities to commit to becoming Ethical Care Councils by commissioning services which adhere to its Ethical Care Charter. To date, at least 28 councils and a number of social care companies have signed up to the Charter.

**Council believes that:**

3. By adopting minimum standards for our homecare services, such as those suggested within the Ethical Care Charter, the dignity and quality of life of vulnerable people and the workers who care for them will be protected.
4. Good quality homecare is a key part of the wider Adult Care system, and can reduce demand both for expensive residential care and A&E admissions. It can also help to address bed blocking.
5. It is vital that the Council promotes good working conditions of homecare workers and the retention of skilled and experienced staff thereby ensuring that vulnerable people will be more likely to have a regular care worker with whom they can develop a trusting relationship, and the Council's homecare services already meet many of the standards set out within the Ethical Care Charter.
6. The Council should take the aims of this Charter into account when setting future standards of care.

**Council resolves therefore:**

7. To ask the Cabinet Member to bring forward a report to the Health & Wellbeing Select Committee in May, outlining the proposed standards to be specified when we recommission homecare services in 2018, taking account of the principles proposed within the Ethical Care Charter.

*[Notes;*

1. *The opening motion, as set out in the agenda (moved by Councillor Robin Moss, seconded by Councillor Eleanor Jackson), was amended during debate with the resolutions above; carried on a vote of 49 Councillors in favour, 7 against and 2 abstentions.*
2. *Once successfully amended, the above substantive motion was carried unanimously.]*

**86 MOTION FROM THE LABOUR GROUP - SUPPORTING THE CHILDREN OF ALCOHOLICS**

On a motion from Councillor Liz Hardman, seconded by Councillor Robin Moss, it was

**RESOLVED** that

**Council notes:**

- 1 The publication of a report by the Parliamentary Office of Science and Technology in February 2018 which estimated that between 189,000 and

208,000 children in England live with an alcohol-dependent adult, while 15,500 children live with an adult receiving treatment for alcohol dependence, but that these figures are likely to underestimate the scale of the issue due to under-reporting of alcohol consumption and the unknown number of children whose parents are not in treatment and who are not known to social services.

- 2 That the same report found that between 2011 and 2014, Parental Alcohol Misuse (PAM) was implicated in 37% of cases involving the death or serious injury of a child through neglect or abuse, and that 61% of care applications in England involved misuse of alcohol and/or drugs.
- 3 That Children living with alcohol-dependent parents report feeling socially isolated, and are reluctant to seek help due to feelings of stigma, shame and guilt about not wanting to betray parents. Children may have to take on caring responsibilities for the affected parent or younger siblings which can negatively impact school attendance and homework.
- 4 The All-Party Parliamentary Group (APPG) for the Children of Alcoholics report *A Manifesto for Change* which sets out ten key points that the Government needs to address if the children of alcoholics are to be properly supported.

**Council believes that:**

- 5 It has a responsibility to support the children of alcoholics and to ensure that the needs of these children are met.

**Council agrees therefore to:**

- 6 Ask the Cabinet Member for Children and Young People to provide assurance, via the Children and Young People Policy Development and Scrutiny Panel that all the relevant policies, procedures and strategies of this Council recognise and address the particular needs of the children of alcoholics.
- 7 Invite the National Association for the Children of Alcoholics (NACOA) to comment on the Council's support offer for the children of alcoholics, and for this comment to also be submitted to the Children and Young People Policy Development and Scrutiny Panel.
- 8 Ask the Leader of Council to write to our local MPs and to Government asking that priority be given to implementing the ten key points identified within the report of the All-Party Parliamentary Group for the Children of Alcoholics, *A Manifesto for Change*, including creating a national strategy for the children of alcoholics and ensuring that local support for the children of alcoholics is properly funded.

[Notes;

1. The above resolution was carried on a unanimous vote.
2. During debate, an unsuccessful amendment from Councillor Dine Romero, seconded by Councillor Richard Samuel to add the words "and people with other addictions" after the word "alcoholics" in paragraphs 5 and 6 was lost, with 15 Councillors voting in favour, 42 against and 1 abstention.]

## 87 MOTION FROM THE LABOUR GROUP - BADGER CULL

On a motion from Councillor Joe Rayment, seconded by Councillor Eleanor Jackson, it was

**RESOLVED** that

Council notes:

- 1) That Natural England has received an application for badger culling in Avon.
- 2) That badger culling has already been taking place in Somerset for a number of years.
- 3) That only 5.7% of incidences of bovine tuberculosis (bTb) are caused by badgers.
- 4) That millions of pounds are spent each year on the badger cull, with each culled badger costing thousands of pounds.
- 5) That the badger cull is more than seven times more expensive per badger than the Welsh government's badger vaccination scheme.
- 6) That reports show that up to 22.8% of badgers culled take more than 5 minutes to die, making the cull inhumane by government standards.
- 7) That organisations opposed to the badger cull include: the RSPCA, the RSPB, and the Wildlife Trusts (including Avon Wildlife Trust).
- 8) That landowner permission is required for the badger cull to take place on any land.

Council believes:

- 1) That the badger cull has been ineffective.
- 2) That more effective means of controlling bTb include: testing, movement control and vaccination.
- 3) That the government should revisit the evidence on badger culling and end the programme.
- 4) That public money could be far better spent than on spending an estimated £100 million on badger culling by 2020.

Council resolves:

- 1) To refuse permission for any badger culling to take place on land controlled by the Council.
- 2) To encourage parish councils to implement the same policy.
- 3) To write to the Secretary of State for Environment, Food and Rural Affairs to inform him of our decision, but to offer access to Council land for a coordinated badger vaccination programme.

[Notes;

1. *Following the motion being moved, the Head of Legal Services addressed the Council expressing some concern that the information supporting this motion was not current or specific to B&NES, and advised therefore that further work was needed to enable a considered decision. Councillor Joe Rayment then amended the motion to replace the word “owned” with the word “controlled” in resolution 1.*
2. *The above resolution was carried with 25 Councillors voting in favour, 22 Councillors voting against and 10 abstentions.]*

## **88 MOTION FROM THE LIBERAL DEMOCRAT GROUP - FREE SCHOOL MEALS**

On a motion from Councillor Alison Millar, seconded by Councillor Dine Romero, it was

**RESOLVED** that

**Council notes:**

- That, during the transition of benefit claimants onto Universal Credit, the Government temporarily relaxed the criteria for free school meals by making Universal Credit a qualifying benefit for free school meals, regardless of income.
- That the Coalition Government made clear in 2013 that this would be an interim measure during the roll-out of Universal Credit, and that some form of means or eligibility test would need to be introduced once Universal Credit was fully rolled out.
- That these transitional protections will mean that nobody currently receiving free school meals will lose their entitlement when moving onto Universal Credit, and once the full roll out of universal credit is complete (2022) pupils will continue to receive free school meals until the end of their current phase of education.
- That under the new criteria, those earning more than £7,400 a year from work will no longer be eligible for free school meals, equivalent to an annual income of between £18,000 and £24,000 once benefits are taken into account. These proposals will affect free school meals for children in year 3 and above. Transitional protections will ensure that no child currently receiving free school meals will have them taken away.
- That under the new criteria, around 50,000 more children will benefit from a free school meal by 2022 than under the previous benefits system introduced by Labour – and that the new eligibility criteria will only apply to new UC claimants, not those already receiving free meals.
- That all children in Reception, Year 1 and Year 2 will continue to receive free school meals.

- It is estimated that, nationally, only about 65 per cent of children who are eligible for free school meals take them up, often because parents do not realise their children are entitled, and therefore more could be done, at both the local and national level, to ensure that all those eligible for Free School Meals are aware of their entitlement.
- B&NES Council is currently encouraging local Universal Credit recipients to sign up for free school meals and promoting the additional Pupil Premium funding that schools receive, and that as a full UC area since May 2016, more children within B&NES will be protected by the transitional arrangements than in authorities that are still to move into full Universal credit service.

### **Council resolves:**

- Council calls on the Government to work with schools, academies and local authorities to raise awareness of families' eligibility for Free School Meals and encourages all those entitled to Free School Meals to take them up.
- Council requests that the Leader of Council communicate this position and the above motion to the Department for Education, Department for Work and Pensions, relevant Ministers and local MPs.

#### *[Notes;*

1. *The above resolution was proposed by Councillor Michael Evans and accepted into the substantive motion by Councillor Alison Millar.*
2. *The resolution was carried with 48 Councillors voting favour, 7 Councillors voting against and no abstentions.]*

## **89 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

The Chair made reference to the 5 questions from Councillors, and the responses, which had been circulated and attached to the online minutes.

Councillor Richard Samuel made a statement about the Air Quality plan. He objected to the fact that, despite the deadline for first submission having been known since July 2017, the plan was being handled as an urgent decision and therefore exempt from scrutiny or call-in. He noted the final deadline of 31<sup>st</sup> December and called on the Chief Executive to ensure that urgency provisions would not be used for that submission deadline. Councillor Tim Warren asked Councillor Samuel if he was aware that the proposals were coming back for full consultation, to which he responded that he was aware; however, normal practice was surely for Councillors to decide what was being consulted upon. Councillor Dine Romero asked if there was anything else pertinent to this in the letter from DEFRA. Councillor Samuel responded that he had approached DEFRA to get a clear answer about where responsibility lay for submitting a response and had been clearly told that it was up to individual Councils to decide how they handled their process for doing this. He added that Bristol City Council had taken this through their scrutiny processes. Councillor John Bull asked if he had let Councillor Samuel know that, as Chair of the Panel, he had contacted the Director to follow this up and that one of the reasons why scrutiny involvement hadn't been possible was partly due to officer resources

being needed to prepare the submission. Councillor Samuel responded that he appreciated Councillor Bull's help with this but he would have expected a project plan to build in the necessary scrutiny with Members.

## 90 EXCLUSION OF THE PUBLIC

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was

**RESOLVED** that, having been satisfied that the public interest test would be better served by not disclosing relevant information, and in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act as amended.

*[Notes;*

- 1. The above resolution was carried with 33 Councillors voting in favour and 23 Councillors voting against.]*

## 91 SENIOR MANAGEMENT AND WIDER SERVICE RE-STRUCTURE 2018-2020

On a motion from Councillor Tim Warren, seconded by Councillor Karen Warrington, it was

**RESOLVED** that the Council notes;

1. The reasons and rationale for the proposed changes to service structures;
2. That the Restructuring Implementation Committee has agreed delegated authority to the Chief Executive to take the necessary steps to implement the proposals;
3. That the costs of the restructure will be met from earmarked reserves as approved by Council on 13<sup>th</sup> February 2018; and
4. That a further report to Council on 10<sup>th</sup> May 2018 will be made to designate a Section 151 Officer.

*[Notes;*

- 1. The above resolution was carried with 32 Councillors voting in favour, 14 Councillors voting against and 11 abstentions.]*

The meeting ended at 10.06 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:	10 <sup>th</sup> May 2018
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 – Terms of Reference of Panels, Committees and other bodies in the Council’s Constitution</p> <p>Appendix 2 – Public Rights of Way delegation scheme</p> <p>Appendix 3 – Local Code of Corporate Governance</p> <p>Appendix 4 – Civic Handbook</p>	

**1 THE ISSUE**

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

**2 RECOMMENDATION**

Council is asked to:

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

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

### **3 FINANCIAL IMPLICATIONS**

- 3.1 None.

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

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

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

4.4 The Avon Pension Fund Committee Terms of Reference are attached in their current form, but will be amended at Committee in June 2018 to reflect the transition phase as the management of the Pension fund's investment assets gradually transfers to Brunel.

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

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

## **6 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS**

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

6.2 Council is advised that the new Health & Care Board with the CCG will be established by Cabinet later this year.

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

6.4 The following such decisions were made and published;

### **Decision E3013 – Public Realm Safety**

Date of decision: 12<sup>th</sup> October 2017

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

The Cabinet Members agreed to

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

### **Decision E3043 – NDR Revaluation Relief update and minor Policy amendments**

Date of decision: 25<sup>th</sup> January 2018

Decision Maker: Cabinet Member – Finance and Efficiency.

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

## **7 APPOINTMENTS ON OUTSIDE BODIES**

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

## **8 CHANGES TO THE CONSTITUTION**

### **Standards Committee Procedural Rules**

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

## Local Code of Corporate Governance

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

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

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

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

## Chairman's Civic Handbook

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

## **9 RISK MANAGEMENT**

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

## **10 EQUALITIES**

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

## 11 ADVICE SOUGHT AND CONSULTATION

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

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

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

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

### **Function and Duties**

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

The key duties in discharging this role are:

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

### **Delegations**

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

### **Membership of the Committee**

Voting members (12)	<p>5 elected members from B&amp;NES (subject to the rules of political proportionality of the Council)</p> <p>2 independent members</p> <p>1 elected member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council</p> <p>1 nominated from the Higher and Further education bodies</p> <p>1 nominated by the trades unions</p>
Non-voting members (4)	<p>1 nominated from the Parish Councils</p> <p>Up to 3 nominated from different Trades Unions</p>

The Council will nominate the Chair of the Committee.

### **Meetings**

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

### **Quorum**

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

### **Substitution**

Named substitutes to the Committee are allowed.

## **2 Investment Panel**

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

The Investment Panel will:

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

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

and have delegated authority to:

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

### **Panel Membership**

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

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

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

The Council will nominate the Chair of the Panel.

### **Panel Meetings**

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

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

### **Panel Quorum**

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

### **Panel Substitution**

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

### **Panel Minutes**

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

### **Officer Delegations**

Officers are responsible for:

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

Approved by Avon Pension Fund Committee 24 March 2017

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

### **Function and role**

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

a. to secure compliance with:

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

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

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

The Board will exercise its duties in the following areas:

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

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

### **Establishment**

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

### **Board Membership**

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

### **Appointment process**

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

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

### **Role of advisors**

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

### **Role of officers**

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

### **Frequency of meetings**

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

### **Voting rights**

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

## **Board Quorum**

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

## **Substitutes**

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

## **Sub-committees**

Sub-committees will not be permitted.

## **Board work plan and Budget**

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

## **Access to Board papers**

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

## **Term of office**

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

## **Code of Conduct**

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

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

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

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

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

### **Removal from Board**

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

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

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

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

### **Expenses**

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

### **Allowances**

An annual allowance will be paid to the Independent Chairperson.

### **Knowledge and understanding**

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

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

## **Reporting**

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

The annual report will cover:

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

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

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

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

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

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

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

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

## **4 Charitable Trust Board**

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

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

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

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

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

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

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

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

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

The Board will comprise:

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

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

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

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

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

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

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

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

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

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

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

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

Appointed by: The Charitable Trust Board

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

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

Quorum: 3 voting members

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

Lead Officer            Head of Parks & Green Spaces

Deputy Officers        Team Leader Parks & Green Spaces

Project Manager, Parks.

Decision Making Powers:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.
2. To agree the Trust's annual budget and business plan.
3. To approve the use of any reserves.
4. To agree the Trust's annual accounts.
5. To receive and respond to the audit findings relating to the annual accounts.
6. To receive reports on the effective day to day management and financial performance of the Trust.
7. To allow interested parties to give their view on the performance and direction of the Trust.

## **6 Corporate Audit Committee**

### **Powers and Duties**

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

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

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

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

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

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

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

### **Membership**

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

Chairing nomination rights are allocated to the Conservative Group.

### **Frequency of Meetings**

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

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## **7 Development Management Committee**

### **Functions**

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

The Committee will act in accordance with the Planning Policy Framework for B&NES which includes National Planning Policy Guidance.

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

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

(1) Modification Orders, Reclassification Orders and Public Path Orders where the matters are contentious

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

*\*Note 1 – The Group Manager: Highways and Traffic and Team Manager - Highway Maintenance and Drainage have been delegated general as well as specific responsibility in respect of these functions.*

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

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

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

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

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

#### Limitation on delegation

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

#### Frequency

Monthly

#### Membership

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

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## **8 Employment Committee**

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

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

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

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

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

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

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

## **Membership**

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

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

*[logo box removed]*

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

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

### **2 Roles and responsibilities**

- 2.1 The Board will be responsible for:
  - developing a strong, place based vision for health and wellbeing
  - overseeing the development of local needs assessments, including joint strategic needs assessment (JSNA) and pharmacy needs assessment (PNA)
  - leading the development and delivery of the joint health and wellbeing strategy (JHWS)
  - considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
  - ensuring local placed-based health and social care commissioning plans have adequate regard to the JHWS

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

## 2.2 The Board will seek to:

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

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

### **3. Scope**

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

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

### **4. Accountability**

4.1 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual duties and responsibilities.

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

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

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

### **5. Membership**

## 5.1 Membership of the Board is:

- B&NES Council x 6 (Cabinet Member for Adult Social Care and Health, Cabinet Member for Childrens Services, Chief Executive, Strategic Director for People and Communities, Director of Integrated Health and Care Commissioning, Director of Public Health)
- Clinical Commissioning Group x 2 (CCG Clinical Chair, CCG Chief Officer)
- Healthwatch B&NES x 1
- Avon and Somerset Police x 1
- Avon Fire and Rescue x 1
- Housing provider representative x 1
- Higher and further education representative x 3
- Health and social care provider representatives x 4 (acute care, community care, primary care and voluntary, community and social enterprise sector)
- NHS England x 1

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

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

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

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

## 6. ***Wider engagement***

6.1 By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:

- Taking responsibility for good public engagement

- Clarity about purpose
  - Harnessing a range of engagement methods
  - Engaging with everyone
  - Committed to cultural change
  - Providing access to information
  - In partnership
  - Feeding back engagement results
  - With Healthwatch B&NES
  - Evaluating engagement
- 6.2 The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.
- 6.2 The Council's policy development and scrutiny function offers an opportunity for broader engagement on key issues.
- 6.3 It is intended that one representative of each Political Group on the council, not currently represented on the board, be invited to formal Board meetings in an observer capacity.

## **7. *Business management***

- 7.1 The Board is a statutory committee of the Council and will be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.
- 7.2 The Board will act in accordance with the Council's committee procedures.
- 7.3 Formal Board meetings shall be held in public. The Board may resolve to hold closed sessions in accordance with the Access to Information rules.
- 7.4 The Board will develop a work programme framed by the JHWS which will guide its work.
- 7.5 The Board will meet at least 5 times per year.
- 7.6 The Board may establish sub-groups to lead on issues such as children and young people, JSNA, joint commissioning and health inequalities.

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## **10 Licensing Committee**

### **Status of the Committee**

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

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

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

### **Membership of the Committee**

The Committee shall comprise 11 elected members of the authority in the political group proportion (6 Cons: 3 Lib Dem: 1 Labour: 1 Ind), or such other proportion agreed by the Council from time to time.

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

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

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

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

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

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

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

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

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

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

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

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

### **Powers and Duties of the Committee**

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

*Animal Boarding Establishments Act  
1963*

*Animal Welfare Act 2006*

*Breeding of Dogs Act 1973*

*Breeding of Dogs Act 1991*

*Caravan Sites and Control of*

*Development Act 1960*

*Charities Act 2006*

*Dangerous Wild Animals Act 1976*

*Environmental Protection Act 1990*

*Fireworks Act 2003*

*Food Act 1984*

*Food Safety Act 1990*

*Gambling Act 2005*

*Petroleum (Regulation) Acts  
1928 & 1936*

*Poisons Act 1972*

*Police Factories, etc.*

*(Miscellaneous Provisions)  
Act 1916*

*Public Health (Control of  
Disease) Act 1984*

*Public Health Acts*

*Amendment Act 1907*

*Riding Establishments Act  
1964*

*Riding Establishments Act  
1970*

*Game Act 1831*  
*Guard Dogs Act 1975*  
*Highways Act 1980 Part VIIA*  
*House to House Collections Act 1939*  
*Hypnotism Act 1952*  
*Licensing Act 2003*  
*Local Government (Miscellaneous Provisions) Act 1976*  
*Mobile Homes Act 2013*  
*Local Government (Miscellaneous Provisions) Act 1982*  
*Performing Animals (Regulation) Act 1925*  
*Pet Animals Act 1951*  
*Pet Animals 1951 (Amendment) Act 1983*

*Scrap Metal Dealers Act 2013*  
*Theatres Act 1968*  
*Town Police Clauses Act 1847*  
*Town Police Clauses Act 1889*  
*Transport Act 1981*  
*Vehicles (Crime) Act 2001*  
*Violent Crime Reduction Act 2006*  
*Zoo Licensing Act 1981*

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

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

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

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

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

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

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

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

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

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
<b>LICENSING ACT 2003</b>				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Consideration of revocation or suspension of personal licence where convictions or immigration penalties come to light.			All cases	
Application for Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement			If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor			If a police objection is made	All other cases
Request to be removed as Designated Premises				All cases

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

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING CTTEE</b>	<b>SUB COMMITTEE</b>	<b>OFFICERS</b>
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises			If a relevant representation is made	All other cases
Applications for the classification of unclassified films			All cases	
<b>GAMBLING ACT 2005</b>				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

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

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

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

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

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

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

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

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

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

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

### Within their allocated remits, each Panel

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

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

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

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

- **on scrutiny issues**
  - i) review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to individual decisions and over a period of time;
  - ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - iii) question members of the Cabinet and Officers about their decisions and performance\*, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects (\*this does not relate to the performance review ("appraisal") process which is a staff managerial responsibility);
  - iv) make recommendations to the Cabinet arising from the outcome of the

scrutiny process;

v) invite any person to give evidence and answer questions (subject to the Overview and Procedure Rules);

- **on overview issues**

(i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;

(v) carry out in-depth reviews of key local issues, subject to the provisions of the Overview and Scrutiny Work Plan;

(vi) request reports from Officers and Cabinet Members.

### **Meeting Frequency:**

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

## **PDS Panel Remits**

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

(Designated Flood Risk Management Panel)

#### **Panel remit is –**

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

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

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

## **13 Resources**

### **Panel remit is –**

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

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

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

## **14 Children & Young People**

(Designated Curriculum Complaints Panel)

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

### **Panel remit is –**

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

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

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

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

### **Panel remit is –**

- Transport Development (transport planning/policy, major transport

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

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

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

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

#### In addition to General Terms of Reference

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

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

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

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

### **Panel remit is –**

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

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

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

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

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

Chair is nominee of the Conservative Group.

#### In Addition to General Terms of Reference

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

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

#### **HEALTH SCRUTINY: Background**

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

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

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

- The council's overview and scrutiny body can scrutinise any NHS Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.
- Local NHS bodies must provide any information the council reasonably requires (excluding information about individuals), and NHS staff can be required to attend and provide information.
- Scrutiny reports can be made to the council and to NHS bodies. If requested, the NHS body must respond within 28 days.
- NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits

for change or if it considers there has been inadequate consultation on the proposals.

- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.
- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.

## **Reporting Arrangements**

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

## **JOINT HEALTH SCRUTINY FUNCTION**

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

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

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

### **Membership**

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

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

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

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

### **Terms of Reference**

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

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

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

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

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

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

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

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

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## **17 Parish Liaison Meeting**

*Included under separate agenda item*

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

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

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

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

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

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

### **Membership**

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

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

### **Function**

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

### **Membership**

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

### **Timetable**

Meetings fixed as and when necessary.

## **20 Standards Committee**

### **Terms of reference**

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

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

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

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

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

### **Quorum**

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

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

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

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

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

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

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

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

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

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

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

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## **22 WECA Audit Committee**

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

The functions of the Audit committee shall include:

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

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

## **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 - Highway Maintenance and Drainage

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

Team Manager - Highway Maintenance and Drainage

Principal Officer - Public Rights of Way

3. The power to provide and maintain safety barriers on public rights of way

Team Manager - Highway Maintenance and Drainage

Principal Officer - Public Rights of Way

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

Team Manager - Highway Maintenance and Drainage

Principal Officer - Public Rights of Way

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

Team Manager - Highway Maintenance and Drainage

Principal 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 - Highway Maintenance and Drainage

Principal Officer - Public Rights of Way

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

Group Manager - Highways and Traffic

Team Manager - Highway Maintenance and Drainage

Development Management Committee

10. The powers and duties relating to Public Path Orders

Group Manager - Highways and Traffic

Team Manager - Highway Maintenance and Drainage

Development Management 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  
Team Manager - Highway Maintenance and Drainage  
Principal Officer - Public Rights of Way
13. The creation of public rights of way by dedication or deed of declaration  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage  
Regulatory (Access) Committee
14. The power of entry for purposes connected with legal orders relating to public rights of way  
Team Manager - Highway Maintenance and Drainage  
Principal Officer - Public Rights of Way
15. Power to require information as to ownership of land  
Team Manager - Highway Maintenance and Drainage  
Principal Officer - Public Rights of Way
16. Power to use vehicles and appliances on public rights of way  
Team Manager - Highway Maintenance and Drainage  
Principal Officer - Public Rights of Way
17. Power to authorise motor vehicle trials on public paths  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and 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 - Highway Maintenance and Drainage  
Regulatory (Access) Committee
20. The power to enter into agreements relating to compensation and the execution of works on a public right of way  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage
21. The power to enter into agency agreements relating to the maintenance of public rights of way  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage
22. The powers and duties relating to Section 31(6) and Section 15A Landowner Deposits  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage

23. The powers and duties of the Authority as an Access Authority  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage

24. The powers and duties of the Authority as Commons Registration Authority  
Group Manager - Highways and Traffic  
Team Manager - Highway Maintenance and Drainage  
Development Management Committee

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**Bath & North East Somerset Council**  
**Local Code of Corporate Governance 2018**

# 1 Delivering Good Governance

- 1.1 *Delivering Good Governance in Local Government; Framework*, published by CIPFA in association with SOLACE, sets the standard for local authority governance in the UK. The concept underpinning the framework is to support local government in taking responsibility for developing and shaping an informed approach to governance, aimed at achieving the highest standards in a measured and proportionate way. The purpose of the Framework is to assist authorities individually in reviewing and accounting for their own unique approach, with the overall aim to ensure that :
- Resources are directed in accordance with agreed policy and according to priorities
  - There is sound and inclusive decision making
  - There is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities
- 1.2 Governance is a term used to describe the arrangements (including political, economic, social, environmental, administrative, legal, and other arrangements) put in place to ensure that the intended outcomes for stakeholders are defined and achieved.
- 1.3 Good governance enables the Council to effectively achieve its intended outcomes, whilst acting in the public interest at all times.
- 1.4 The *Delivering Good Governance in Local Government; Framework*, sets out seven core principles of governance as detailed in the diagram below. Bath and North East Somerset Council is committed to these principles of good governance and confirms this through the adoption, monitoring and development of this document - the Council's Local Code of Corporate Governance.
- 1.5 Our Local Code is underpinned by the *Delivering Good Governance in Local Government; Framework* and is comprised of policies, procedures, behaviours and values by which the Council is controlled and governed. These key governance areas and how the Council provides assurance that it is complying with these are set out in more detail within its Governance Assurance Framework.
- 1.6 The Council recognises that establishing and maintaining a culture of good governance is as important as putting in place a framework of policies and procedures. The Council expects members and officers to uphold the highest standards of conduct and behaviour and to act with openness, integrity and accountability in carrying out their duties.

## 2. Principles of Good Governance

2.1 This diagram illustrates how good governance is integral to supporting the delivery of the organisations priorities.



2.2 The principles of good governance therefore describe the outcomes this code is attempting to deliver. The guidance prescribes these as follows –

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

2.3 Further information regarding each of the above principles and the behaviours and actions that demonstrate good governance in practice are detailed at Appendix A

## 3 Status

- 3.1 Regulation 6(1)(a) of the Accounts and Audit regulations 2015 require an authority to conduct a review at least once in a year of the effectiveness of its systems of internal control and include a statement reporting on the review with any published statement of Accounts. This is known as an Annual Governance Statement.
- 3.2 The Accounts and Audit Regulations 2015 stipulate that the Annual Governance Statement must be prepared in accordance with proper practices in relation to accounts. Therefore a local authority in England shall provide this statement in accordance with Delivering Good Governance in Local Government Framework (2016) and this section of the Code.

## 4 Monitoring and review

- 4.1 The Council will monitor its governance arrangements for their effectiveness in practice and will review them on a continuing basis to ensure that they are up to date. This process of review to produce the Annual Governance Statement sets out in more detail how the Council will seek assurance on its adherence to the adopted principles of governance detailed in this code.
- 4.2 On an annual basis, the Chief Executive and Leader of the Council will therefore publish an Annual Governance Statement which will:
- assess how the Council has complied with this Code of Corporate Governance
  - provide an opinion on the effectiveness of the Council's arrangements
  - Provide details of how continual improvement in the systems of governance will be achieved.

## 5 Certification

- 5.1 We hereby endorse our commitment to this Code of Corporate Governance and will ensure that the Council continues to review, evaluate and develop the Council's Governance arrangements to ensure continuous improvement of the Council's systems.

**Leader of the Council – Cllr Tim Warren      Chief Executive – Ashley Ayre**

Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<b>A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law</b>	<b>Behaving with integrity</b>	<ul style="list-style-type: none"> <li>• Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</li> <li>• Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</li> <li>• Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</li> <li>• Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</li> </ul>
	<b>Demonstrating strong commitment to ethical values</b>	<ul style="list-style-type: none"> <li>• Seeking to establish, monitor and maintain the organisation's ethical standards and performance</li> <li>• Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</li> <li>• Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</li> <li>• Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</li> </ul>
	<b>Respecting the rule of law</b>	<ul style="list-style-type: none"> <li>• Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</li> <li>• Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</li> <li>• Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders</li> <li>• Dealing with breaches of legal and regulatory provisions effectively</li> <li>• Ensuring corruption and misuse of power are dealt with effectively</li> </ul>

Core Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<b>B. Ensuring openness and comprehensive stakeholder engagement</b>	<b>Openness</b>	<ul style="list-style-type: none"> <li>• Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</li> <li>• Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</li> <li>• Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</li> <li>• Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action</li> </ul>
	<b>Engaging comprehensively with institutional stakeholders</b>	<ul style="list-style-type: none"> <li>• Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</li> <li>• Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively               <ul style="list-style-type: none"> <li>- Ensuring that partnerships are based on: trust</li> <li>- a shared commitment to change</li> <li>- a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</li> </ul> </li> </ul>
	<b>Engaging with individual citizens and service users effectively</b>	<ul style="list-style-type: none"> <li>• Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</li> <li>• Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</li> <li>• Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</li> <li>• Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</li> <li>• Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</li> <li>• Taking account of the impact of decisions on future generations of tax payers and service users</li> </ul>

Core Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<b>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits</b>	<b>Defining outcomes</b>	<ul style="list-style-type: none"> <li>• Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions</li> <li>• Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</li> <li>• Delivering defined outcomes on a sustainable basis within the resources that will be available</li> <li>• Identifying and managing risks to the achievement of outcomes</li> <li>• Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available</li> </ul>
	<b>Sustainable economic, social and environmental benefits</b>	<ul style="list-style-type: none"> <li>• Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</li> <li>• Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints</li> <li>• Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</li> <li>• Ensuring fair access to services</li> </ul>

Core Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<b>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</b>	<b>Determining interventions</b>	<ul style="list-style-type: none"> <li>• Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided</li> <li>• Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</li> </ul>
	<b>Planning interventions</b>	<ul style="list-style-type: none"> <li>• Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</li> <li>• Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered</li> <li>• Considering and monitoring risks facing each partner when working collaboratively, including shared risks</li> <li>• Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances</li> <li>• Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured</li> <li>• Ensuring capacity exists to generate the information required to review service quality regularly</li> <li>• Preparing budgets in accordance with objectives, strategies and the medium term financial plan</li> <li>• Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy</li> </ul>
	<b>Optimising achievement of intended outcomes</b>	<ul style="list-style-type: none"> <li>• Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</li> <li>• Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</li> <li>• Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</li> <li>• Ensuring the achievement of 'social value' through service planning and commissioning</li> </ul>

Core Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<p><b>E. Developing the entity's capacity, including the capability of its leadership and the individuals within it</b></p>	<p><b>Developing the entity's capacity</b></p> <p><b>Developing the capability of the entity's leadership and other individuals</b></p>	<ul style="list-style-type: none"> <li>• Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness</li> <li>• Improving resource use through application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved</li> <li>• Recognising the benefits of partnership working where added value can be achieved</li> <li>• Developing &amp; maintaining an effective workforce plan to enhance the strategic allocation of resources</li> <li>• Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</li> <li>• Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</li> <li>• Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</li> <li>• Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged             <ul style="list-style-type: none"> <li>- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</li> <li>- ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</li> <li>- Ensuring that there are structures in place to encourage public participation</li> <li>- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</li> <li>- Holding staff to account through regular performance reviews which take account of training</li> <li>- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</li> </ul> </li> </ul>

Core Principles	Sub-principles	Behaviour and actions that demonstrate good governance in practice:
<b>F. Managing risks and performance through robust internal control and strong public financial management</b>	<b>Managing risk</b>	<ul style="list-style-type: none"> <li>• Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</li> <li>• Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</li> <li>• Ensuring that responsibilities for managing individual risks are clearly allocated</li> </ul>
	<b>Managing performance</b>	<ul style="list-style-type: none"> <li>• Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</li> <li>• Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</li> <li>• Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (Or, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</li> <li>• Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</li> <li>• Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements)</li> </ul>
	<b>Robust internal control</b>	<ul style="list-style-type: none"> <li>• Aligning the risk management strategy and policies on internal control with achieving objectives</li> <li>• Evaluating and monitoring risk management and internal control on a regular basis</li> <li>• Ensuring effective counter fraud and anti-corruption arrangements are in place</li> <li>• Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor               <ul style="list-style-type: none"> <li>- Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body: provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment</li> <li>- that its recommendations are listened to and acted upon</li> </ul> </li> </ul>

	<b>Managing data</b>	<ul style="list-style-type: none"><li>• Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</li><li>• Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</li><li>• Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</li></ul>
	<b>Strong public financial management</b>	<ul style="list-style-type: none"><li>• Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</li><li>• Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and control</li></ul>

Core Principles	Sub-Principles	Behaviour and actions that demonstrate good governance in practice:
<b>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</b>	<b>Implementing good practice in transparency</b>	<ul style="list-style-type: none"> <li>• Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</li> <li>• Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</li> </ul>
	<b>Implementing good practices in reporting</b>	<ul style="list-style-type: none"> <li>• Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</li> <li>• Ensuring members and senior management own the results reported</li> <li>• Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)</li> <li>• Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate</li> <li>• Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</li> </ul>
	<b>Assurance and effective accountability</b>	<ul style="list-style-type: none"> <li>• Ensuring that recommendations for corrective action made by external audit are acted upon</li> <li>• Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon</li> <li>• Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</li> <li>• Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</li> <li>• Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met</li> </ul>

# Chairman of the Council

## Civic Handbook

February 2018

## **WELCOME**

**Congratulations on your election as Chairman of the Council for Bath & North East Somerset and our community's First Citizen.**

I am pleased to introduce the **Chairman's Civic Handbook**. This has been produced to provide you with guidance in your new role, giving valuable information and advice on the position, and an insight into what you can expect. It is intended to be a working document which can be updated – if you feel there is additional information which could usefully be included for the Chairmen that come after you, please let me know.

I want your year of office to be enjoyable and will do everything possible to support you in your role as one of the Authority's high-profile ambassadors. The Chairman can be a major influence in promoting the image and importance of Bath and North East Somerset in a regional and national context, and can also help in the promotion of the Council's objectives in the local community.

**Ashley Ayre**  
**Chief Executive**  
**Bath & North East Somerset Council**

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## Important Contact Details

### **Chairman of the Council's Office:**

The Guildhall  
High Street  
Bath  
BA1 5AW

Email: [chairs\\_office@bathnes.gov.uk](mailto:chairs_office@bathnes.gov.uk)

Homepage on Council Website: <http://www.bathnes.gov.uk/services/your-council-and-democracy/chairman-council>

### **Executive Support Staff:**

Name	Telephone	Email
<b>Annette Beilby</b> Executive Support Team Leader	01225 477400	<a href="mailto:annette_beilby@bathnes.gov.uk">annette_beilby@bathnes.gov.uk</a>
<b>Jo Hobbs</b> Executive Support Team Leader	01225 477400	<a href="mailto:jo_hobbs@bathnes.gov.uk">jo_hobbs@bathnes.gov.uk</a>
<b>Benice Hampton</b> Executive Support Assistant	01225 394235	<a href="mailto:benice_hampton@bathnes.gov.uk">benice_hampton@bathnes.gov.uk</a>

Day-to-day operational support will be provided by the **Executive Support Office**. Please see Section 7 of the Handbook for further information about the type of support provided by this Office.

### **Key Council Contacts:**

Name	Telephone	Email
<b>Ashley Ayre</b> Chief Executive	01225 477400	<a href="mailto:ashley_ayre@bathnes.gov.uk">ashley_ayre@bathnes.gov.uk</a>
<b>Maria Lucas</b> Director of Legal & Democratic (and Monitoring Officer)	01225 395171	<a href="mailto:maria_lucas@bathnes.gov.uk">maria_lucas@bathnes.gov.uk</a>
<b>Jo Morrison</b> Democratic Services Manager	01225 394358	<a href="mailto:jo_morrison@bathnes.gov.uk">jo_morrison@bathnes.gov.uk</a>
<b>Steve Harman</b> Corporate Business Manager	07530 263207	<a href="mailto:steve_harman@bathnes.gov.uk">steve_harman@bathnes.gov.uk</a>

## 1. Introduction

The Chairman's Civic Handbook for Bath & North East Somerset Council provides a comprehensive overview of the Chairman's role and demonstrates the huge importance that the Council places on the civic traditions of the Chairman. The Handbook covers the following key areas:

- ➔ **Roles and Responsibilities**
- ➔ **Precedence**
- ➔ **Engagements and Events**
- ➔ **Clothing and Civic Insignia**
- ➔ **Chairman's Room**
- ➔ **Executive Support Office**
- ➔ **Civic Car**
- ➔ **Training**
- ➔ **Charity Work**
- ➔ **Receiving and Giving of Gifts**
- ➔ **Allowances and Budgets**
- ➔ **Complaints**

The Handbook does not cover the specific constitutional role of the Chairman with regard to chairing Council meetings, which is covered in separate briefings and documentation provided by Democratic Services.

## 2. Roles and Responsibilities

The Council and City of Bath have two civic dignitaries, the **Chairman of the Council** and the **Mayor of Bath**. The Mayor is managed by the Charter Trustees and is a completely separate role to that of the Chairman of the Council. For details about the Mayor of Bath, please see the Mayor's website - [Mayor of Bath](#).

### ***Appointment of the Chairman***

- ➔ The Chairman is the Civic Head of the Council. He / she is elected in May of each year at the Annual Meeting of the Council.
- ➔ The Chairman must be a serving Councillor.
- ➔ During the Annual Meeting of Council the Chairman may appoint a Consort for their term of office.
- ➔ The Vice Chairman of the Council is also appointed at the Annual Meeting and will represent the Chairman at meetings and events in his / her absence.

## ***The Role of the Chairman***

The Chairman of the Council is largely a ceremonial role; it does not carry any extra political power or influence, and the Chairman **must** remain politically impartial during their year of office. The Chairman has the following responsibilities:

- ➔ To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- ➔ To have the casting vote at Full Council meetings at which he / she is chairing, if required.
- ➔ The Chairman acts as First Citizen for the Authority, fostering community identity and pride by actively promoting local areas and raising the profile of Bath and North East Somerset and the Council.
- ➔ To attend such civic and ceremonial functions as the Council and he / she determines appropriate, e.g. royal visits, charitable events, supporting local cultural activities. Whilst representing the Authority, the Chairman wears a Chain of Office (see Section 3 - Precedence).
- ➔ To represent the Council at functions organised by firms, churches, clubs, schools and other organisations throughout the Authority, as well as events organised by the Council such as the opening of new community homes and schools.
- ➔ To promote public involvement in the Council's activities.
- ➔ The Chairman can nominate a charity of their choice and host fund raising events throughout their term of office.
- ➔ To be the conscience of the Council and uphold and promote the purposes of the Constitution when necessary.
- ➔ The Chairman usually appoints a Consort, who is generally their spouse or partner. The Consort is an unelected person who will normally accompany the Chairman to official engagements. The Consort must be able to appropriately represent the Council and uphold the standards of behaviour expected of a Councillor. On no occasion should they attend a function on behalf of the Chairman - if the need arises, the Deputy Chairman would normally attend.
- ➔ The Chairman will follow the Council's established IT protocols, especially around diary management to ensure the Chairman's calendar remains accurate and up-to-date.

## ***Ceremony to Appoint a New Chairman***

A ceremony is performed at the Annual Meeting, when the Chain of Office is removed from the outgoing Chairman and placed around the neck of the new Chairman by the Chief Executive. The new Chairman is proposed by a member of his / her own party and is often seconded by a member of the opposition.

## ***End of Term of Office***

The Chairman holds the Office of Chairman for one year before returning to their position as a backbench Member (unless elected to a Chairman / Vice Chairman position of a Committee or Panel).

### **3. Precedence**

***“Section 3(4) of the Local Government Act 1972 specifically provides “The Chairman of a District Council shall have precedence in the District but not so as prejudicially to affect Her Majesty’s royal prerogative”.***

What this means is that by statute, provided a Member of the Royal Family is not in the Authority nor attended by their representative, the Lord Lieutenant, Deputy Lieutenant or High Sheriff in their official capacity, the Chairman shall have precedence.

In other situations, what passes for ‘precedence’ tends to be custom and practice, and varies significantly around the country. The agreed precedence states, *“Inevitably, senior and prominent Members of County, District and Parish (or Town) Councils find themselves on a regular basis involved in civic, social, and ceremonial events and clear agreed and settled rules of protocol will do much to minimise unnecessary misunderstanding which may arise from time to time”.*

The Chairman should expect to attend all official formal functions, such as a naming or opening, which have been funded by the Council. If any Cabinet Member or the Leader also wishes to attend an event, this will be discussed with the Chairman and Chief Executive.

### **4. Engagements and Events**

There are a number of events that the Chairman must attend during their year in office. These include Citizenship Ceremonies, the Annual Civic Reception, Armed Forces Day, Community Awards, Remembrance, and Holocaust Memorial Day

There will also be invitations to a large number of optional events and the Chairman is asked to give careful consideration to which of these events that he / she attends. Please read the rules of civic engagements below, especially the third bullet point, which should help in deciding whether to accept an engagement.

## Key Rules of Civic Engagements

- ➔ **Every invitation should be routed via the Executive Support Office** - it cannot be stressed too strongly how essential it is that all who seek the Chairman's presence at their events be referred to the Executive Support Office.
- ➔ **Don't cancel except in an emergency** - once an invitation has been properly accepted, it should not be cancelled unless there is an extreme emergency. All engagements are important, no matter how small. Organisers often put in a lot of effort to make their events successful and your role in promoting their activity is vital; it is not acceptable to 'change your mind' if another invitation is more to your liking.
- ➔ **Is it an 'appropriate engagement'?** - the Chairman is asked to consider carefully each invitation they receive with a view to recognising the "value" of each event to the Council and to the local community.

Local events and engagements always take precedence over engagements outside of the Authority's boundary. A performance indicator is recorded by the Executive Support Office to measure the percentage of engagements that are held within and outside the Authority's boundary. Ideally, at least 90% of engagements will be held within the Authority on the basis that it is local people who are funding the Chairman's office.

In addition, a measure of effectiveness of the Chairman in undertaking quality engagements has been introduced and will also be maintained by the Executive Support Office. Each event attended by the Chairman is scored depending on the type of activity. The scores are set nationally by the National Association of Civic Officers and fall into six categories:

Engagement Category	Score	Examples of Activity
Promoting	5	Council initiatives, business opportunities
Community	5	Attending local events with local people
Civic Hosting	3	Offering hospitality to community groups
Council / Statutory / Traditional	3	Council meetings, Citizenship Ceremonies, Remembrance Sunday
Charities	2	Charity appeals and fundraising events
Civic Circuit	1	Visiting other Civic Heads' events

These categories also assist in determining which events the Chairman attends when he / she receives more than one invitation for the same day.

- ➔ **Was it any good?** - the Council sends out a Customer Satisfaction Survey Form after each civic engagement, i.e., how well did the Executive Support Office deal with the invitation; how useful was the civic engagement pro forma; did the Chairman arrive on time; how well was the speech delivered etc. A blank Customer Satisfaction Survey Form can be found in **Appendix D**.

## 5. Clothing and Civic Insignia

### *Clothing*

The Executive Support Office will offer advice for each civic engagement if it is not clear from the invitation; however the following is suggested as a clothing guide.

**Male:** Conventional dress is recommended such as a black, dark grey or navy lounge suit for daytime events. Dinner jackets are usually worn for important dinners. A good quality dark overcoat and / or raincoat for inclement weather is advisable.

**Female:** The general advice is to be smart rather than casual, for instance, a dressy suit or jacket and dress. For evening wear, a cocktail dress is advisable although long dresses are occasionally worn. It is traditional for ladies to wear a hat for church services; however this is a personal choice.

The Chains of Office (see below) are heavy and have “claws” to correctly position them on your clothing. It’s advisable to have some fabric “loops” sewn into any jackets that you may wear on a regular basis to avoid damage to your clothing.

### *Civic Insignia*

**The civic insignia for the Office of Chairman consist of the Chains of Office.** The general rules for wearing the civic insignia are set out below.

**Chains of Office** - The Chains are a symbol of the Chairman’s Office and are worn by the Chairman (and Vice Chairman) when on official business:

- ➔ At all meetings of Bath & North East Somerset Council
- ➔ At other meetings over which he / she may be asked to preside as the Chairman of Bath & North East Somerset Council
- ➔ When hosting social occasions within the Authority
- ➔ When attending formal civic functions within the Authority
- ➔ When representing the Council at any formal occasion within the Authority
- ➔ At any other occasions when it is appropriate that he / she should so do in the interests of the status and dignity of the office of Chairman of Bath & North East Somerset Council.

In attending events, ceremonies and services, the Executive Support Office should take into consideration diversity, and the customs, traditions and religious representation of others, and advise the Chairman as to the appropriate usage. The Chairman should not wear the Chain of Office outside the Authority's boundary without the express permission of the Council being visited.

It is not appropriate to wear any floral decorations, other than a poppy, whilst wearing the Chains of Office. The Chairman may on occasions be offered a buttonhole, lapel badge or ribbon whilst attending a function. It may be acceptable to wear it until the end of that engagement and remove it before attending the next one.

### ***Chain - Safe Custody Guidelines***

Remember that the regalia should at all times be kept in its case and treated with care, not only **when** being worn but giving thought to **where** it's worn.

The Chains of Office are of great value and are irreplaceable. The Council has agreed a set of guidelines for the custody and safekeeping of the Civic Regalia. These can be found in **Appendix B**. You should read these carefully and adhere to them. If you have any doubts, please contact the Executive Support Office.

### **6. Chairman's Room**

The Chairman's Room is the Chairman's private room and is primarily reserved for the personal use of the Chairman as Chair. It is also used for receptions and official engagements, and there may be occasions when the room is used for other appropriate Council business.

### **7. Executive Support Office**

Operational support on a day-to-day basis is provided by the **Executive Support Office**, which also provides support to the Chief Executive, Corporate Directors, the Leader of the Council, Cabinet Members and Councillors. Details of the specific support provided by this Office are:

- ➔ Provide day to day secretarial and administrative support
- ➔ Deal with correspondence and draft letters for the Chairman's signature
- ➔ Manage the Chairman's civic diary
- ➔ Organising all necessary arrangements for attendance at civic functions
- ➔ Arrange occasional events
- ➔ Receive and follow up invitations, write thank you letters where appropriate
- ➔ Provide appropriate stationery
- ➔ Provide information on the Chairman's allowances and how they may be used
- ➔ Provide support for the Chairman's charity appeal (if required)
- ➔ Advise on civic dress and protocols

- ➔ Assist with speeches by liaising with others to obtain information
- ➔ Arrange briefings
- ➔ Provide and receive background information on events
- ➔ Update the website in respect of matters relating to the Chairman
- ➔ Liaise with local press
- ➔ Take into account the Chairman's well-being, safety and security
- ➔ Maintain and purchase civic regalia
- ➔ Arrange briefings for Full Council in consultation with the Democratic Services Manager
- ➔ Ensure there is regular liaison with the Chief Executive and Senior Management Team to ensure the Chairman is aware of matters pertaining to the Council which may impact on how he / she carry out their duties
- ➔ Briefings will also be arranged with other officers on matters of interest or on issues that arise relevant to the Chairman's duties
- ➔ Provide any other support or guidance that is necessary and appropriate.

### ***Familiarity***

Due to the nature of the engagements and the time that the Chairman and Vice Chairman spend in the company of employees, especially the support staff, it can be difficult to avoid familiarity. On all occasions staff will refer to them and their partner / consort by their titles, i.e., Mr or Mrs Chairman, unless advised differently by the Chairman as to their preference.

Also, it is essential that any discussion about managerial issues is not entered into with the Executive Support Office staff themselves, as this function is the responsibility of the Corporate Business Manager and in his absence, the Executive Support Team Leader.

### **8. Civic Car**

**The Office of Chairman has access to a Civic Car for official functions only. It is very important that the car is used properly at all times, and its usage can be justified to the public.**

**Attendance at a Council or Committee meeting will not be classed as an official function, so it is not appropriate to use the Civic Car for travel to and from these meetings.**

### ***Scheduling the Civic Car***

It is the responsibility of the Executive Support Office to schedule the use of the car. The Council leases a car that is shared by both the Mayor and the Chairman's Office for selected civic and high profile events. There is one dedicated Chauffeur and if there is a clash of events between the two Offices, it is in the Chauffeur's contract to provide a second chauffeur and car for use by the Chairman, and recharge the Office of the Chairman for this service. This arrangement has proved very cost effective and has resulted in efficiency savings for the Council.

The Chairman, guided by the Executive Support Office, agrees in advance those events that require the use of a car. There is a limited budget for this which must not be exceeded without prior discussion with the Corporate Business Manager. The means of transport should reflect the degree of formality / informality of the event. It may be more appropriate if it is a low key affair to use your own car, the cost of which is met from your allowance. Events where a car might be used include:

- ➔ Functions outside of the Authority's boundary
- ➔ Other authority civic functions
- ➔ Functions more than a certain number of miles / amount of time from the Chairman's home
- ➔ Functions where it is known that the organiser can provide no parking
- ➔ Functions where there is an expectation that the Chairman will have official transport.

### ***Using the Civic Car***

For insurance reasons, it is not possible to offer lifts in the civic car. Any passengers are limited to official guests of the function that the Chairman is attending. This is a policy requirement that the chauffeur must follow and the Chairman is asked not to place them in an awkward position by offering a lift to non-official guests. It is also a policy requirement that seat belts are worn at all times, and smoking is not allowed.

Civic cars are not available for private use, (i.e. shopping or visits to relatives), or for activities associated with being an elected Councillor. Should the role of Chairman and Councillor occur on the same day, every effort will be made to reduce any inconvenience if possible. It is essential, if the non-political role of the Chairman is to be preserved and public cynicism to be minimised, that there is a rigid and understood rule between a Member's role as a Councillor and that as a Civic.

The Chairman will be expected to make other arrangements for attending non-official functions. If a chauffeur is asked by the Chairman to take him / her to a destination that is not shown on the Civic Engagement sheets, and the chauffeur has not received notification of this further engagement from the Executive Support Office, then the chauffeur must inform the Chairman that neither they nor the car will be covered by insurance. The chauffeur must then contact the Executive Support Team Leader to gain approval.

### **Chauffeur**

Many Chairmen are unaccustomed to using a chauffeur in their daily lives. The chauffeur is responsible for transporting the Chairman in the civic car for his / her official duties and is bound by a code of practice. This is set out in **Appendix C**.

Chauffeuring staff should always be aware of the whereabouts of the Chairman at functions, particularly towards the end, when the chauffeur should know when he / she wishes to leave. They

should remain fairly close at hand during engagements unless they have been told to return at a pre-arranged time.

There are no specific rules about where the Chairman should sit, however it is generally recommended that he / she sit behind the passenger seat, as this way they will be able to step straight onto the pavement once the door has been opened by the chauffeur.

## 9. Training (including Speeches)

Training on the role of Chairman is available from Democratic Services. Speech making is an integral part of the Chairman's duties and as a Councillor, the Chairman is usually well versed in the art of public speaking. However, if help is required to further improve public speaking skills, this can also be provided.

As a high profile ambassador for the Council, it is important that the Chairman makes the best impression possible at all public engagements. The Chairman will be asked to say something at most of the engagements he / she attends, which can range from proposing a toast to a full speech. The Executive Support Office can assist, if requested, in preparing an appropriate standard or specific speech, or to arrange typing support for any speeches drafted by the Chairman. It is recommended that formal speeches are tested on the Executive Support Office.

Some organisations will send information about what they would like you to say, others will not. This information is only there to help prepare a speech. If more background information is needed for a particular engagement, the Chairman can ask the Executive Support Office to do more research. The Executive Support Office will try to ensure that the Chairman is aware prior to an engagement whether he / she will be asked to speak, although this may not always be possible and there will be occasions when the Chairman will be asked to say a few words with little or no notice at all.

The Chairman may wish to give some thought to his / her inaugural Speech to the Council on taking office. It is usual to announce the charity he / she has chosen to support (see Section 10) and mention main themes that they would like to pursue during their term of office. The Chairman often takes this opportunity to inform Councillors of how he / she wishes to be addressed when they chair the Council meeting, e.g. Madame Chairman, Chair etc.

### **Speaking - Key points:**

#### **Being prepared to Speak...**

- ➔ Speeches will come across much better if they are written in your own words
- ➔ Read the speech through, practice it aloud and generally familiarise yourself with it
- ➔ Read all the information provided prior to attending an appointment and make sure you are fully prepared to "sing for your supper". If you are told that you are definitely not required to speak, ring the alarm bells!

- ➔ It is guaranteed that you will be asked to speak on occasions without notice. To handle situations like these, remain calm and follow the pointers below.

### **Making a Speech...**

- ➔ Overcome your fears by taking deep breaths in through the nose and out through the mouth
- ➔ Don't worry about the fear as it needs to be there, always be prepared, be in charge when you speak and try to forget the audience - remember people do not see what you feel.
- ➔ Helpful hints to ensure that you are always prepared to speak with little notice, prepare a standard short speech that can be used at any function, such as:
  - *I thank you for this kind invitation.*
  - *There has always been a high rapport between your organisation and the Council and long may it continue.*
  - *Thank you*

### **When Speaking...**

- ➔ Look pleased about having to speak, and remember you are representing the Authority
- ➔ Do not partake in a large quantity of alcohol (keep a clear head)
- ➔ Speak clearly and slowly
- ➔ Be enthusiastic, smile when you speak
- ➔ Look at your audience

## **10. Charity Work**

**The Chairman is allowed to select a charity to support during their year in office. It is expected that the charity is based in the local area, and will already be established and registered with the Charity Commission.**

### ***Choosing a Charity***

The Chairman may wish to adopt a charity to support during their year in office and it has been the practice to do so. It must be stressed that such an undertaking is secondary to the key roles and responsibilities of the Chairman (as outlined in Section 2).

A really successful charitable year seems to depend on the incoming Chairman choosing their charity at an early point, if possible when they are Vice Chairman. When choosing a charity, the incoming Chairman should also bear in mind that practical help is needed for running events of any description, as well as promoting and selling tickets. Charities based locally often prove to have more volunteers willing to help.

### ***Once a Charity is Chosen***

Once a charity is chosen the Executive Support Office will arrange a meeting for representatives of the charity and the Chairman in order to explain that he / she is prepared to be a 'figure head' for them

during their Year in Office and will attend, wherever possible, events organised by them to raise money and their profile.

The Chairman will then call the inaugural meeting at the start of their Year in Office and work closely with the Executive Support Office at all times throughout the year to ensure the Council's protocols are observed with regards to obtaining licences, recording finances etc. Any funds raised must be held by the Council and distributed at the end of the Chairman's year of office.

### ***Funds and Fundraising***

A representative from Accounts will act as Treasurer and bank any funds received, pay bills as required and report financial statements. The Treasurer is able to sign cheques on the Chairman's Charity Fund Account, which is set up by the Council and which is balanced off at the end of each Chairman's year.

Throughout the year, any money that is received for the charity is recognised by an official receipt and letter from the Chairman to the donor via the Executive Support Office, which also monitors the charity account.

All fund raising administrative functions related to the Chairman's charity must be undertaken by the appropriate officers of the charity, who will work together with the Executive Support Office.

The Executive Support Office can advise the charity as to the suitability of events, appropriate procedures and matters of protocol if required, and will undertake to be the custodian of any funds raised.

### ***Events***

The Executive Support Office will agree a programme of events for the forthcoming year based on the annual work plan and invitations received from organisations. Once an outline programme is agreed, the Executive Support Office will book the rooms needed for each proposed event.

All printing of tickets, posters, menus etc. should be shown to the Executive Support Office for approval and the Office can advise on using the Council's own printing services.

The Executive Support Office must be responsible for ensuring that sufficient people are available to run any event including buying the provisions required, making tea or coffee on the day and running stalls. They will also need to find sufficient tombola / raffle prizes for events and actively help to sell tickets and promote every charity event.

### ***End of Year in Office***

At the end of the Year in Office, a cheque will be drawn for the charity supported and presentations will be arranged. It is normal for the Chairman to report to Council at the Annual Meeting the results of the charity appeal during the year and make a presentation to the charity just prior to the end of the term of office.

## 11. Receiving and Giving of Gifts

**The Chairman is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.**

### **Receiving**

There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill, however, you should treat with extreme caution any offer of gift, favour or hospitality that is made directly to you. The person or organisation making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

A good guide is that gifts of more than a nominal value should be accepted on behalf of the Council and not retained personally. Under the local scheme relating to the Code of Conduct and Register of Gifts and Hospitality, you must declare gifts and hospitality over an estimated value of £50.00 to the Authority's Monitoring Officer within 28 days of receipt.

Generally minor tokens of goodwill or flowers can be accepted as personal gifts, however such gifts or hospitality may also still need to be declared as "Code of Conduct" interests at meetings.

Advice on gifts and hospitality can be obtained from the Monitoring Officer.

### **Giving**

The Executive Support Office obtains civic gifts as required for the following types of occasion:

<b>Gift purpose</b>	<b>Typical example of a gift which may be given (this list is for guidance only)</b>
Recognise the contribution of retired and non-elected Councillors who have served for a considerable length of time or have served as Chairman	Glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription such as, "For services to Bath & North East Somerset Council". The type of gift will reflect the length of service. For a particularly long-serving Councillor, a specific gift with a personal engraving might be appropriate. The Chairman will be consulted about the gift to be offered.

Ambassadors and other visiting dignitaries representing a city elsewhere	Bath & North East Somerset Council wooden shield or paperweight.
Gifts taken to the councils during official visits	Clock or other suitable item, engraved with the Bath & North East Somerset Council crest.
Presentations upon an occasion such as the wedding of an important local dignitary	Glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription.
Small gifts for visitors such as volunteer organisations and youth organisations	Badges, pens, pennant, literature etc.

## 12. Allowances and Budgets

### **Allowances**

The 1972 Local Government Act covers the role of Chairman and Section 3 (5) and 5 (4) contain provisions for an allowance to be paid to meet the expenses of the Office, which include staff, car leasing and hospitality. These payments are intended to be by way of recompense of the expenses for maintaining the dignity of the Office.

The allowance is paid in accordance with the [Member's Allowance Scheme](#) and covers the costs required for clothing, donations that the Chairman / Vice Chairman may wish to make to various charities, raffles, personal hospitality and general expenses incurred. The Chairman must retain evidence of expenditure from the allowance should an inspection be carried out by the Inland Revenue.

### **Budget**

There is a separate budget, under the control of the Corporate Business Manager, to meet the cost of civic, ceremonial and corporate activities and hospitality. These include costs associated with State Visits, Freedom Ceremonies / Marches, annual Civic Events. Details of the budget will be provided to the Chairman and regular monthly budget meetings will take place with the Corporate Business Manager and / or Executive Support Team Leader.

## 13. Complaints

Any complaints about the Chairman's behaviour that are in breach of the Members' Code of Conduct should be dealt with using the procedures that are in place for complaints about Councillor behaviour.

Any complaints that do not relate to this, for example, a complaint about the competency of the chairing of Council, should in the first instance be sent to the Chairman to be resolved informally. If they cannot be resolved at this stage, they should be escalated to the Chief Executive for formal consideration.

DRAFT

## Appendix A: When to Wear the Civic Insignia

### **Functions where the Chain is appropriate:**

- Public functions within Bath & North East Somerset attended by a member of the Royal Family
- Ceremonial Council Meeting - held in May
- Civic Church Services (4 per year)
- Civic wreath laying ceremonies
- Greeting the High Court Judges
- Functions outside Bath & North East Somerset attended by a member of the Royal Family
- Civic receptions
- Receiving or entertaining parties of visitors to the Guildhall
- Civic receptions in other towns (by agreement)
- Meetings where the Chairman presides or officiates
- Opening conferences of organisations of a public character
- Opening exhibitions arranged by organisations of a public character
- Official University functions and ceremonies including Degree ceremonies
- School speech days, school prize-giving, open days, sports days and carol services
- Memorial services
- Hospital visits
- Military services
- Festival of Remembrance
- Inspections of units and depots of the armed forces
- Receipt of nominations for elections
- Functions of returning officer (Parliamentary elections only)
- Bazaars, carnivals
- Ordinary Council Meetings

### **Functions where the Badge is appropriate:**

- Functions outside the city except those specifically mentioned above
- Private church attendances
- Visits to the Theatre productions, Concerts, Film performances and Dances
- Dinners and Lunches
- Annual shows of local organisations (except if performing the official opening)
- Opening/viewing exhibitions of private organisations
- Receptions of private organisations
- Sporting events
- Opening new premises of commercial organisations and visits to factories, works etc

## Appendix B: Civic Insignia - Safe Custody Guidelines

The following guidelines refer to the safe custody of the Chains of Office and Badge of Office.

### **1. The Council will:**

- (i) Maintain insurance cover for all civic regalia under the Corporate 'All Risks' Insurance Policy;
- (ii) Be responsible for the maintenance of the regalia including any damage or wear and tear etc as set out in the exclusions section 2 to the Corporate all risks policy.

### **2. The Chairman and Vice Chairman will:**

- (i) Ensure the specific conditions of the Council Insurance are followed as outlined in the guidance below; and
- (ii) As far as is practical follow the other guidelines as to the safe custody of the regalia.

### **3. Specific Conditions of the Insurance:**

- (i) The regalia **must not** be left in an unattended vehicle **unless** all the doors, windows and other means of access have been secured and locked and all keys of the vehicle removed to a place of safety **and** the regalia is placed in the boot of the vehicle or is otherwise out of sight.

### **4. Other practical measures:**

- (i) The regalia, unless being worn, should be kept in the case provided by the Council. The jewellery roll should only be used when storing the regalia in a home safe or on the way to or from a function.
- (ii) If the regalia is not required over a period of two weeks, or during any holiday periods or when it is likely that the member will be away from home, it should be returned to Democratic Services for safekeeping.
- (iii) The Chairman / Vice Chairman should normally only wear the regalia on arrival at a function. In any event the regalia should be kept covered in public areas. They should seek advice from the Executive Support Office if this arrangement is not convenient.
- (iv) The regalia should not be left unattended in its case or roll.
- (v) Members should not attempt to clean the regalia other than with a soft cloth. Any damage or wear and tear should be reported to the Executive Support Office as soon as possible.
- (vi) Regalia should not be loaned or placed in the custody of any other person other than the Executive Support Office.
- (vii) The Chairman and Vice Chairman should inform the Executive Support Office immediately if their Chains of Office are lost, mislaid, stolen or otherwise missing in order that the Council's insurers can be informed.

## Appendix C: Chauffeuring Staff Code of Practice

Chauffeuring staff must comply with the following code of practice:

- ➔ Chauffeuring staff are expected to maintain the highest level of confidentiality and discretion and are not authorised to divulge discussions overheard.
- ➔ Chauffeuring staff **must** be of neat appearance and smartly dressed in a suit and tie of corporate issue.
- ➔ Chauffeuring staff **must** familiarise themselves with routes, locations and destinations prior to collection of the Chairman and other council personnel.
- ➔ Chauffeuring staff **must** open and close the doors for all passengers.
- ➔ Chauffeuring staff **must** assist all passengers in and out of the vehicle particularly if they are less agile or disabled.
- ➔ Chauffeuring staff should act as chaperone for the Chairman as he / she requires at external functions.
- ➔ Chauffeuring staff are responsible for ensuring that the Chairman is wearing the Chain of Office as appropriate and for the safety of the Chains of Office.
- ➔ The Chains of Office must be stored in the Chairman's Room of the Guildhall at all times except in very exceptional circumstances when they may be kept overnight by the Chauffeur at home by agreement with the Executive Support Office.

In addition, the code of practice for staff engaged in civic chauffeuring and attendant duties **must** comply with the following requirements for civic car(s):

- ➔ kept in an immaculate condition and washed on each day of use
- ➔ kept well maintained to a high standard and all damage/defects reported without delay
- ➔ display the Council's flag when available
- ➔ carry a first aid kit and fire extinguisher at all times
- ➔ carry clean rugs / blankets and umbrellas.

## Appendix D: Customer Satisfaction Survey Form

Please show by ticking the appropriate box, how much you agree with the following statements:

### 1. Invitation

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The letter of invitation was responded to promptly					
Enough guidance and information was given to assist with the engagement					
The Executive Support Office staff were courteous with regard to enquiries, letters and phone calls					
The information received was clear and useful					

### 2. Chairman's Protocol Form

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The Chairman's Protocol Form was helpful with regard to guidance given					
The Chairman's Protocol Form asked the correct questions to ensure the event went smoothly					
The Chairman's Protocol Form was easy to understand					

### 3. Engagement

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The Chairman arrived at the correct time					
The Chairman carried out the required duties					
The Chairman's speech was well delivered with the appropriate content					
The Executive Support Office staff on duty were helpful and polite					

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The Chairman did not out stay his / her welcome					
Having the Chairman in attendance met expectations					

#### 4. Overall

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
Overall the service given by the Executive Support Office was satisfactory					
We would ask the Chairman to attend a future engagement					

#### 5. Your Comments

Please add any comments or suggestions you may have on improving the Executive Support Office's service.

Thank you for taking the trouble to complete this questionnaire. Please be assured that the information you have provided will be treated in confidence and used only for the purposes of giving staff feedback. It will not be passed to a third party without your written consent. It would be useful to know whom the completed survey is from and the date of the engagement so that we can contact you if we need to discuss anything further. This will enable us to make any appropriate action from the comments made.

Please return the complete questionnaire to: Executive Support Office, Bath & North East Somerset Council, The Guildhall, High Street, Bath, BA1 5AW, or email it to:

[benice\\_hampton@bathnes.gov.uk](mailto:benice_hampton@bathnes.gov.uk)

## Appendix E: History of the Civic Building

**The Guildhall was originally built as a town hall: it has never served as the meeting place of any specific guild. A suggested etymology is from the Anglo Saxon "gild", or "payment"; the guildhall being where citizens came to pay their rates.**

The Office of the Chairman of the Council is located in the historic Guildhall building in the City of Bath. The Guildhall was built between 1775 and 1778 by Thomas Baldwin to designs by Thomas Warr Attwood. It has been designated as a Grade I listed building. The current Bath stone building replaced a Stuart Guildhall, built in 1625, which itself replaced an earlier Tudor structure. The facade has 4 Ionic columns and the building is surmounted by the figure of Justice. The central dome was added in 1893. It forms a continuous building with the Victoria Art Gallery and the covered market.

The interior includes a banqueting hall with engraved Corinthian columns. It contains 18th century chandeliers and original royal portraits. The room is used on royal visits to the city including Queen Elizabeth II, who had lunch in the Banqueting Room in May 2002.

The building now houses the Council Chamber and the Register Office, and is used as a wedding venue. The Guildhall also serves as one of the venues for the Bath International Music Festival and other cultural events, and has been used for filming period dramas.

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Council</b>
MEETING DATE:	<b>10<sup>th</sup> May 2018</b>
TITLE:	Revised Parish Charter 2018
WARD:	All parished wards
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p><b>Appendix 1 – Revised Parish Charter 2018 (including draft Terms of Reference for Parish Liaison)</b></p> <p><b>Appendix 2 – Consultation Feedback and Responses</b>  <a href="http://www.bathnes.gov.uk/sites/default/files/parish_charter_consultation_feedback_and_responses.pdf">http://www.bathnes.gov.uk/sites/default/files/parish_charter_consultation_feedback_and_responses.pdf</a></p> <p><b>Appendix 3 – Process for Developing the Charter</b>  <a href="http://www.bathnes.gov.uk/sites/default/files/process_for_developing_the_charter_2.pdf">http://www.bathnes.gov.uk/sites/default/files/process_for_developing_the_charter_2.pdf</a></p>	

## **1 THE ISSUE**

- 1.1 Over the last eighteen months, the existing Parish Charter has been updated and revised in consultation with our parishes. The revised Charter was adopted by Cabinet in April 2018. Cabinet also agreed for a review in the first year in order to make any further refinements required as part of the Council's Changing Together programme. The Charter is now presented to Council, for its endorsement, and for its adoption of the Terms of Reference for Parish Liaison. The Charter will be presented to the Bath and North East Somerset branch of the Avon Local Councils' Association (ALCA) at its AGM in September 2018.

## **2 RECOMMENDATION**

The Council is asked to;

- 2.1 Endorse the revised Parish Charter attached as Appendix 1 to the report

2.2 Adopt the Terms of Reference for the Parish Liaison meeting contained within the Parish Charter at its Appendix 1.

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

3.1 The staffing and other resource requirements for undertaking this review are being managed from within existing budgets. As part of the Council's Changing Together programme there are plans to reduce staffing levels. The implications of these reductions for service delivery particularly as they impact on parishes will need to be closely monitored as part of recommended review.

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

4.1 Building effective relationships between Bath & North East Somerset Council and our parishes is vital for tackling a range of issues and challenges in our local communities. The Council has a number of powers including the general power of competence which supports its approach to working in partnership with parishes.

4.2 Parishes are statutory consultees (eg for planning applications) and are widely consulted by Bath & North East Somerset Council on other matters. They provide a representative voice to give communities more control over and say in how local services are delivered.

4.3 An Equalities Impact Assessment has been undertaken which highlighted the positive impact enhanced local services could have for a range of users. A recommendation arising is to update the 2016 survey with parishes to gain better understanding of the services they currently offer and any support or training needs they might have.

### **5 THE REPORT**

5.1 Since the Parish Charter was adopted over a decade ago, the context has changed significantly as a result of financial pressures but also due to new opportunities such as advances in digital technology and enhanced partnership arrangements. As a result, the Parish Charter has been revised and a new Charter has now been adopted by Cabinet.

5.2 A Working Group of parish representatives has overseen the process of revising the Charter and the associated consultation. They have met regularly since November 2016 and invited Cabinet members and senior officers to their meetings to discuss views and experiences. There is further information about the Working Group and process in Appendix 3.

5.3 The adoption of the attached revised Parish Charter represents a significant milestone in the evolving relationship between Bath & North East Somerset Council and parishes. The Charter contains a series of core principles and commitments on both sides. Appendices set out additional useful information such as updated terms of reference for Parish Liaison and Parish Council functions and responsibilities. Alongside the Charter will be a 'Toolkit', designed to be a working document, offering practical information on structures, protocols and standards. The intention is that the Toolkit can be readily updated and made available to other organisations including in non-parished areas.

- 5.4 A key opportunity – as well as a concern – raised through the Parish Charter review process has been how to support the further devolution of services, which could offer opportunities to those parishes wishing to have local control and provide more services in their communities. The revised Charter therefore contains a series of principles for devolution as this area of joint working is further developed in future.
- 5.5 The process of reviewing the Charter has also acted as a catalyst for discussions about new ways of working. The Charter, for example, identifies opportunities to work together on digital solutions such as ‘FixMyStreet’. The Parish Charter Review Working Group will therefore remain in place to monitor and review the Charter and its implementation.
- 5.6 The Parish Charter has been subject to extensive consultation, with 43 parishes out of 51 responding. The feedback and Working Group responses are set out in Appendix 2.
- 5.7 In March 2018, the draft revised Charter was considered by the Communities, Transport and Environment Policy Development and Scrutiny Panel. In discussing the revised draft, Panel Members highlighted the importance of cross-boundary co-operation on issues affecting parishes with neighbouring authorities including Wiltshire and Somerset. This point has been strengthened in the revised Charter.
- 5.8 Panel Members also observed the importance of training and development to ensure Council staff have a good understanding of the Charter and the opportunities for partnership working with parishes. In April, Cabinet agreed to ensure that all staff and councillors will be supported in implementing the Charter. While the Council already includes reference to parishes in its induction training, it will ensure that the importance and role of parishes is embedded into the Changing Together programme through staff and councillor awareness and specialist training for key service areas.
- 5.9 The Parish Liaison Meeting is a joint consultative body set up to consider issues of common interest between the parishes and Bath & North East Somerset Council. It meets three times a year with meetings usually chaired by the Chair of the Council. As part of this review, the Terms of Reference for Parish Liaison (Appendix 1 of the Charter) have also been updated and are presented to Council for adoption.
- 5.10 Following Council’s endorsement, the revised Charter will be presented to ALCA at their AGM in September.

## **6 RATIONALE**

- 6.1 The Parish Charter supports the Council’s Corporate Strategy and provides a framework for future relationships and co-operation with parishes.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

8.1 The Parish Charter Review Working Group led the consultation on the redrafting of the Charter with all parishes given the opportunity to participate (see Appendix 2 for consultation results). In addition, the Working Group invited relevant Cabinet members and senior officers to their meetings to discuss views and experiences prior to shaping the revision.

8.2 An Equalities Impact Assessment has been prepared and is detailed in the background papers.

8.3 In addition, consultation has taken place with the S151 Officer on this report and the Monitoring Officer has been involved in the preparation of the draft Charter.

## 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>Andy Thomas, Strategic Manager Communities, Strategy and Performance. Tel: (01225) 394322</i>
<b>Background papers</b>	<p><i>12<sup>th</sup> March 2018 and 22<sup>nd</sup> May 2017 - Reports to Communities, Transport and Environment Policy Development and Scrutiny Panel:</i></p> <p><a href="https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=554&amp;MId=5036">https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=554&amp;MId=5036</a></p> <p><a href="https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=554&amp;MId=4544">https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=554&amp;MId=4544</a></p> <p><i>11<sup>th</sup> April 2018 – Adoption at Cabinet</i></p> <p><a href="https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=122&amp;MId=4656">https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=122&amp;MId=4656</a></p> <p><i>Equalities Impact Assessment</i></p> <p><a href="http://www.bathnes.gov.uk/sites/default/files/final_eia_for_parish_charter_1.pdf">http://www.bathnes.gov.uk/sites/default/files/final_eia_for_parish_charter_1.pdf</a></p>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

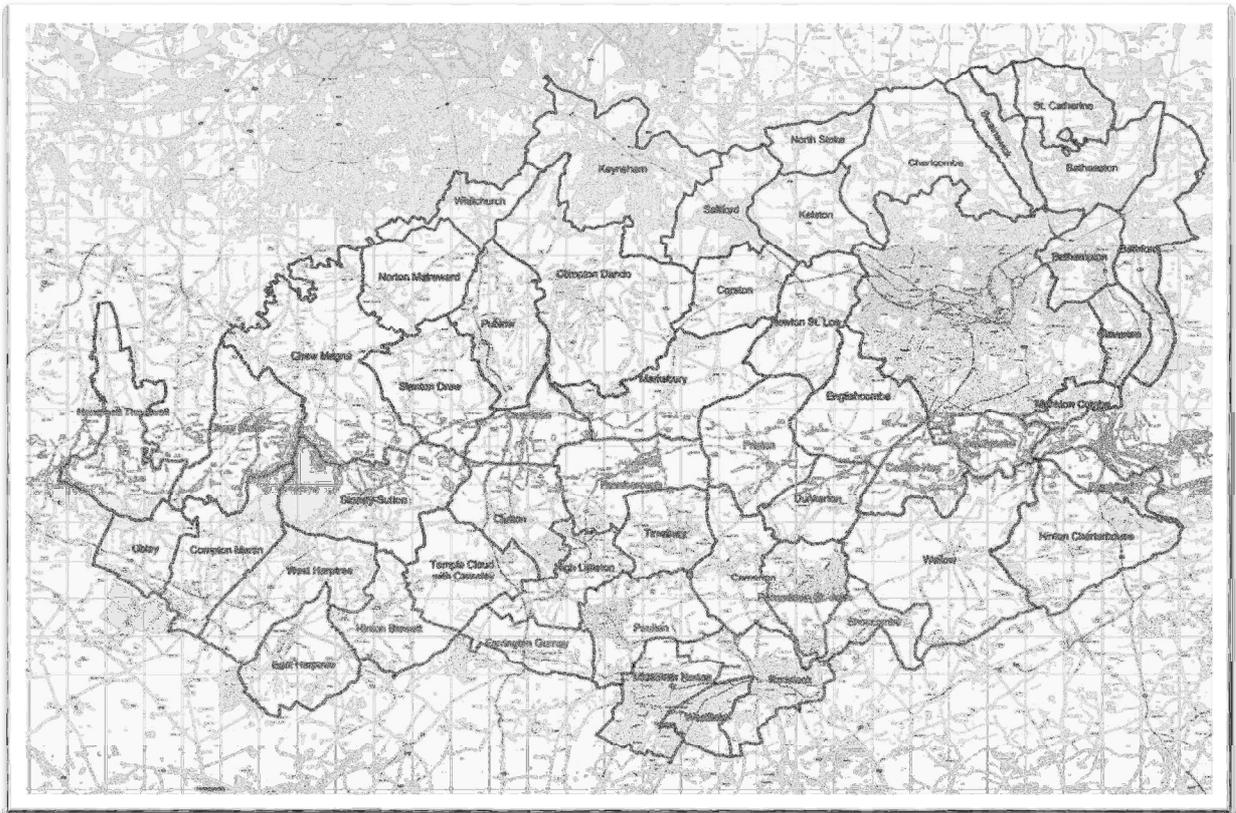
# PARISH CHARTER

between

**Bath & North East  
Somerset Council**

and

The Parish Councils of Bath and North East Somerset



# Contents

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## Working Practices - Appendices

Appendix 1:	Parish Liaison Draft Terms of Reference
Appendix 2:	List of parish council functions
Appendix 3:	List of parishes (including town and village councils and parish meetings) in Bath and North East Somerset
Appendix 4:	Populations of parishes (Graph)

# 1. Summary - What you need to know about the Parish Charter

The Charter has one simple aim - to provide a framework for us to work together to serve the people of Bath and North East Somerset. We have a common purpose to promote the wellbeing of Bath and North East Somerset, and we serve the same residents. This is the foundation of our Charter.

The Charter sets out how we will achieve this, by:

- ✓ Maintaining high ethical standards, **respecting and valuing each other**
- ✓ Being good partners and continuously **strengthening relationships**
- ✓ Providing **practical support** and helping each other out
- ✓ Being clear on **who does what**

The main document sets out what the Charter's signatories will do to deliver these aims. You will find this useful if you are in a B&NES Council service area or are a parish clerk or elected member (whether from B&NES or a parish council). We also hope this will be of more general interest - for example to voluntary groups who wish to work with parish councils.

Our Charter does not include everything. There are additional details – for example on Development Management and Highways and more information on protocols and standards (including Bath & North East Somerset Council's Customer Service Standards) on the Council's website and through the Toolkit which will accompany the Charter.

We will ensure that the Charter and associated documents will be made available on our websites. We recognise that information will change over time and we will review and update annually.

The Charter also sets out how we will manage the relationship – putting things right when they go wrong as well as celebrating the things that go well. Finally, we set out the next steps and the process for future review.

## 2. Introduction

Since its creation, Bath & North East Somerset Council and the parish and town councils in our area have built a tradition of strong joint working, leading to the creation in 2006 of a “Parish Charter”. This has provided a firm foundation for our work.

However, much has changed since the Charter was adopted over a decade ago. For example:

- Financial constraints on local services have increased, as have demographic pressures such as an ageing population. These are shared challenges for us all. We will need a joint focus on getting better value for money and delivering the savings we need to live within our means. Bath and North East Somerset Council’s financial and staffing resources are reducing and this is likely to continue. This provides opportunities for parishes and communities to do more for themselves.
- Communications have been transformed by digital technology, smartphones and social media. This increasingly provides opportunities to transform the way we work and communicate with each other through “smart” working and use of digital technology.
- Following a Community Governance Review, three new parish councils (Westfield, Midsomer Norton and Radstock) have been created. There are now 44 parish councils, 3 town councils, 3 parish meetings and one village council<sup>1</sup> in Bath and North East Somerset. For full designations see Appendix 3.

The key strengths of our parish councils – and the principles of effective partnership working – remain. Clear communications are central to successful collaboration. For this Charter to work, it needs to be picked up, read, understood and referred to at all levels of our local democracy. In creating this new Charter we have focused on making the document helpful to the people who will use it, including:

- Parish councillors and clerks
- Bath & North East Somerset Council elected members, including those who do not have parish councils in their areas
- Bath & North East Somerset Council staff, particularly those whose work brings them into contact with parish councils

The Charter sets out:

- The commitments we are making - both at a high level and also specific actions.
- What we do well, and the challenges facing us. We also include specific examples of good practice locally we can build on.
- How we would know if we have succeeded.

---

<sup>1</sup> In the Charter, we have used the phrases “parishes” or “parish councils” for simplicity throughout, although allowance needs to be made for the differing legal framework of parish meeting areas.

# 3. Our Aim: Together to serve the people of Bath and North East Somerset

## Our Core Commitments

The Charter has one simple aim - to serve the people of Bath and North East Somerset. This aim is underpinned by the following core commitments.

**Together**, we will:

*“We’ll have been successful when we really understand each other’s objectives and can contribute to their delivery”*

*Parish Charter Review Workshop*

- ✓ **work together to promote local economic, social and environmental well-being. We will value the roles, responsibilities, and opinions of our respective councils, but be aware at all times that we have a common purpose to serve the public of Bath & North East Somerset and that we serve the same residents. This is the foundation of our Charter.**
- ✓ **respect the democratic mandates of all our individual councils within their legal and service remits, recognising that B&NES Council and parish councils exist as separate bodies and have separate tax raising powers. (For more information on parish council functions see Appendix 2).**
- ✓ **work together to address the significant challenges facing our area. As resources tighten we will collaborate in supporting communities to do more for their local areas and make the best use of new ways of working, with greater emphasis on the use of digital technology as staffing resources reduce.**
- ✓ **work together to try and answer residents’ queries at the first point of contact, signposting as necessary, regardless of whether the query is to a parish or to B&NES Council.**
- ✓ **use the following joint principles for the devolution of services to parish and town councils:**
  - **“By choice, not imposed”**
  - **“One size doesn’t fit all”**
  - **“All liabilities to be declared openly on both sides”**
  - **“Give proper notice of changes”**
  - **“Be clear on what is being transferred, and over what timescales”**
  - **“Encourage parishes to cluster”**
  - **“Set up a ‘support’ offer”- e.g. training/equipment”**

**As individual bodies**, we will make the following core commitments regarding consultation:

- ✓ **B&NES Council will consult specific parishes on matters when a planned decision would have a specific and direct or significant impact on the local council or its area or inhabitants. B&NES Council will provide adequate time for a response to be made, appropriate to the issue under discussion and explain why it matters to respond. A longer period of time and more detailed engagement will take place where there is a potential high impact/financial implication for a specific parish or group of parishes.**
- ✓ **Parish councils will consult B&NES Council on matters when a planned decision would have a specific and direct or significant impact on B&NES Council or on the wider Bath and North East Somerset area or its inhabitants.**
- ✓ **Parish councils will respond to consultations in a timely manner and as appropriate will call special meetings. In doing this they will seek to reflect the view of local people. Parish councils will also respond as appropriate to general consultations (eg where these have been placed online).**

In adopting these commitments that drive our Charter, we can build on a wide range of good practice examples in our area, from work on local traffic issues to support for local community facilities and play areas. We have highlighted a few of these in this document.

**Our specific commitments are:**

<b>FROM B&amp;NES COUNCIL</b>	<b>FROM PARISH AND TOWN COUNCILS</b>
We will involve parish councils in the setting of our long-term corporate strategies and other priorities.	We will identify local objectives and priorities and work with B&NES Council to identify the best way of delivering them.
We will champion local democracy and encourage local residents to participate fully in the local democratic process.	
We will use Parish Liaison and the Connecting Communities Forums to put in place shared projects and identify key local priorities.	
We recognise a shared interest in support for local community facilities and will work together within legal and policy framework eg Assets of Community Value, to achieve this where possible.	
We will collaborate on digital projects to improve how we work together, communicate and deliver services.	
We will work together to protect the most vulnerable in our community.	

# 4. Making it Happen

In the next four sections we set out in more detail **how** we will work together to meet our aims. We will do this by:

- a) Respecting and valuing each other
- b) Strengthening relationships
- c) Providing practical support
- d) Making the best of our skills and resources

## 4a) Making it Happen: Respecting and valuing each other

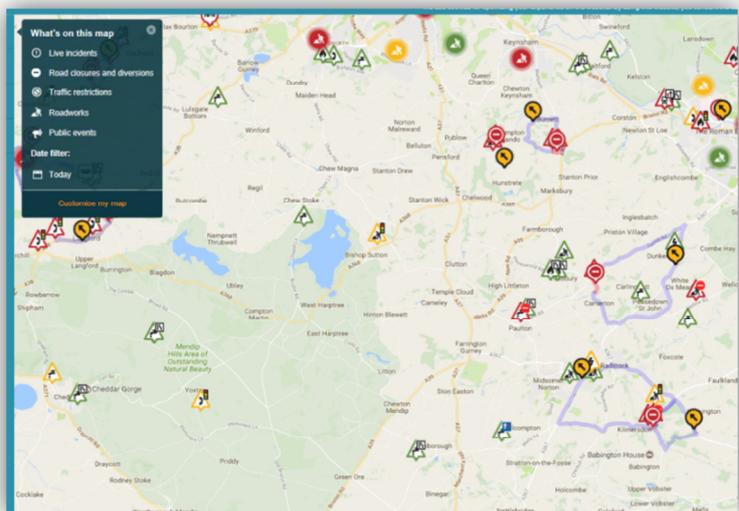
### What we do well:

- In general, officers, councillors and other partners involved in joint working value the helpfulness and professionalism of their colleagues. Information received on road closures, recycling, etc. is all valued. Websites and social media are useful tools for parish councils to disseminate information e.g. Keynsham Town Council's Facebook page.
- B&NES Council officers are becoming more confident about engaging with communities on challenging issues at the Connecting Communities Forums.
- There is openness and a willingness to work together.

### BUT

- There are sometimes different expectations and language used on both “sides”.
- There is a perception of parish councils being seen as the “junior partner”.
- We need to recognise the impact of how we behave with each other.

**Good practice:** All parishes now receive regular ‘street works’ e-mails alerting them to roadworks and traffic interruptions in the district, with links to the [roadworks.org](http://roadworks.org) website (pictured right) for further detail.



**So our Core Commitment is:**

**We will respect the democratic mandates of all our individual councils within their legal and service remits, recognising that B&NES Council and parish councils exist as separate bodies and have separate tax raising powers.**

**Our Specific Commitments are:**

FROM B&NES COUNCIL	FROM PARISH AND TOWN COUNCILS
<p>We will:</p> <ul style="list-style-type: none"> <li>• <b>listen</b> – always being open to ideas</li> <li>• <b>prioritise</b> – making sure local needs come first wherever we can</li> <li>• <b>join up</b> – working in partnership with our local communities</li> <li>• <b>work collaboratively</b> – helping communities find the best way to tackle local issues</li> <li>• <b>share ideas</b> – building on what works</li> <li>• treat each other with <b>respect</b></li> <li>• work <b>openly</b> and transparently</li> <li>• recognise the impacts of our <b>behaviours</b> on others</li> </ul>	
<p>We will work together to develop our people, including coaching, shadowing and understanding the competencies we need to thrive.</p>	
<p>We will work within our respective organisational policies and procedures to deal with complaints.</p>	
<p>B&amp;NES Council through its Monitoring Officer will support the promotion of high standards of behaviour, including the investigation of complaints against parish councillors, involving the Standards Committee and Parish Councils where appropriate.</p>	<p>Parish Councils will assist the Monitoring Officer in promoting the high standards of behaviour and assist in the assessment of any complaints.</p>
<p>In line with the policies of transparency and accountability, B&amp;NES Council will publish all parish councils’ registers of members’ interests without websites on its website and links to all Parish Councils’ registers on their websites.</p>	<p>Parish councils will publish their Register of Interests on their websites.</p>
<p>B&amp;NES Council and ALCA will work together to improve governance standards in parish councils as appropriate.</p>	
<p>We will ensure that feedback on service delivery changes is effectively communicated.</p>	

We need to reinforce these behaviours through effective partnership structures, and above all this means communication. In the next section we will set out how we will work in partnership.

## 4b) Making it Happen: Strengthening relationships

### What we do well:

- Through the Connecting Communities Forums and our long-established Parish Liaison meeting we have regular conversations about key issues facing our localities.
- The process of developing the Parish Charter has helped strengthen relationships.

### Good practice



*We have made good progress on working together to develop Neighbourhood Plans including the Chew Valley plan which brings together seven parishes and the Freshford and Limpley Stoke Plan (illustrated above) which sees cross-boundary co-operation with Wiltshire. The Council has developed an interactive map of the current status of these plans across the area. These are available on its website.*

### BUT

- Sometimes consultation times are too short and the channels through which consultation takes place, or the importance of a parish council response, are unclear.
- Not all parishes engage in what's available.
- There is sometimes overlap between Parish Liaison and Connecting Communities.
- There are few shared programmes between parish councils and B&NES Council.

## So our Core Commitments are:

**We will work together to address the significant challenges facing our area. As resources tighten we will collaborate in supporting communities to do more for their local areas and make the best use of new ways of working such as digital technology.**

## Our Specific Commitments are:

<b>FROM B&amp;NES COUNCIL</b>	<b>FROM PARISH AND TOWN COUNCILS</b>
B&NES Council will consult specific parishes on matters when a planned decision would have a specific and direct or significant impact on the local council or its area or inhabitants.	Parish councils will consult B&NES Council on matters when a planned decision would have a direct or significant impact on B&NES Council or on the wider Bath and North East Somerset area or inhabitants.
B&NES Council will allow adequate time for a response to be made, appropriate to the issue under discussion and explain why it matters to respond. A longer period of time and more detailed engagement will take place where there is a potential high impact/financial implication for a specific parish or group of parishes.	Parish councils will respond to consultations in a timely manner and as appropriate will call special meetings. In doing this they will seek to reflect the view of local people. Parish councils will also respond as appropriate to general consultations (eg where these have been placed online).
We will provide the framework for Parish Liaison (using the Terms of Reference set out in Appendix 1) and Connecting Communities (see Toolkit).	We will participate in and contribute to Parish Liaison and Connecting Communities Forums.
We will deliver regular e-bulletins to parish councils covering learning and development; funding opportunities; events and other up to date information.	We will use our local newsletters and websites as appropriate to disseminate information and consultations to local communities.
We will use the Council magazine to promote partnership work and local community activity.	We will advise the Council of any good practice or successes we wish to highlight through its meetings or publications.
We will work in partnership to manage communications and expectations on key schemes that impact on local communities - particularly Highways (e.g. road closures) and Planning issues, building effective working relationships.	We will work closely with Council service areas to manage the impact of these schemes and build working relationships to manage any local concerns.
Every year we will work together to identify a number of shared "Parish Charter" projects which we will jointly sponsor.	

FROM B&NES COUNCIL	FROM PARISH AND TOWN COUNCILS
We will empower and develop parishes to become as appropriate trusted partners to enable better and more streamlined reporting e.g. of highways matters.	We will seek to report issues such as potholes through an agreed process.
We will continue to strengthen relationships with partners including neighbouring parishes and authorities both within our district and across boundaries.	

Partnership working means mutual support and only works if we can give clear, practical help to each other. The next section sets this out in more detail.

## 4c) Making it Happen: Providing practical support

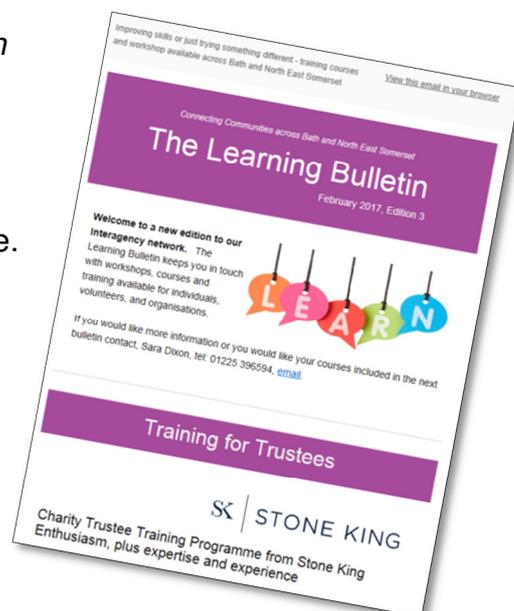
### What we do well:

- Day-to-day support from B&NES officers to clerks and other parish representatives is good.
- Council Connect is a reliable means of logging issues. The Cleansing Team are an excellent model particularly in relation to reporting back. Parishes cascade information effectively through their newsletters, social media and websites.
- Specialist support – e.g., when undertaking a Neighbourhood Plan - is positive.

**Good practice:** *The Learning Bulletin goes to all parish councils which includes opportunities for training.*

### BUT

- More support is needed for clerks to collaborate.
- More information on procedures relating to Planning (particularly enforcement) and Highways would be welcome.
- We need to think of all parties as an ‘equal partner’; aiming for excellence and understanding how to help others get there.



### So our Core Commitment is:

**We will work together to try and answer residents’ queries at the first point of contact, signposting as necessary.**

**Our specific commitments are:**

<b>FROM B&amp;NES COUNCIL</b>	<b>FROM PARISH AND TOWN COUNCILS</b>
B&NES Council will provide a point of contact to parish councils who need support. When changing key personnel we will update parishes with the new contact details and summary structure charts/line management information.	We will inform B&NES Council of changes to clerks, councillors and other contact details. The clerk will be recognised as the primary point of contact for communications from B&NES and will signpost within their organisation as appropriate.
We will fulfil our statutory duties in relation to planning consultation and set service standards for how we work with parishes. (See Toolkit.)	We will utilise the processes set out in the service standards, escalating where appropriate.
We will promote Council Connect services through our website and provide various ways for reporting issues (See Toolkit). We will be clear on what timescales can be expected.	We will use Council Connect services as primary reporting tools.
We will work to develop a Training/Continuous Professional Development offer- e.g. on Community Infrastructure Levy (CIL) / Section 106, Planning/highways updates, IT/digital  Where appropriate the Council will offer other training to parishes.	We will undertake our own due diligence on all projects, recognising that local authorities and parish councils are different legal entities. We will encourage all parish clerks to become qualified and parish councils to work towards the Local Council Award Scheme.
We will share resources and skills by offering expertise, shared experiences, resources and training as appropriate.	
We will keep our websites up to date as far as is practicable and use all appropriate forms of media to gain and disseminate information.	
We will use our powers under the Local Government Act to help parishes achieve their local priorities.	We will secure local support for schemes we put forward as well as undertaking due diligence.
We will work with parish councils on local community and volunteering projects.	We will build effective partnerships in our local communities.
So far as practicable, we will share meeting rooms and use events as appropriate to publicise consultations, projects and services.	
<p>We will keep up to date information available and contribute our local knowledge in relation to but not exclusively to the following:</p> <ul style="list-style-type: none"> <li>• Emergency planning</li> <li>• Local data through the research web pages</li> <li>• Parish Online</li> </ul>	

FROM B&NES COUNCIL	FROM PARISH AND TOWN COUNCILS
<p>We will work together to share information and approaches as appropriate to:</p> <ul style="list-style-type: none"> <li>• Procurement/bulk buying of equipment</li> <li>• Availability/sharing of ICT</li> <li>• Specialist training</li> </ul>	
<p>We will work together to improve community resilience, for example on Community Places of Safety in respect of minor emergencies.</p>	

## 4d) Making it Happen: Making the best of our skills and resources

### What we do well:

- There are good, effective parish councils in our area.
- Effective communication and collaboration already exists between a number of neighbouring parishes.
- Bath & North East Somerset Council has robust financial planning and is an effective partner.
- Together, this presents a solid basis for joint working.

**Good practice:** *The Packhorse pub's status as an Asset of Community Value was agreed by Bath & North East Somerset Council following a nomination from South Stoke Parish Council. The pub (pictured right) is now owned by the local community and re-opened in March 2018 following a four and a half year campaign and over £1m being raised.*



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### BUT

- There remains duplication of services and inconsistencies of approach, and the precise allocation of roles is sometimes unclear.
- There is sometimes a lack of understanding of the constraints we are all operating under – e.g. the legal frameworks, and how different councils work.
- There are concerns that more will be expected of the parish councils without any assistance from B&NES Council.
- There is no specific framework for devolution of services to parish councils.

## So Our Core Commitment is:

**We will use the following joint principles for the devolution of services to parish councils:**

- ✓ **“By choice, not imposed”**
- ✓ **“One size doesn’t fit all”**
- ✓ **“All liabilities to be declared openly on both sides”**
- ✓ **“Give proper notice of changes”**
- ✓ **“Be clear on what is being transferred, and over what timescales”**
- ✓ **“Encourage parishes to cluster”**
- ✓ **“Set up a ‘support’ offer”- e.g. training/equipment”**

## Our Specific Commitments are:

<b>FROM B&amp;NES COUNCIL</b>	<b>FROM PARISH AND TOWN COUNCILS</b>
We recognise that there are a number of concurrent functions with parish councils. Parish council functions are set out in Appendix 3. We will pay particular attention to seeking to remove duplication and streamline these ways of working wherever possible.	We will keep B&NES Council updated on the detail of our service operations where there is the potential for joint working or where this would enhance efficiency and reduce duplication.
We will give support to parish councils offering training, advice and sharing resources as appropriate to help them use local capacity to improve services. We will provide appropriate equipment and support for litter picks and similar voluntary initiatives.	We will utilise local volunteer and other capacity to improve our areas - e.g. through litter picking, snow wardens, farmers helping with hedge cutting, etc.
We will make all communications to parish councils through the clerk for them to signpost as appropriate.	We will respond to communications within reasonable timescales.
We will support our elected members in representing their local community and they will be encouraged to work with parish councils.	We will work closely with B&NES elected members as community leaders and problem-solvers.
We recognise that parish councils operate through working parties as well as sub-committees.	We will invite B&NES Council representatives to be involved in working groups and to Full Council meetings as appropriate.

<b>FROM B&amp;NES COUNCIL</b>	<b>FROM PARISH AND TOWN COUNCILS</b>
<p>We will publicise the various roles and accountabilities within B&amp;NES Council as set out in the Council's Constitution and other documents. We will also implement public speaking schemes for Council bodies as appropriate, including a general scheme and one specifically for Development Management.</p>	<p>We will seek to direct queries to the most appropriate role. We may seek advice at any time from the Community Engagement Team as to the best route to follow to get things done.</p>
<p>We will work together to create a Toolkit of information available and where to access it. B&amp;NES Council will provide information on parish councils and their roles as part of its induction for new staff.</p>	

# 5. Next Steps

To ensure the Parish Charter is effective we need to monitor and review it. We will encourage formal and informal events to celebrate and share our work and build relationships.



*The Chair's Community Awards celebrate the people who are involved in their local communities. The Lifetime Achievement Award is named after Peter Duppa-Miller who did so much to champion the work of parish councils in our area. We will continue to encourage nominations from parishes.*

We will monitor the Charter and examine the progress, particularly assessing the indicators of success set out in the table below. This will be done in consultation between the Council and parish councils allowing for full ALCA input.

✓ We have shared responses to the challenges and opportunities facing our area – eg West of England devolution, demographic change and financial pressures.
✓ Parishes are doing more for their communities - but within the right framework and getting the help they need.
✓ More joint projects to address common themes - e.g. affordable housing, youth provision, transport and cross-boundary infrastructure issues.
✓ Parish councils feel engaged with Bath & North East Somerset Council and that their voices are being heard.
✓ Communities have succeeded in getting the improvement they want in issues such as grounds maintenance, verges, potholes and broadband.
✓ More parish councils have contested elections.
✓ More parish councils receive NALC Award status.
✓ Smart use of IT improves communications.

We will jointly agree a dispute resolution process, to be used where it is thought that specific aspects of the Charter are not being delivered. We will keep the document a “live” one and undertake a light touch “refresh” every year, with a full review every 4 years.

## 6. Jargon Buster

Access Land	Land with public right of access mapped as ‘open country’ (mountain, moor, heath and down) or registered common land.
ALCA	Avon Local Councils Association.
Asset of Community Value	An amenity or public building which has been put forward by a community under the Localism Act for inclusion on a register held by their local authority. If it is included, it may not be sold without the opportunity for the public to raise funds to buy it.
Chairman’s Community Awards	Annual Awards organised by Bath & North East Somerset Council to recognise volunteers, community leaders and businesses that make a positive contribution to the local community, putting people first and inspiring others to get involved.
Community Infrastructure Levy (CIL)	A planning charge, introduced by the Planning Act 2008, as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.
Community Places of Safety	A temporary shelter to be used in an emergency (eg gas leak; flood; – generally a community venue where people will feel comfortable and safe.
Connecting Communities	The Council’s framework for engaging with local communities.
Community Governance Review	A change to parish governance arrangements which Principal Councils (district or unitary) have the power to carry out. A review can consider whether to create a new parish; alter the boundary of an existing parish or to group a number of parishes together. Local people can petition a Principal Council to undertake a Community Governance Review and it must be undertaken if the relevant conditions are met.
Due Diligence	The exercising of an appropriate level of caution or investigation prior to acting or making a decision. It may involve a series of legal, financial and commercial checks depending on the circumstance.
General Power of Competence	The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be a power of first, not last, resort. However, there remain constraints and in particular this does not give any additional fund raising powers. A parish council wishing to use the power must formally resolve that it is an ‘eligible council’. The qualifications for eligibility are that the clerk has completed a course in local administration, and that at least two-thirds of councillors have been elected (i.e. not co-opted). <sup>14</sup> The general power of competence is available in England only.

Local Council	A parish, town, village, neighbourhood or community council. These all have the same powers and can provide the same services. The only difference is that a town council has decided that it should be known as a town council instead of a parish, village, neighbourhood or community council, and may choose to have a mayor.
Local Council Award Scheme	Run by the National Association of Local Councils (NALC), the scheme is designed to celebrate the successes of the very best Local Councils, and to provide a framework to support all Local Councils to improve and develop to meet their full potential.
Monitoring Officer	The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and probity within the Council and Parish Councils. They also have a responsibility to report breaches and possible breaches of the law or maladministration to the Council.
NALC	National Association of Local Councils – the national membership body for Local Councils working to support, promote and improve them.
Neighbourhood Plan	The Localism Act 2011 gave communities the right to shape development in their areas through the production of a neighbourhood plan which should support the strategic development needs set out in the Local Plan.
Parish Charter Working Group	A small group of representatives from Bath and North East Somerset Council and local town and parish councils established to review the Parish Charter.
Parish Liaison	The Parish Liaison Meeting is a joint consultative body set up to consider issues of common interest between the parish/town councils (individually or collectively) and Bath and North East Somerset Council, that are relevant for discussion in this forum.
Section 106 (S106)	Legal agreements between Local Authorities and developers. These are linked to planning permissions and can also be known as planning obligations.

## **PARISH LIAISON MEETING – Draft Terms of Reference**

### **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 (usually the Chair of the Council) and their 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.

### **Working arrangements**

9. There will be three meetings each year.
10. There is an option for one of these to be a 'Conference style' meeting for networking, and to provide training, updates, briefings and presentations on good practice from parish councils. Where appropriate these will also be provided at other meetings in the cycle.

## **Agenda setting**

11. The agendas will be set through consultation between the Council and parish councils allowing for full ALCA input into the process. This will take account of other forums' interests in discussions on topics and will avoid duplication where possible. Further information on protocols are found in the Toolkit of the Parish Charter.

## **Public Speaking Scheme**

13. The Parish Liaison meeting is a partnership meeting which is heard in open session. Membership is open to invitees only i.e. councillors and clerks from the parish and town councils within B&NES. It is not a statutory meeting of the Council and is not a B&NES member-led meeting. Therefore it is not required to conform to the normal rules regarding agenda content and despatch. Agenda items are mutually agreed beforehand by the parishes and B&NES.
14. It has not been felt necessary to have a separate public speaking item on the agenda because this is a partnership body with clearly defined areas for discussion and restricted membership. The general public may only attend as observers – they have no automatic right to speak or make statements.
15. However, as with most public meetings, the Chair may exercise his/her discretion if notified that a member of the public has given notice that they wish to raise an item of general interest and relevance to the membership. Please contact the Democratic Services Officer if you require more information.

## List of Parish Council Functions (Source: NALC)

This is an indicative list of parish powers and functions to illustrate the wide range of activities covered by Acts of Parliament. Not every parish exercises these powers and the list is not completely comprehensive

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss 9 and 10; Local Government Act 1972, s. 214; Local Government Act 1972, s. 214(6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s. 4
Byelaws	Power to make bye-laws in regard to: Places of public recreation Cycle parks Public swimming baths Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164; Road Traffic Regulation Act 1984, s.57(7); Public Health Act 1936, s.223; Open Spaces Act 1906, s.15; Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities Power to act as charity trustees	Charities Act 2011, ss.298-303; Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144

<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provisions</b>
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government (Miscellaneous Provisions) Act 1976 s.19; Local Government Act 1972, s. 133
Crime prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general Power of competence	Localism Act 2011, ss.1-8
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways Power to light roads and public places Power to provide parking places for vehicles, bicycles and motor-cycles Power to enter into agreement, as to dedication and widening Power to provide roadside seats and shelters. Power to consent to a local highway authority stopping maintenance of a highway or stopping up/diverting a highway Power to complain to district council about the protection of rights of way and roadside waste Power to provide certain traffic signs and other notices Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, ss.43, 50; Parish Councils Act 1957, s.3; Highways Act 1980, s.301; Road Traffic Regulation Act 1984, ss.57, 63; Highways Act 1980, ss.30, 72; Parish Councils Act 1957, s.1; Highways Act 1980, ss.47 116; Highways Act 1980, s 130; Road Traffic Regulation Act 1984, s.72; Highways Act 1980, s.96
Honorary titles	Power to admit to be honorary freemen/freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area	Local Government Act 1972, s.249
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11

<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provisions</b>
Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127; Local Government Act 1972, s.139
Litter	Provision of bins	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market buildings	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order	Localism Act 2011, Schedule 9; Town and Country Planning Act 1990, ss.61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire and maintain land for public recreation Power to acquire and maintain land for open spaces	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to receive and retain Duty to deposit certain published works in specific deposit libraries	Local Government Act 1972, s.226; Legal Deposit Libraries Act 2003, 2. 1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities Provision of boating pools	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54

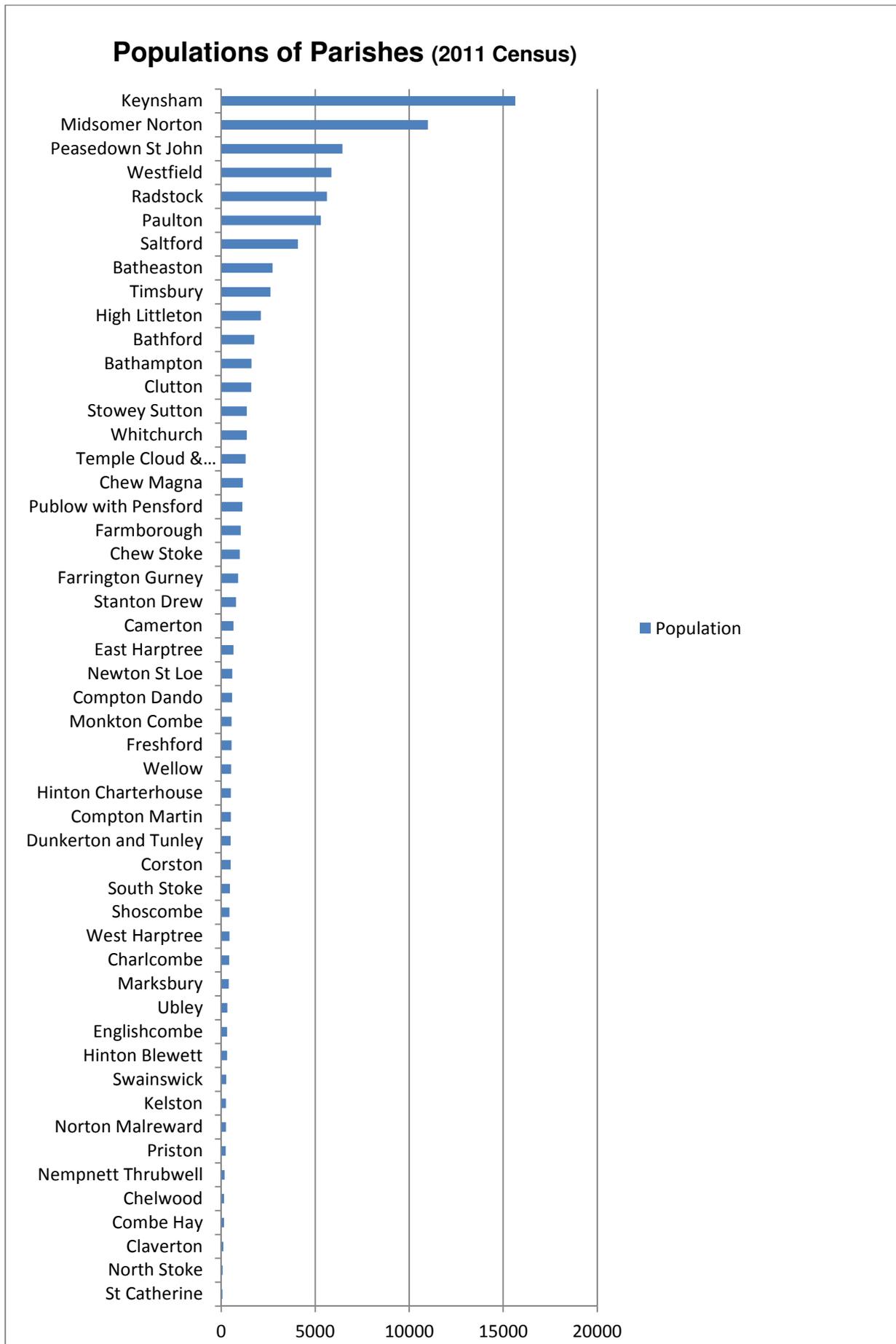
<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provisions</b>
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s.144
Traffic Calming	Power to contribute financially to traffic calming schemes.	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes.	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repair, protect and adapt war memorials.	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water	Power to utilise wells, springs or streams for obtaining water.	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142

**List of parishes (including town and village councils and parish meetings) in Bath and North East Somerset**

Parish councils may resolve to call themselves ‘town’, or ‘neighbourhood’, ‘community’, or ‘village’ councils. The only difference between town, parish and village councils is that a town council has decided that it should be known as a town council and may choose to have a mayor.

Bathampton Parish Council	Midsomer Norton Town Council
Batheaston Parish Council	Monkton Combe Parish Council
Bathford Parish Council	Nempnett Thrubwell Parish Council
Camerton Parish Council	Newton St Loe Parish Council
Charlcombe Parish Council	North Stoke Parish Meeting
Chelwood Parish Council	Norton Malreward Parish Council
Chew Magna Parish Council	Paulton Parish Council
Chew Stoke Parish Council	Peasedown St John Parish Council
Claverton Parish Council	Priston Parish Council
Clutton Parish Council	Publow and Pensford Parish Council
Combe Hay Parish Council	Radstock Town Council
Compton Dando Parish Council	Saltford Parish Council
Compton Martin Parish Council	Shoscombe Parish Council
Corston Parish Council	South Stoke Parish Council
Dunkerton & Tunley Parish Council	St Catherine Parish Meeting
East Harptree Parish Council	Stanton Drew Parish Council
Englishcombe Parish Council	Stowey Sutton Parish Council
Farmborough Parish Council	Swainswick Parish Council
Farrington Gurney Parish Council	Temple Cloud & Cameley Parish Council
Freshford Parish Council	Timsbury Parish Council
High Littleton Parish Council	Ubley Parish Council
Hinton Blewett Parish Council	Wellow Parish Council
Hinton Charterhouse Parish Council	West Harptree Parish Council
Kelston Parish Meeting	Westfield Parish Council
Keynsham Town Council	Whitchurch Village Council
Marksbury Parish Council	

*The parish or town clerk's role is to ensure that the council conducts its business properly and to provide independent, objective and professional advice and support.*





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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	COUNCIL
MEETING DATE:	10 May 2018
TITLE:	Designation of Chief Financial Officer (Section 151)
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report: None</b>	

## **1 THE ISSUE**

- 1.1 This report seeks confirmation of the designation of the Director of Finance (Donna Parham) as the Council's Section 151 Officer (Chief Financial Officer) with effect from 11 May 2018.

## **2 RECOMMENDATION**

- 2.1 That the Council Designate the Director of Finance as the Council's Chief Financial Officer, in accordance with section 151 of the Local Government Act 1972, with effect from 11 May 2018.
- 2.2 Agree the related delegations changes arising from the removal of the Strategic Director – Resources post with effect from 11 May 2018.

## **3 RESOURCES IMPLICATIONS**

- 3.1 There are no direct financial implications arising from this report.

## **4 STATUTORY CONSIDERATION AND BASIS OF PROPOSAL**

- 4.1 This is a statutory requirement relating to the sound governance of the Council.
- 4.2 Under Section 151 of the Local Government Act 1972 the Council is required to designate a suitably qualified member of staff as its Chief Financial Officer (also know as the section 151 officer), who will be responsible for ensuring the proper administration of the Council's financial affairs. This is one of the three statutory officer posts which every local authority is required to appoint under the 1972 Act and the Local Government & Housing Act 1989 (the others being the Head of Paid Service and Monitoring Officer). The designation of the Section 151 Officer is a non-executive function and is provided for in the Council constitution.

## **5 THE REPORT**

- 5.1 The Strategic Director - Resources currently holds this designation. As a consequence of the senior management restructure of the Council, the postholder is taking voluntary redundancy with effect from 18 May 2018. Donna Parham (previously Acting Director of Business Support) has been appointed to the

Director of Finance role on a fixed-term basis to 31 March 2019 to ensure continuity of leadership and management of the budgetary processes and finance teams during the current financial year, whilst the post is appointed to on a substantive basis.

5.2 It is proposed that Donna Parham, Director of Finance be designated as the Council's statutory section 151 officer under the Local Government Act 1972 to cover this period.

5.3 Under section 114 of the Local Government Finance Act 1988, the designated Chief Financial Officer is required to nominate a deputy (s) to act in the event that they are unable to perform their duties. Donna Parham has indicated that the present arrangements for deputyship are suitable and sufficient and will continue.

5.4 In view of the fact that the Strategic Director – Resources role is being removed, it is proposed that any other delegations to this role are transferred to the relevant Director or s.151 officer as appropriate. In particular the Cabinet on 2 December 2015 agreed a wide range of delegations to this role in relation to ADL (the local property and development company). It is therefore proposed that the delegations relating to the approval of Council investment in the Company within approved budgetary provisions, set out in that report, be transferred to the s.151 officer. The delegations in relation to finalise the service provision arrangements between the Council and the Company for all required support services, including officer support, be transferred to the Chief Executive..

## **6 RISK MANAGEMENT**

6.1 A risk assessment related to the issue and recommendations has not been undertaken. The Council has a statutory responsibility to 'make arrangements for the proper administration of their financial affairs and shall secure that one of the officers has responsibility for the administration of those affairs ....' [Local Government Act 1972].

6.2 Subsequent legislation has broadened the range of responsibilities.

## **7 CONSULTATION**

7.1 None – this is a statutory requirement. The postholders referred to are aware of the preparation of this report and support its recommendations.

## **8 ISSUES TO BE CONSIDERED IN REACHING A DECISION**

8.1 Under section 113 of the Local Government Finance Act 1988, the post holder must hold one of six recognised accountancy bodies. It is confirmed that Donna Parham meets this requirement.

## **9 ADVICE SOUGHT**

9.1 The Council's Monitoring Officer has had an opportunity to input to this report and has cleared it for publication.

<b>Contact Person</b>	<i>Ashley Ayre, Chief Executive – telephone 01225 477400</i> Page 136
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<b>Background papers</b>	<ol style="list-style-type: none"><li>1. <i>Local Government Finance Act 1972</i></li><li>2. <i>Local Government Finance Act 1988</i></li><li>3. <i>Account and Audit Regulations</i></li><li>4. <i>Local Government Act 2003</i></li><li>5. <i>Further information about the role of the Chief Financial Officer can be found in the Councillors Guide to Local Government Finance.</i></li></ol>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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