

# Council

**Date: Thursday, 12th July, 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, 12th July, 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, 12th July, 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 - 10TH MAY 2018 (Pages 7 - 12)**

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. REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2018 (Pages 13 - 18)

On 7 August 2018, the Local Government Boundary Commission for England (LGBCE) will publish its final recommendations on the electoral review of Bath & North East Somerset Council's ward boundaries. In order to re-align the polling districts and polling places with the new scheme, the Council will conduct a review of polling districts, polling places and polling stations between September and December 2018.

9. YOUTH JUSTICE PLAN 2018 - 2019 (Pages 19 - 40)

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

10. STANDARDS COMMITTEE ANNUAL REPORT 2017-18 (Pages 41 - 52)

To consider the Standards Committee Annual Report for 2017-18.

11. TREASURY MANAGEMENT OUTTURN REPORT 2017/18 (Pages 53 - 84)

This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2017/18.

12. AMENDMENTS TO THE CONSTITUTION AND RELATED BUSINESS (Pages 85 - 172)

This report sets out various proposed amendments to the Constitution.

13. MOTION FROM THE CONSERVATIVE GROUP - ENVIRONMENTAL SUSTAINABILITY (Pages 173 - 174)

14. MOTION FROM THE LABOUR GROUP - SHORT TERM LETTINGS (Pages 175 - 176)

15. MOTION FROM THE INDEPENDENT GROUP - MOTOR NEURONE DISEASE CHARTER (Pages 177 - 178)

16. MOTION FROM THE LIBERAL DEMOCRAT GROUP - UNREGULATED SHORT TERM HOLIDAY LETS (Pages 179 - 180)

17. MOTION FROM THE LIBERAL DEMOCRAT GROUP - SOMERSET COUNCILS (Pages 181 - 182)

18. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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

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

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MINUTES OF COUNCIL MEETING**

Thursday, 10th May, 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, Emma Dixon, Michael Evans, Charles Gerrish, Ian Gilchrist, Lizzie Gladwyn, Bob Goodman, Francine Haerberling, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Les Kew, Marie Longstaff, Barry Macrae, Paul May, Alison Millar, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bryan Organ, Lin Patterson, Vic Pritchard, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, 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, Douglas Deacon, Andrew Furse, Alan Hale, Steve Jeffries, Shaun Stephenson-McGall, Michael Norton, June Player, Joe Rayment, Richard Samuel and David Veale

**1 EMERGENCY EVACUATION PROCEDURE**

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

**2 ELECTION OF CHAIR(MAN) FOR 2018-19**

It was proposed by Councillor Sarah Bevan, seconded by Councillor Tim Warren, and supported by Councillors Dine Romero and Robin Moss and then

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

Councillor Karen Walker made and signed her Declaration of Acceptance of Office, received the Chain of Office from Councillor Cherry Beath and presented the Consort's badge to her husband, Dave. Councillor Walker then addressed the Council. During her speech, Councillor Walker indicated that her preferred form of address was Madame Chair. She informed Council that her theme for the year would be 'inclusion for all, living life to the full' and her chosen charities would be Dorothy House Hospice who now support Motor Neurone Disease at the RUH, and Forces Online.

**FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR KAREN WALKER PRESIDED AT THE MEETING.**

**3 ELECTION OF VICE CHAIR(MAN) FOR 2018-19**

It was proposed by Councillor Robin Moss, seconded by Councillor Tim Warren, and unanimously

**RESOLVED** that Councillor Eleanor Jackson be elected Vice-Chairman of the Council for the Council year 2018/19.

Councillor Eleanor Jackson made and signed her Declaration of Acceptance of Office, received the Chain of Office from Councillor Karen Walker and thanked the Council for her appointment.

#### **4 DECLARATIONS OF INTEREST**

The Deputy Monitoring Officer issued a general dispensation to enable Members with roles as Parish and Town Councillors to be able to take part in debate and vote on agenda item 9 – Parish Charter Review.

#### **5 MINUTES - 22ND MARCH 2018**

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

**RESOLVED** that the minutes of 22<sup>rd</sup> March 2018 be confirmed as a correct record and signed by the Chair.

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

Councillor Karen Walker presented Councillor Cherry Beath with her past Chairman's badge.

It was proposed by Councillor Tim Warren, seconded by Councillor Dine Romero and supported by Councillors Robin Moss and Sarah Bevan and

**RESOLVED** that this Council places on record its appreciation of the services performed by Councillor Cherry Beath in the office of Chairman of the Council for 2017/18.

Councillor Cherry Beath then addressed the Council and, in so doing, explained how much she had enjoyed the role. She commended the public who continued to bring important community issues to the chamber and praised the work done by volunteers in the community. She commended the work of her chosen charities and thanked the Chair's support staff and her husband, Richard, for supporting her in his role as consort. On conclusion, Councillor Beath then took a seat in the body of the Chamber.

The Chair then;

1. Asked everyone to turn off their mobile phone or switch to silent to avoid disrupting the meeting, and explained that some Councillors were accessing their meeting papers via iPads;
2. Announced that the meeting was being webcast and invited anyone who did not wish to be filmed to make themselves known to the camera operators;



3. Invited the Council to stand for a minute's silence following the recent death of former B&NES Councillor Chris Pearce.
4. Encouraged Members to sign up for one of the GDPR Member training sessions being organised for 14th & 15th May.
5. Congratulated the Roman Baths for winning GOLD & SILVER awards at the VisitEngland 2018 Tourism Awards for Excellence.
6. Further congratulated Bath Record Office who had secured a grant of £138,000 from the Wellcome Trust to help conserve and digitise records relating to the development of the public health infrastructure of Bath.
7. Invited the Leader to make a speech of thanks to Strategic Directors Andrew Pate and Louise Fradd who would both shortly be leaving the Council.

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

There were no items of urgent business.

## **8 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following members of the public;

Rosemary Naish, speaking as Chair of the B&NES ALCA group, made a statement thanking all those involved in producing the Parish Charter document which had been developed over the last 18 months. A full copy of Rosemary's statement is available on the Minute book and online. In response to a query from Councillor Liz Richardson, a Parish Councillor herself, as to whether Rosemary considered there could be more effective working between B&NES and Parish Councillors, Rosemary responded that relationships were certainly more effective than in the past and she hoped they would continue to develop.

Laura Darling made a statement about mooring and boating issues at Mead Lane in Saltford. A full copy of Laura's statement is available on the Minute book and online. Councillor Neil Butters asked Laura if she considered there would be some value in having a named contact in the Council with whom they could raise issues, to which Laura responded that that would be helpful.

Andy Thearle, Secretary for the National Heritage Ironwork Group, made a statement highlighting the various issues regarding historic ironwork and drawing Councillors' attention to the upcoming Bath IRON festival. A full copy of Andy's statement is available on the Minute book and online. Councillor Tim Warren asked Andy how much rent the Council was charging his group to use the park for their event, to which Andy responded there was no charge. Councillor Dine Romero asked Andy for good examples of what he was looking for elsewhere in the country, to which he mentioned Stratford and Scotland but explained that the South West was bereft of such a place. Councillor Robin Moss asked Andy if he had approached the West of England Mayor who has a budget for this type of event, to which Andy responded that he had not and another grant they had secured had unfortunately

been withdrawn. Councillor Sarah Bevan asked Andy if he was aware of the Freshford Centre, to which he replied that he was.

Nicolette Boater made a statement about effective and inclusive governance. A redacted copy of Nicolette's statement is available on the Minute book and online.

The Chair referred all statements to the relevant Cabinet Members.

## **9 APPOINTMENT OF COMMITTEES & PANELS AND OTHER ANNUAL BUSINESS**

The Council considered a report concerning the non-executive and regulatory committee arrangements for the Council Year May 2018 to May 2019 and associated annual business.

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

### **RESOLVED**

1. To approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in current form in Appendix 1 of the report);
2. Accordingly, to 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 of the report, **and with the amendment to the 5<sup>th</sup> line of the Development Management Committee Terms of Reference Section 8 to replace the words 'contrary to policy' with the words 'contrary to law or locally or nationally adopted planning policy'**;
3. To 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);
4. To 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;
5. To 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;
6. To 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);
7. To 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 of the report;

8. To 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, and also noting the additional rule 16 decision which had been circulated to the meeting and is attached to the online minutes;
9. To 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;
10. To agree the arrangements regarding outside body appointments, as set out in section 7 of the report, and **note that for appointments to the Avon Fire Authority, the limit of 2 terms or 8 municipal years will apply, and that this same limit will apply for appointments to all other outside bodies unless there are exceptional or extenuating circumstances to be agreed by Group Leaders;**
11. To note the amendment to the Constitutional procedure rules with regard to the Standards Committee as outlined in section 8 of the report;
12. To 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 of the report;
13. To note the production of the Chairman’s Civic Handbook, as described in section 8.4 of the report, **and instruct the Monitoring Officer to update this to reflect feedback from the Chair of Council and recent former Chairs, particularly with regard to contemporary practice, before it is put into use;**
14. To note the calendar of meeting dates that has been prepared up to May 2019 which is available on the Council’s website; and
15. To 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.

*[Notes;*

1. *The resolution above was carried with 1 Councillor voting against, 2 Councillors abstaining and the remainder voting in favour;*
2. *The wording in bold in resolution 2. was proposed by Councillor John Bull and accepted into the substantive motion by the mover and seconder;*
3. *The wording in bold in resolutions 10. and 13. was proposed by Councillor Dine Romero and accepted into the substantive motion by the mover.]*

## 10 REVISED PARISH CHARTER 2018

The Council considered a report seeking its endorsement to the revised Parish Charter which was adopted by Cabinet in April 2018.

On a motion from Councillor Paul Myers, seconded by Councillor Paul May, it was unanimously

**RESOLVED**

1. To endorse the revised Parish Charter attached as Appendix 1 to the report; and
2. To adopt the Terms of Reference for the Parish Liaison meeting contained within the Parish Charter at its Appendix 1.

**11 DESIGNATION OF CHIEF FINANCIAL OFFICER**

The Council considered a report seeking 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.

On a motion from Councillor Charles Gerrish, seconded by Councillor Karen Warrington, it was unanimously

**RESOLVED**

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; and
2. To agree the related delegations changes arising from the removal of the Strategic Director – Resources post with effect from 11 May 2018.

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

The Chair made reference to the 7 questions from Councillors and responses, which had been circulated to the meeting.

The meeting ended at 7.50 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	12 July 2018	
TITLE:	Review of Polling Districts, Polling Places and Polling Stations 2018	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A: Timetable		

## 1 THE ISSUE

- 1.1 On 7 August 2018 the Local Government Boundary Commission for England (LGBCE) will publish its final recommendations on the electoral review of Bath & North East Somerset Council's ward boundaries. In order to re-align the polling districts and polling places with the new scheme, the Council will conduct a review of polling districts, polling places and polling stations between September and December 2018.

## 2 RECOMMENDATION

The Council is asked to:

- 2.1 Note the statutory requirements of the review process
- 2.2 To approve the timetable for the implementation of the review

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

- 3.1 The implementation of the review will involve significant work to update both the GIS database and the electoral register database. The associated costs are one-off and estimated at £15,000; this expenditure will be funded from the un-committed balance within the Council's IT reserve.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Under the *Representation of the People Act 1983* (RPA 1983), every local authority in Great Britain has the statutory responsibility to divide their area into polling districts, to designate polling places for those polling districts, and to keep the polling districts and polling places under review.

- 4.2 The *Electoral Registration and Administration Act 2013* introduced an additional requirement whereby local authorities must review all polling districts and polling places within the period of 16 months starting on 1 October of every fifth year after 1 October 2013.
- 4.3 The significant ward boundary changes, which will result from the implementation of the new scheme recommended by the LGBCE, require a re-alignment of a large number of the existing polling districts and polling places.
- 4.4 Local authorities must also comply with specific access requirements, and in particular they must seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as practicable in the circumstances, and that so far as is reasonable and practicable every polling place is accessible to electors who are disabled

## **5 THE REPORT**

- 5.1 Bath & North East Somerset Council will conduct a review of its polling districts and polling places between September and December 2018. The review has become necessary in order to re-align the Council's polling districts and polling places with the new ward boundary scheme proposed by the LGBCE. The Council is also required to commence a review in 2018 under the Electoral Registration and Administration Act 2013.
- 5.2 The formal procedure to be followed by local authorities in undertaking the review is described in Schedule A1 of the RPA 1983. Having regard of the legal requirements the Council will:
1. Publish a notice of holding a review
  2. Consult the UK parliamentary Acting Returning Officer (Maria Lucas) for each constituency which is wholly or partly in its area
  3. Publish all representations made by the Acting Returning Officer
  4. Invite comments from any interested parties
  5. Seek representations from people and organisations with particular expertise in relation to access to premises or facilities for persons who have different forms of disability
  6. Consider all comments and representations received
  7. Complete the review and implement the new scheme at the next scheduled local government elections (May 2019)
- 5.3 A draft timetable is on Appendix A. The dates are based on the assumption that the LGCBE will publish its final proposals on the ward boundary review on 7 August 2018.

## **6 RATIONALE**

- 6.1 The review is a statutory requirement and will be conducted according to legislation.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## 8 CONSULTATION

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

## 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>	Aurora Loi T: 01225 477431 E: <a href="mailto:aurora_loi@bathnes.gov.uk">aurora_loi@bathnes.gov.uk</a>
<b>Background papers</b>	LGBCE consultation documents on ward boundary review <a href="http://www.lgbce.org.uk/all-reviews/south-west/somerset/bath-and-north-east-somerset">http://www.lgbce.org.uk/all-reviews/south-west/somerset/bath-and-north-east-somerset</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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## APPENDIX A

<b>Polling Districts and Polling Places Review Timetable</b>	
<b>DATE</b>	<b>TASK</b>
10 September 2018	Publish notice of holding a review
10 September 2018	Notify elected representatives, disability groups, parish councils and other stakeholders
10 September 2018	Start public consultation
22 October 2018	Finish public consultation
23 October 2018	Publish representations made by the Acting Returning Officer
23 October 2018	Publish any representations made in connection with the review
26 October 2018	Complete the review
08 November 2018	Approve new polling district and polling places scheme
12 November 2018	Publish details of new polling scheme
1 March 2019	Electoral Registration Officer publishes revised register under new ward boundaries and new polling district boundaries

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<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
TITLE:	<b>Youth Justice Plan 2018-19</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> Youth Justice Plan 2018-19	

## **1 THE ISSUE**

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

## **2 RECOMMENDATION**

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

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

- 3.1 The Council is the lead partner in the multi-agency arrangements to prevent youth offending, working closely with Police, Probation and Health Services. All partners have statutory responsibilities to participate in the resourcing of the Youth Offending Service. At the time of producing this Plan, Avon and Somerset Constabulary is proposing significant reductions in its staffing and financial contribution. There are no changes to the resources from other statutory partners. The Council makes the greatest contribution in terms of staff, cash and additional support, including office accommodation and financial and human resources support services. In 2018-19, the Council is contributing £447,195 towards a total budget of £797,668, most of which pays for staff salaries;
- 3.2 The work of the Service also depends on a national grant from the Ministry of Justice, via the Youth Justice Board. For the year ahead, this amount remains constant at £181,337. The Police and Crime Commissioner's direct contribution

remains £10,217 and NHS England is now funding a new post at £40,000. All remaining costs are met by the statutory partners;

- 3.3 Submission of a Youth Justice Plan is a condition for receipt of the Youth Justice Board grant.

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

- 4.1 Preparation of a Youth Justice Plan is required under Section 40 of the Crime and Disorder Act 1998. The national Youth Justice Board for England and Wales has published guidelines for its completion and requires it to be submitted by 31 July 2018.

## **5 THE REPORT**

- 5.1 The principal, statutory aim of the youth justice system is to prevent youth offending by 10-17 year olds. The Youth Justice Plan reviews the latest performance indicators for work with young people at risk of offending and re-offending and sets out how services will be resourced and delivered in 2018-19;
- 5.2 Actions in the work plan will help to make Bath and North East Somerset a safer place and support young people work towards crime-free lives with better prospects for the future;
- 5.3 The Youth Justice Plan 2018-19 is attached as an appendix to this report.

## **6 RATIONALE**

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

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 This Plan draws on feedback made available from service users and has been discussed with the Youth Offending Service and its Management Board and reflects issues from the two sub-groups, the Youth Crime Prevention Board and the Custody Review Panel;
- 8.2 A copy of this Plan has been sent to the Trade Unions;
- 8.3 This Plan has been approved for publication by the Council's Monitoring Officer and the Section 151 Officer.

## **9 RISK MANAGEMENT**

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

<b>Contact person</b>	Sally Churchyard: 01225 396966
<b>Background</b>	Youth Justice Plan 2017-18

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

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# **Bath and North East Somerset Youth Justice Plan 2018 – 2019**



**Working in partnership to prevent youth offending**

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## 1. Introduction

Youth Offending Services and the agencies they represent have a statutory responsibility to prevent offending by 10-17 year olds. The local Service works to improve all outcomes for young people in accordance with the ambition set out in the Children and Young People's Plan:

**We want all children and young people to enjoy childhood and to be well prepared for adult life and parents to take responsibility for understanding and meeting their children's needs, enjoying their childhood with them and preparing them for adult life.**

The latest Youth Justice Board summary report describes the local Youth Offending Service as "amongst the highest 25% of performers in the country in relation to the National Indicator set. In addition, the latest national data indicates that Bath and North East Somerset Youth Offending Service continues to maintain good performance with core practice and activity delivered to an appropriate level."

This Plan, written in accordance with section 40 of the Crime and Disorder Act 1998, sets out how services will be provided and funded in 2018-19. It will be submitted to the Youth Justice Board and published in accordance with the directions of the Secretary of State.

## 2. Structure and Governance

2.1 Bath and North East Somerset Council is the lead partner for youth justice. It has primary responsibility to the Secretary of State for ensuring that the Youth Offending Service fulfils requirements and delivers services required under the Crime and Disorder Act 1998 and all subsequent criminal justice and other relevant legislation. The statutory partners – Police, Health, Probation and the Local authority (Social Care and Education) have a duty to ensure statutory requirements are met and to help with resources.

2.2 The Youth Offending Service is managed within the Council's People and Communities Department. Strategic responsibility is delegated to the Head of Young People's Prevention Services who is line managed by the Director. The Operational Manager has oversight of all services delivered, supported by a Deputy. An organisational chart can be found in the appendices.

2.3 Governance of the Youth Offending Service rests with the Community Safety Partnership's Responsible Authorities Group, and immediate oversight and accountability is provided by the Youth Offending Service Management Board, with representation from the key statutory partners. A Partnership Agreement sets out its responsibilities for strategic direction, resourcing, compliance and the operational delivery of youth justice services. It operates a Risk Register and supports the Youth Offending Service to overcome barriers to its work. The Management Board has two multi-agency sub-groups, the Youth Crime Prevention Board which oversees work to reduce the rate of first time entrants and the Custody Review Panel which addresses the local custody rate.

2.4 This Plan will be monitored by the Youth Offending Service Management Board through regular financial, performance and assurance reports. Progress on the Work Plan is reported to the relevant Council Development and Scrutiny Panel.

### 3. Resources

The Youth Offending Service has at least one nominated practitioner from each of the five statutory partners. However, in its latest performance summary, the Youth Justice Board notes that the Youth Offending Service's "strategic positioning may be inadvertently weakened through some partnership (Police and National Probation Service) changes." The reduction in staff hours and contributions into the pooled budget increases expectations on remaining staff at a time when the workload and complexity of work is increasing.

Source	Pooled budget £	Staffing costs £	Other costs £	Comments	Total £
<b>Avon and Somerset Police</b>	5,000	41,236	0	Funding for a full-time Police Constable	<b>46,236</b>
<b>National Probation Service</b>	5,000	21,689	0	Funding for 0.5 fte Probation Officer	<b>26,689</b>
<b>Bath and North East Somerset Council</b>	18,685	402,651	25,859	Non-costed office base, satellite offices and back-office functions	<b>447,195</b>
<b>Bath and North East Somerset Clinical Commissioning Group</b>	14,885	31,109	0	Part time Nurse and Speech and Language Therapist.	<b>45,994</b>
<b>NHS England</b>	0	40,000	0	Funding for the co-ordination of sexually harmful behaviour work	<b>40,000</b>
<b>Avon and Somerset Police and Crime Commissioner</b>	0	10,217	0	Funding contribution towards the Compass youth crime prevention team	<b>10,217</b>
<b>Youth Justice Board for England and Wales</b>	0	142,353	38,984	Funding dedicated to the employment of Youth Offending Service staff and costs	<b>181,337</b>
<b>Total</b>	<b>43,570</b>	<b>689,255</b>	<b>64,843</b>		<b>797,668</b>

Additionally, the Avon and Somerset Police and Crime Commissioner contributes £7,902 towards the commissioning of substance misuse services for young people known to the Youth Offending Service. These are provided by Project 28. The Local Authority also commissions Mentoring Plus to work with young people at risk of offending and other negative outcomes.

## 4. Partnership Arrangements

4.1 The table below shows how the work of the Youth Offending Service contributes to Council priorities:

<b>Bath and North East Somerset Corporate Priorities to 2020</b>	<b>Children and Young People's Plan</b>	<b>Associated Children, Young People and Family Service Priorities</b>	<b>Associated Youth Offending Service Priorities</b>
A strong economy and growth	Children and young people have fair life chances.	Narrow the gaps in education and employment outcomes for vulnerable groups of children and young people	Prevent youth offending Promote young people's full engagement in education, training or employment.
A focus on prevention	Children and young people are safe and healthy.	Prevent and reduce significant harm and the need for children to grow up in care – achieve sustainable improved outcomes at the lowest level of intervention.	Prevent youth offending Keep young people safe, including from criminal exploitation and organised violence
A new relationship with customers and communities	Children are active citizens.	Keep children and young people at the heart of everything we do - listening to children and young people, parents, carers, victims of crime at team, service & divisional level.	Prevent youth offending Use the new participation framework to learn from young people about how the service can be improved
An efficient business		Support staff to work effectively with children, young people and families through workforce development, streamlining systems and processes and focusing our resources.	Move the Youth Offending Service to a new office base and maximise the benefits for greater integration with other services.

4.2 Avon and Somerset Constabulary is developing a consistent model of child centred policing, based on a national model and being rolled out to schools in September 2018 so that risk indicators can be used to intervene early. The vulnerability of children and young people is identified and responded to in order to protect them from harm. The Police are looking at Adverse Childhood Experiences and the development of trauma-Informed Policing, which will link with work being planned in the Youth Offending Service. The priority areas include use of Police custody, with joint work being undertaken through the Custody Review Panel to ensure this is minimised in accordance with the national Concordat.

4.3 The Head of Service is an active member of a range of partnership groups to promote the needs of young people who have offended and help lead work with other vulnerable groups including the Local Safeguarding Children Board and its Child Sexual Exploitation and Missing Children sub-group, the Early Help Board, Parenting Strategy Group, SEND Strategy Group and the Emotional Health and Wellbeing Strategy Group.

## 5. Performance

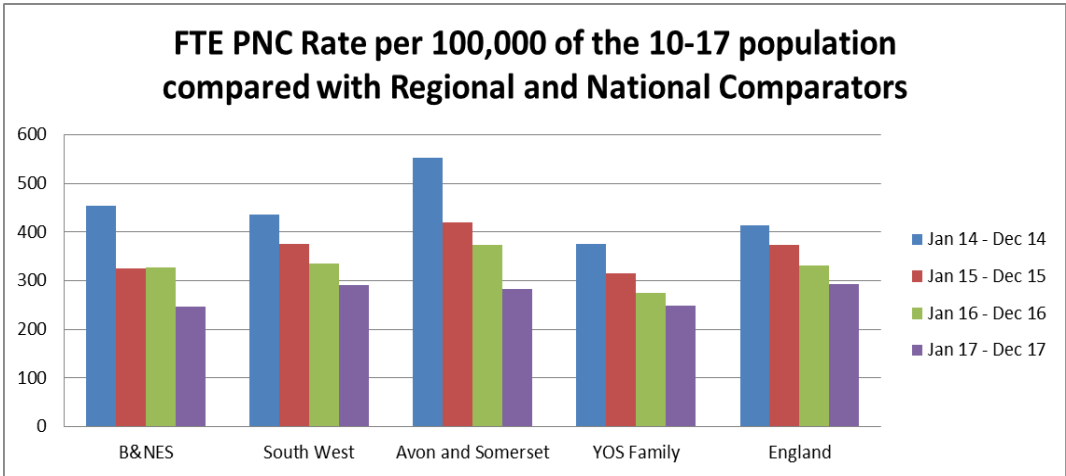
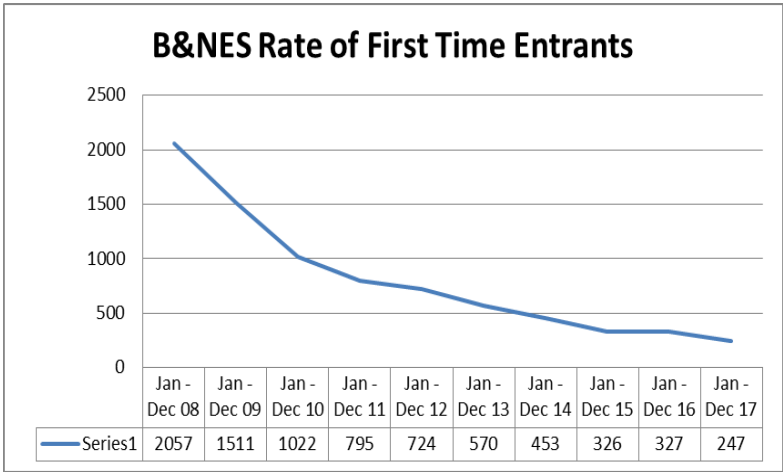
The effectiveness of youth justice work is measured through three national performance indicators which are reported to the Youth Justice Board on a quarterly basis. Their published data enables comparison with Avon and Somerset, regional, family and national comparator groups.

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

This measure helps understanding of how effective the local area has been in supporting young people not to offend and enter the youth justice system for the first time. It is shown as a rate of young people per 100,000 in the general population of 10-17 year olds who received their first substantive outcome (a Youth Caution or Youth Conditional Caution following admission of an offence, or a conviction in Court), to enable comparisons to be made. Data is taken from the Police National Computer and is published in rolling full years. The latest data available is for January to December 2017 compared with 2016.

The rate of first time entrants reduced significantly in this period from 327 to 247 per notional 100,000 young people, a reduction (improvement) of 24.6% on previous local performance and better than all comparator groups. Fewer young people getting involved in offending for the first time is a very positive outcome.

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From local data held, the peak age of offending by first time entrants in this period was 15 years, with 72% being male, 89% identifying themselves as White British and 66% living in Bath. Violence against the Person was the most frequently occurring offence (21%). A review of how cases were dealt with shows that most of the offending was relatively low level and 79% of young people received a Youth Caution or Youth conditional Caution without appearing in Court. High proportions of these young people had previously been subject to fixed term exclusions from school (43%) and a small number had had permanent exclusions. 50% were entitled to free school meals. This data provides further evidence of poorer outcomes for some young people living in low income families.

More recent local data suggests this improvement will not be sustained into next year. Increasing episodes of anti-social behaviour and offending by large groups of young people, mainly in Bath, is resulting in more coming into the youth justice system for the first time. Young people offend for a wide variety of reasons but many of them will have experienced some or all of the following issues: poor engagement in school, college or employment, mixing with others involved in anti-social behaviour or crime, misuse of alcohol or other drugs, difficulties within their families and emotional or mental health issues. Not all young people who have had these experiences go on to offend, however. There is a continuing network of preventative services whose work supports young people who might otherwise have gone on to offend, including Project 28 substance misuse service, Mentoring Plus, Black Families Education, Fire and Rescue and Compass. Representatives meet as a Youth Crime Prevention Board twice per year to scrutinise this data and use it to inform targeting of resources. The Board is now turning to look at how an appreciation of the trauma that some young people have experienced, often within their families, is impacting on their behaviour and how this can best be addressed.

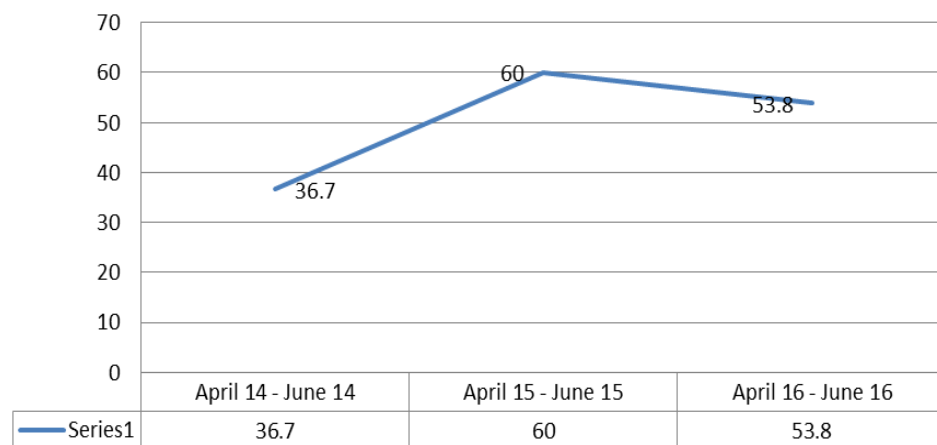
#### 4.2 Reduce the rate of re-offending

This measure helps understanding of the effectiveness of the youth justice system in supporting young people who have previously offended not to re-offend. It is a quarterly rolling measure of the rate of re-offending of a cohort of young people who received a Caution or Conditional Caution or a sentence in Court or were released from custody. The data is taken from the Police National Computer and is shown as a rate per 100,000 in the general population. This data is now based on a three month cohort tracked over twelve months. This results in a greater proportion of prolific offenders in each cohort than the previous twelve month cohorts and hence higher reoffending rates

##### a) **Binary Rate: April – June 2016** (latest data available from the Youth Justice Board)

This is the latest data available; there is always a time lag because the cohorts of young people are tracked for twelve months. The re-offending by the cohort from April – June 2016 compared with the re-offending of the April – June 2015 cohort shows a reduction of 6.2% compared with the previous reporting period and a better reduction than comparator groups. The number of individual young people counted here is low but the overall re-offending rate is much higher than all comparator groups.

### B&NES %Binary Rate



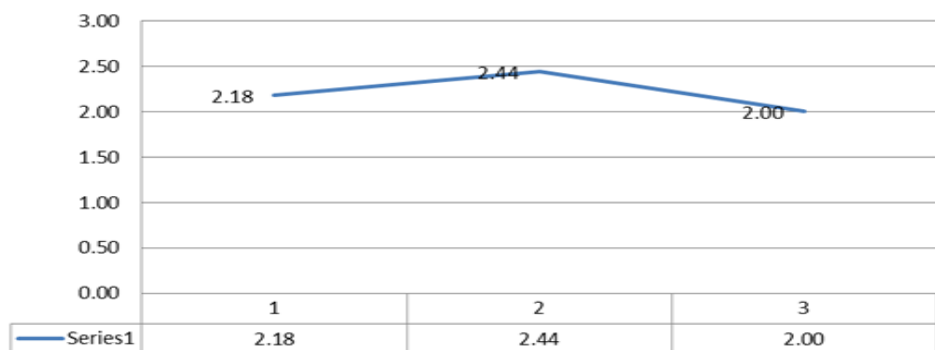
### Re-offending Binary % compared with Regional & National Comparators



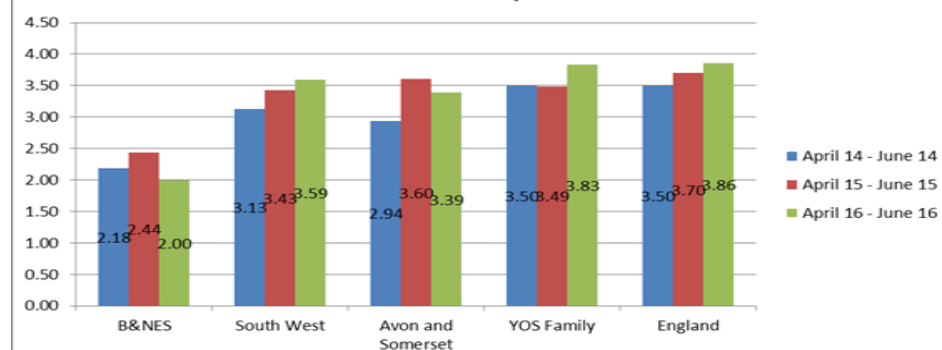
#### b) Re-offences: Rate of new offences per young person who re-offended

Turning to the re-offending rates of the young people in the cohort who re-offended, there was an improvement against the baseline. B&NES' rate is lower (better) than all comparators for this reporting period and has the highest reduction. This data suggests an improving (reducing) direction of travel which will not be sustained in later data sets, as the Youth Offending Service has been working with some very prolifically re-offending young people.

### B&NES Re-offences per Re-offender Rate



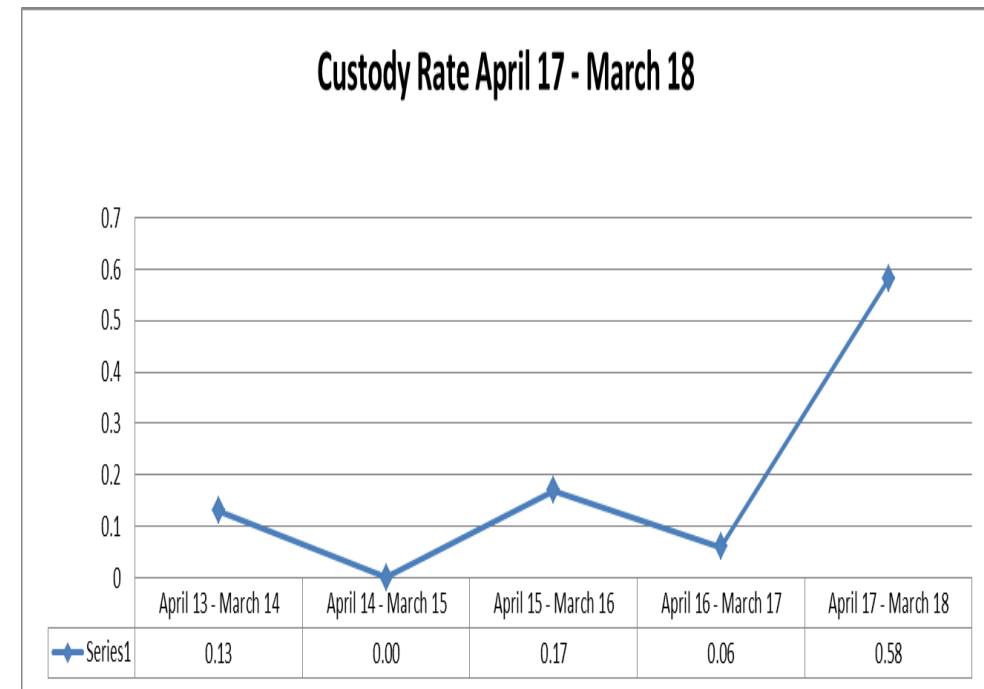
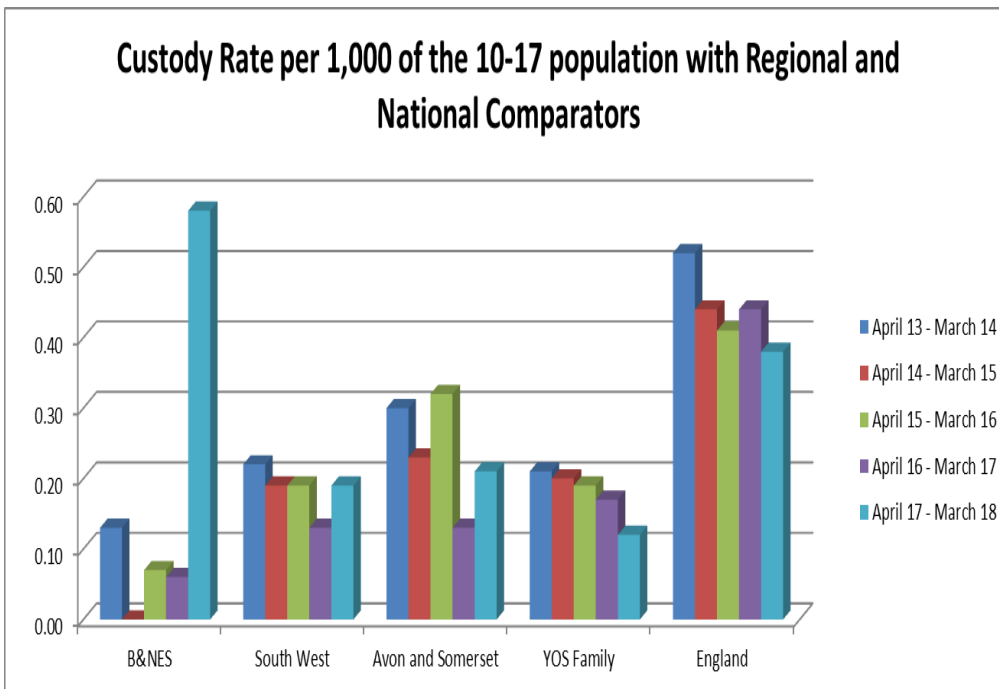
### Re-offences per re-offender Rate compared with Regional and National Comparators



### 4.3 Reduce the rate of custodial sentences

The third national performance measure relates to the use made of custody as a sentencing option. The Youth Offending Service makes proposals to Courts to assist sentencing decisions; any sentence of custody for a serious offence is not taken lightly and is avoided wherever young people can be safely supported to remain within the community.

Local performance for the period April 2017 – March 2018 compared with the same period 2016-17 has deteriorated and B&NES' latest custody rate is higher than all comparators. The increase is particularly marked because the local custody rate has been low (sometimes zero) for a long time, Nine young people were sentenced to custody during this period and although this is still fewer than the highest number of custodial sentences (20 in 2009 –10), there is concern about this. Re-offending rates of young people who have served a custodial sentence are typically high. The Youth Offending Service has worked with Social Care to put forward strong community sentencing proposals to the Courts, but the convictions in these cases were all for serious offences. The Custody Review Panel continues to oversee and agree action in respect of young people at risk of custody as part of its standard agenda and is also considering the impact of adverse childhood experiences on these young people. Bath and North East Somerset is waiting to join a national Enhanced Case Management pilot, utilising a trauma-informed approach to working with young people.



## 6. Work Plan 2018 – 2019

### Departmental priority: A strong economy and growth

#### Narrow the gaps in education and employment outcomes for vulnerable groups of children and young people (fair life chances outcome)

**Indicators:**

- a. Increased proportion of YOS young people engaged in education, training and employment;
- b. Number and % of young people aged 16-18 who are NEET;
- c. % of 16 and 17 year olds with offer of education or training by 30 September

Actions	Lead	Intended Impact	Timescale
1. Work with the City of Bath College and other partners to increase the education and training offer to young people post-16	Education Officer	Post 16 training offer in place	September 2018
2. Obtain quality mark status as part of the national youth justice Special Education Need and Disability initiative	Head of Service	Earlier identification and better outcomes	March 2019
3. Explore the correlation between fixed-term and permanent exclusions from school and offending and consider with partner agencies how this can best be addressed	Head of Service	Prevention of offending	March 2019

### Departmental priority: A focus on prevention

#### Prevent and reduce significant harm and the need for children to grow up in care – achieve sustainable improved outcomes at the lowest level of intervention (safe and healthy outcomes)

**Indicators:**

- a. Reduction in the rate of first time entrants
- b. Reduction in the rate of re-offending
- c. Reduction in the rate of custodial sentences
- d. Increase in the proportion of young people in suitable accommodation

Actions	Lead	Intended Impact	Timescale
1. Review the operating model for Compass	Deputy Team Manager	Ensure fit with Early Help Strategy	December 2018
2. Develop and implement a multi-agency strategy to address the impact of adverse childhood experiences and its link with violent offending	Head of Service	Prevent violent offending	December 2018
3. Establish a multi-agency response to harmful sexual behaviour and review the local protocol	Operational Manager	Prevent dangerous offending	December 2018
4. Deliver two Family Links parenting programmes to parents of teenagers	Operational Manager	Enhance parenting skills	December 2018
5. Move to next stage of use of Enhanced Case Management (utilising a trauma recovery model, as part of a national pilot) or develop a local approach in its place	Operational Manager	Reduce breach and re-offending	March 2019
6. Strengthen interventions for young perpetrators of domestic abuse	Operational Manager	Address trauma and reduce offending	March 2019



## Departmental priority: A new relationship with customers and communities

**Keep children and young people at the heart of everything we do - listening to children and young people, parents, carers, victims of crime at team, service & divisional level (active citizens outcome)**

**Indicators:** a. Restorative Service Quality Mark  
b. Feedback from service users

Actions	Lead	Intended Impact	Timescale
1. Utilise the new feedback mechanism for all young people, collate their views and feed back to them on what we will do as a result	Operational Manager	Young people's voices are heard	September 2018
2. Review and respond to the support provided to young people sentenced to custody in the light of their feedback to us	Operational Manager	Services meet young people's needs	September 2018
3. Review victims' feedback on the service they receive in the light of national quality standards	Deputy Team Manager	Quality services for victims	December 2018

## Departmental priority: An efficient business

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

**Indicators:** a. 90% staff have accessed required safeguarding training  
b. 90% staff have received Supervision and Performance Development Conversations

Actions	Lead	Intended Impact	Timescale
1. Work with the Council Procurement Team to re-procure a youth justice database	Information Manager	Compliance	May 2018
2. Prepare the Service for full compliance with the General Data Protection Regulation including production of a child friendly Privacy Notice and associated policies	Information Manager	Compliance	May 2018
1. Oversee the move of the Service to the Civic Centre in Keynsham and establish satellite offices for meeting with young people	Head of Service	Suitable places for young people's work	September 2018
2. Introduce a new operating model for office-based appointments and Panels and ensure all staff, young people and families are fully appraised	Operational Manager	Safeguard future service delivery	September 2018
5. Prepare the Service for the new Inspection Framework	Head of Service	Readiness	September 2018
6. Model options for in-house Service continuity in light of anticipated further budgetary pressures	Head of Service	Improve targeting and access to service	March 2019
7. Address the support and training needs of staff as they take on more challenging work with young people	Head of Service	Staff are well supported	March 2019

## 7. Statutory Partner Agency Commitment

Partner Organisation	Name of Chief Officer	Signature	Date
Local Authority	Ashley Ayre, Chief Executive		
Local Authority (Health and Education)	Mike Bowden, Corporate Director – People and Communities Department		
Local Authority (Social Care)	Richard Baldwin, Director Children, Young People and Families Service		
Avon and Somerset Constabulary (Police)	Richard Turner		
South West South Central Division, National Probation Service (Probation)	Elizabeth Spencer, Assistant Chief Officer		

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## Appendix a: Core areas of work for the Youth Offending Service

Staff from a range of backgrounds including Police, Health, Social Care, Education and the National Probation Service work in an integrated way alongside other specialists and have key statutory functions. These include supervising young people aged 10-17 who have committed offences but not appeared in Court on 'Out-of-Court Disposals.' Where young people have been convicted in Court, the service supervises them on community and custodial Court Orders, giving victims a voice, enabling young people to make amends for the harm they have caused and strengthening parenting skills. The Youth Offending Service is responsible for safeguarding young people and supporting them to make positive lifestyle choices and achieve better outcomes.

**Prevention** - the Youth Offending Service is actively involved in the delivery of the Early Help Strategy and the Parenting Strategy. Compass works on a voluntary basis with young people aged 8-17 who are assessed as being at high risk of offending, and with their parents/carers, to reduce the risk of individual young people offending and entering the youth justice system. Compass also undertakes statutory Return Home Interviews with young people who have returned after going missing. This supports identification of those who would benefit from early help, including in prevention of child sexual exploitation or offending.

**Diversion** - the Cannabis diversion scheme is successful in helping to reduce the number of young people entering the formal youth justice system. It operates in partnership with Police and Project 28, the local young people's substance misuse service. Young people who may have previously been issued with an immediate Youth Caution by the Police are now offered an opportunity to attend a drugs awareness raising workshop with Project 28 and can be dealt with by an informal community resolution. Some then choose to continue working with Project 28.

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

**Bail and Court** - Whilst decisions are being made by Police, the Crown Prosecution Service and the Courts about charging, conviction and sentencing, the Youth Offending Service can provide voluntary or statutory support and/or undertake formal assessments:

- a. **Bail Support and Supervision** – for those who need specific support to avoid offending and ensure they attend Court on the next occasion;
- b. **Remand to the Care of the Local Authority** – Courts can order that young people who do not have a satisfactory home address are Looked After by the Local Authority. They are entitled to the same level of support as other children in Care;
- c. **Court Duty** – provision of information and advice to the fortnightly Youth Court and occasional attendance at Bristol Crown Court and other Courts when young people from Bath and North East Somerset are being sentenced. The Service also supports young people to understand the sentences passed and makes assessments of those who have been remanded or sentenced to custody;

d. **Report Writing** - preparation of written reports to inform key decision making about young people who have offended, including analysis of their offence(s) and proposal of sentencing options to the Courts via Pre-Sentence Reports.

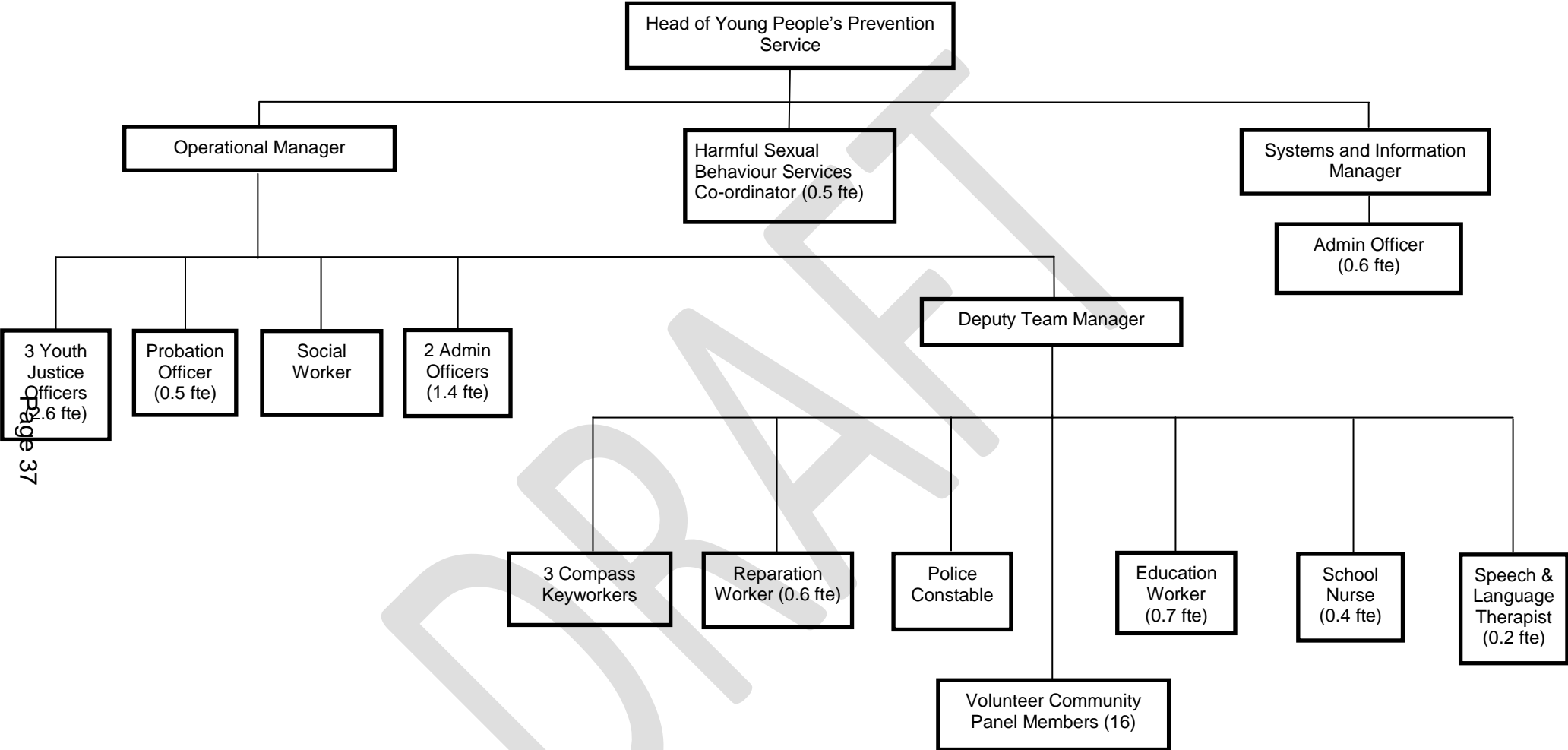
**Supervision of young people in the community – most** young people who are sentenced in the Courts are supervised by the Youth Offending Service in the community and most remain living with their parents/carers or foster carers although occasionally, they may be living in a residential setting. The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

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

**Work with parents/carers and families** - this is usually undertaken on a voluntary basis but can sometimes be within a Parenting Order. The interventions include individual parenting skills sessions, family mediation and joint work with the parents/carers and the young person. Staff have been trained to deliver the Family Links parenting programme. The Youth Offending Service is also part of the Connecting Families' wider matrix team and sometimes takes on the role of 'lead professional' with families.

**Restorative Justice and Work with Victims** - the Youth Offending Service holds a Restorative Service Quality Mark in recognition of its work with victims, satisfying six standards including leadership, strategy, working together, training, service delivery and monitoring and evaluation and uses the Quality Mark on all its formal documents and qualifications. The Service aspires to contact all known victims of young people in contact with the Youth Offending Service to offer an opportunity to be involved in a restorative piece of work. Delivery of this service now needs to be re-fashioned because of a reduction in Police Officer time in the Youth Offending Service. Volunteer Panel Members take on a key statutory function in chairing Referral Order meetings with young people and, where they are willing, the victim of their offence, to agree how they will make amends and what work they need to undertake to reduce their risk of re-offending

Appendix b: Youth Offending Service Organisational Chart



Key: fte = full-time equivalent posts

## Appendix C: Youth Offending Service Staff by Gender and Ethnicity

Staff in the Youth Offending Team by gender and ethnicity based on census 2001 categories																
	Strategic Manager		Team Manager		Practitioner		Administrator		Sessional		Student		Volunteers		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
White British		1	1	1	3	12	1	3					5	7	10	24
White Irish																
White Other																
Black British																
Black Caribbean																
White/Black Caribbean														2	0	2
British Black Caribbean													1		1	0
White and Asian														1	0	1
Pakistani																
Preferred not to say																
Total	0	1	1	1	3	12	1	3	0	0	0	0	6	10	11	27

## Appendix D: Membership of the Youth Offending Service Management Board

Name	Role
Chair: Richard Baldwin	Director, Children, Young People and Families Service (statutory member)
Elizabeth Spencer	Assistant Chief Officer, South West South Central Division, National Probation Service (statutory member)
Steve Kendall	Police District Commander, Avon and Somerset Constabulary (statutory member)
Debbie Forward	Senior Commissioning Manager, Bath and North East Somerset Council and Clinical Commissioning Group (statutory member)
Christopher Wilford	Head of Education Inclusion Service, Bath and North East Somerset Council (statutory member)
Paul May	Lead Member for Children, Bath and North East Somerset Council
Val Scrase	Head of Operations, Wiltshire and Bath and North East Somerset Children's Community Services, Virgin Care Services Limited
Jane Davis	City of Bath College
Viki Laakkonen	Interim Clinical Director, Children and Young People, Oxford Health NHS Foundation Trust
Amy Hunt (annual attendance)	Youth Champion and Health and Wellbeing Officer, Avon and Somerset Police and Crime Commissioner's Office
Graham Sabourn (agreed attendance re housing issues)	Head of Housing, Bath and North East Somerset
Sally Churchyard	Head of Young People's Prevention Service, Bath and North East Somerset (with management oversight of the Youth Offending Service)

(Notes of meetings are forwarded to the Senior Legal

Adviser/Youth Lead, Bath Magistrates' Court)

## Appendix E: Glossary of Terms

<b>Adverse Childhood Experiences</b>	Factors in some young people's lives that combine to reduce the likelihood of life turning out well for them (including experience of abuse, neglect, parental mental health, domestic violence, parental imprisonment etc.). Young people with four or more of these factors benefit from work to address the trauma they have experienced
<b>Compass</b>	A youth crime prevention initiative for 8-17 year olds, managed within the Youth Offending Service and working with children, young people and their families on a voluntary basis
<b>Custody Review Panel</b>	Addresses the local custody rate by undertaking multi-agency audits and promoting awareness of the use of custody for young people as a safeguarding issue.
<b>Reparation</b>	Making amends to someone harmed. This can be doing something of direct benefit to the victim of an offence or could be undertaking work that benefits the wider community, ideally suggested by the victim.
<b>Restorative Justice</b>	Restorative justice describes a range of approaches to resolving a situation where harm, often an offence, has been caused. It focuses on victim satisfaction, offering a range of services by which the victim can gain an understanding of the offence, have a chance to be fully heard, and agree to or even participate in any suitable reparation.
<b>Youth Crime Prevention Board</b>	Oversees work to reduce the rate of first time entrants by analysing first time entrants' data, identifying areas of concern and sharing good practice.
<b>Youth Justice Board</b>	The Youth Justice Board for England and Wales is responsible for overseeing the youth justice system, including performance monitoring, providing advice and disseminating good practice. It receives and endorses Youth Justice Plans on behalf of the Ministry of Justice.



Bath & North East Somerset Council		
MEETING	Council	
MEETING	12 <sup>th</sup> July 2018	
TITLE:	Standards Committee Annual Report 2017-18	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1. Standards Committee Annual Report 2017-18		

## **1 THE ISSUE**

- 1.1 To consider the Standards Committee Annual Report for 2017-18.

## **2 RECOMMENDATION**

- 2.1 The Council is asked to note the work of the Standards Committee as set out in the Annual Report attached at Appendix 1.

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

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

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

- 4.1 The Standards Committee is not required to produce an annual report however it is good practice to do so.

## **5 THE REPORT**

- 5.1 The Standards Committee agreed it would provide an annual report to the Council summarising the work of the Committee over the previous year.

## **6 RATIONALE**

- 6.1 The Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct; monitoring the operation of the Code with Bath & North East Somerset Council,

conducting hearings following investigation, and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None.

## **8 CONSULTATION**

8.1 None.

## **9 RISK MANAGEMENT**

9.1 A risk assessment was not required.

<b>Contact person</b>	<i>Maria Lucas, Head of Legal &amp; Democratic Services, Council Solicitor and Monitoring Officer (01225) 395171</i>
<b>Background papers</b>	<i>None.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

# Standards Committee

## Annual Report 2017-2018

## **Chair's Foreword**

It's my pleasure to write the foreword for this year's Standards Committee annual report.

The Standards Committee has dealt with an average of 17 complaints a year over the last 5 years, and has found, on average, 5 breaches of the code each year. (This doesn't necessarily mean that 5 councillors breached the code as occasionally more than one complaint is received about the same incident – all complaints are counted separately even if they concern one incident complained about by more than one person.)

It is a credit to the around 500 councillors (BANES and parish combined) within the ambit of the Standards Committee, and to BANES and the parish associations who provide advice and guidance, that there are few complaints, and that less than a third of the complaints made to the Committee are upheld. In most of the upheld complaints, councillors themselves realise that they have breached the code and are ready to make amends. The Committee was criticised for the remedy it imposed in one serious breach this year. (Serious breaches are rare.) The Committee's powers are very limited: the Localism Act 2011 removed the power to suspend or disqualify councillors found to be in serious breach of the code.

I have long held the view that public appointments should be time-limited (a view reinforced by some of the complaints upheld by the Committee over the years....). For me personally it has been a privilege to serve on the Standards Committee but this is my last foreword to the Annual Report. This is also my last opportunity to thank the past and present councillors and independents who have served the standards process and to thank the BANES staff who have always been helpful, approachable, efficient and effective.

**Sue Toland**  
**Chair of the Standards Committee**

## **The Standards Committee**

### **Introduction**

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period April 2017 to March 2018, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2017-18 in the report refer to this time period.

## **1. Background information**

### **The Code of Conduct for Elected and Co-opted Members**

In 2012 BANES adopted a code required by The Localism Act 2011 setting out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority. The Code is consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

### **The Monitoring Officer**

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and their team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

### **Independent Persons**

The Council has appointed an Independent Person and a Reserve Independent Person who are invited to attend all meetings of the Standards Committee. The Independent Person must be consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made. A recent court case has emphasised that the involvement and consultation of the Independent Person is important at all stages.

### **The Standards Committee**

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code;

conducting hearings following investigation and determining complaints made under the Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 5, Terms of Reference. The Committee conducts proceedings using Article 9 of the Constitution and the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code. The Committee will determine the facts; if there has been a breach and any sanctions. It can also make recommendations to Council.

## **2. Training for Standards Committee Members and Independent Persons**

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

## **3. Standards Committee Membership 2017-18**

In 2017/18 the Standards Committee comprised the following Members:

Councillors Sarah Bevan, Sally Davis, Nigel Roberts, Brian Simmons, Geoff Ward. Parish Councillors Tony Crouch, Veronica Packham and Dr Axel Palmer (until September 2017) / Keith Betton (from September 2018). Independent Members: Sue Toland (Chair), Dr Cyril Davies and Deborah Russell.

## **4. The Authority's Independent Persons**

The Authority's Independent Person is Tony Drew and the Reserve Independent Person is Paul Ryan.

## **5. Committee Meetings**

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2017-18 is attached at Annex A to this report. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled.

The Standards Committee met on:

- 11<sup>th</sup> May 2017
- 21<sup>st</sup> September 2017
- 18<sup>th</sup> January 2018
- 8<sup>th</sup> March 2018

## 6. Complaints under the Code of Conduct for Members and Co-opted Members

### i. Complaints by complainant

Type of complainant	2013/14	2014/15	2015/16	2016/17	2017/18	Total
<b>BaNES Councillor</b>	0	0	0	1	1	2
<b>Parish / Town Councillor</b>	8	0	8	0	0	16
<b>Member of the public</b>	14	16	16	9	13	68
<b>Council Officer</b>	n/a	n/a	n/a	n/a	1	1
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>87</b>

### ii. Complaints by subject member

Subject of the complaint	2013/14	2014/15	2015/16	2016/17	2017/18	Total
<b>BANES Councillor</b>	8	13	11	7	11	50
<b>Parish / Town Councillor</b>	14	3	13	3	4	37
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>87</b>

### iii. Complaints by type

Type of complaint	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Failure to declare an interest	11	1	5	6	6	29
Bullying/failure to treat with respect	0	1	7	1	4	13
Bringing Council into disrepute	9	14	11	3	5	42
Improperly conferring advantage/disadvantage	2	1	0	0	0	3
Disclosure of confidential information	0	0	1	0	0	1
<b>Total</b>	<b>22</b>	<b>17</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>88</b>

**Note:** A complainant may make several types of complaint about a councillor.

### iv. Initial Assessments

Local Assessment Decisions	2013/14	2014/15	2015/16	2016/17	2017/18	Total
No Further Action	19	15	21	10	4	69
Informal Resolution	1	0	0	0	10	11
Referred for Investigation	2	1	3	0	1	7
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>87</b>



## **v. Outcome of complaints**

<b>Outcomes</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Total</b>
<b>Other Action</b>	2	1	0	0	0	<b>3</b>
<b>Ongoing</b>	0	0	1	0	2	<b>3</b>
<b>Apology</b>	0	0	1	0	0	<b>1</b>
<b>No Action Required</b>	0	0	9	0	1	<b>10</b>
<b>Withdrawn</b>	2	1	0	0	1	<b>4</b>
<b>Breach</b>	0	0	1	4	2	<b>7</b>
<b>No Breach</b>	18	14	12	6	9	<b>59</b>
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>87</b>

## **7. Review of Standards Committee Work Programme and Action Plan for 2015/18**

The Standards Committee's Work Programme/Action Plan for 2015/18 is attached at Annex A. The Standards Committee met on 4 occasions during the year. At each meeting the Committee monitored its Action Plan and Complaints Tracker. One complaint hearing was held.

The Committee considered the Annual Report on Local Government Ombudsman Complaints; The Chairman's Civil Handbook and the Protocol for working with the Avon and Somerset Police, as well as recommending changes to the Arrangements to ensure these work effectively. Two training sessions on the Code of Conduct were held – one specifically on hearings and one on general standards matters.

## **8. Conclusion**

The Committee has dealt with a wide variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

## STANDARDS COMMITTEE WORKPLAN 2017 – 2018

<b>Date of meeting</b>	<b>Title</b>	<b>Report author / responsible officer</b>
<b>30<sup>th</sup> March 2017 (substantive)</b>	<b>Training session – declaration of pecuniary interests and the ability to speak on an item</b>	<b>ML</b>
<b>11<sup>th</sup> May 2017 (substantive)</b>	<b>Annual report Report on Disclosable Pecuniary Interests</b>	<b>ML</b>
<b>20th July 2017 (provisional)</b>	<b>Cancelled</b>	
<b>21st September 2017 (substantive)</b>	<b>Training session – hearings workshop</b>	<b>ML</b>
<b>23rd November 2017 (provisional)</b>	<b>Cancelled</b>	
<b>18<sup>th</sup> January 2018 (substantive)</b>	<b>Annual Report on LGO Complaints Training Session - Hearings</b>	<b>ML</b>
<b>8<sup>th</sup> March 2018 (provisional)</b>	<b>Training Session – General Issues</b>	<b>ML</b>

<b>17th May 2018 (substantive)</b>	<b>Cancelled</b>	
<b>19th July 2018 (provisional)</b>	<b>Training session</b>	<b>ML</b>
<b>20<sup>th</sup> September 2018 (substantive)</b>		
<b>22<sup>nd</sup> November 2018 (provisional)</b>	<b>Annual Report on LGO Complaints</b>	<b>ML</b>
<b>24<sup>th</sup> January 2019 (substantive)</b>	<b>Training Session</b>	<b>ML</b>

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	27 June 2018	
TITLE:	Treasury Management Outturn Report 2017/18	
WARD:	All	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b> <b>Appendix 1</b> – Performance Against Prudential Indicators <b>Appendix 2</b> – The Council’s Investment Position at 31 <sup>st</sup> March 2018 <b>Appendix 3</b> – Average monthly rate of return for 2017/18 <b>Appendix 4</b> – The Council’s External Borrowing Position at 31 <sup>st</sup> March 2018 <b>Appendix 5</b> – Arlingclose’s Economic & Market Review of 2017/18 <b>Appendix 6</b> – Interest & Capital Financing Budget Monitoring 2017/18 <b>Appendix 7</b> – Summary Guide to Credit Ratings		

## **1 THE ISSUE**

- 1.1 In February 2012 the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year.
- 1.2 This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2017/18.

## **2 RECOMMENDATION**

The Council agrees that:

- 2.1 the Treasury Management Report to 31<sup>st</sup> March 2018, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2.2 the Treasury Management Indicators to 31<sup>st</sup> March 2018 are noted.

## **3 RESOURCE IMPLICATIONS**

- 3.1 The financial implications are contained within the body of the report.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 This report is for information only.

## 5 THE REPORT

### Summary

- 5.1 The average rate of investment return for 2017/18 is 0.30%, which is 0.04% above the benchmark rate.
- 5.2 The Council's Prudential Indicators for 2017/18 were agreed by Council in February 2017 and performance against the key indicators is shown in **Appendix 1**. All indicators are within target levels.

### Summary of Returns

- 5.3 The Council's investment position as at 31<sup>st</sup> March 2018 is given in **Appendix 2**. The balance of deposits as at 31<sup>th</sup> December 2017 and 31<sup>st</sup> March 2018 are also set out in the pie charts in this appendix.
- 5.4 The Council was the accountable body for the West of England Revolving Investment Fund (RIF) and Local Growth Fund. This function has now transferred to the West of England Combined Authority (WECA) and all balances were also transferred.
- 5.5 Gross interest earned for 2017/18 totalled £382k. Net interest, after deduction of amounts due to Schools, Local Growth Fund and other internal balances, is £370k.
- 5.6 **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 0.30%, which was 0.04% above the benchmark rate of average 7 day LIBID +0.05% (0.26%). Performance from Money Market Funds in the period covering November to March slightly lagged behind the benchmark due to the proportion of these funds invested at fixed rates prior to the change in base rate.

### Summary of Borrowings

- 5.7 The Council's external borrowing as at 31<sup>st</sup> March 2018 totalled £192.5million and is detailed in Appendix 4. £20million of new PWLB annuity borrowing was arranged during the final quarter to maintain appropriate cashflow balances.
- 5.8 The Council's Capital Financing Requirement (CFR) as at 31<sup>st</sup> March 2018 was £247.1 million. This represents the Council's underlying need to borrow to finance capital expenditure, and demonstrates that the borrowing taken to date relates to funding historical capital spend.
- 5.9 The CFR represents the underlying need to borrow and the difference from the current borrowing of £192.5 million, represents re-investment of the internal balances of reserves, reducing the in-year borrowing costs in excess of the potential investment returns.
- 5.10 Following Local Government Reorganisation in 1996, Avon County Council's residual debt is administered by Bristol City Council. All successor Unitary Authorities make an annual contribution to principal and interest repayment, for

which there is a provision in the Council's revenue budget. The amount of residual debt outstanding as at 31<sup>st</sup> March 2018 apportioned to Bath & North East Somerset Council is £12.3m. Since this borrowing is managed by an external body and treated in the Council's Statement of Accounts as a deferred liability, it is not included in the borrowing figures referred to in paragraph 5.7.

5.11 The borrowing portfolio as at 31<sup>st</sup> March 2018 is shown in **Appendix 4**.

### **Strategic & Tactical Decisions**

5.12 As shown in the charts at **Appendix 2**, the investment portfolio is usually diversified across Money Market Funds, investments with Local Authorities and highly rated Foreign Banks. The Council uses AAA rated Money Market funds to maintain very short term liquidity and had overall investments of £37.7m invested as at 31<sup>st</sup> March 2018.

5.13 The Council does not hold any direct investments with banks in countries within the Eurozone reflecting both on the underlying debt issues in some Eurozone countries and the low levels of interest rates. The Council's investment counterparty list does not currently include any banks from Portugal, Ireland, Greece, Spain and Italy.

5.14 The Council's average investment return was in line with the budgeted level of 0.30%.

### **Future Strategic & Tactical Issues**

5.15 Our treasury management advisors economic and market review for 2017/18 is included in **Appendix 5**.

5.16 The Bank of England's Monetary Policy Committee (MPC) increased Bank Rate by 0.25% in November 2017. It was significant in that it was the first rate hike in ten years, although in essence the MPC reversed its August 2016 cut following the referendum result. The February Inflation Report indicated the MPC was keen to return inflation to the 2% target over a more conventional (18-24 month) horizon with 'gradual' and 'limited' policy tightening although the MPC has stopped short of committing itself to the timing of the next increase in rates,

5.17 The benefits of the Council's current policy of internal borrowing are monitored regularly against the likelihood that long term borrowing rates are forecast to rise in future years. The focus remains on the rate of increase and the medium-term peak.

5.18 The borrowing that has taken place in 2017/18 is therefore driven by a need to maintain an appropriate working cash balance rather than any immediate changes to interest rates.

### **5.19 Budget Implications**

5.20 A breakdown of the revenue budget for interest and capital financing and the forecast year end position based on the period April to March is included in **Appendix 6** This shows an overall underspend of £404k in 2017/18, reflecting savings from capital programme slippage delaying the need to borrow and a lower Minimum Revenue Provision (MRP) requirement.

## 6 RATIONALE

6.1 The Prudential Code and CIPFA's Code of Practice on Treasury Management requires regular monitoring and reporting of Treasury Management activities.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

8.1 Consultation has been carried out with the Cabinet Member for Community Resources, Section 151 Finance Officer and Monitoring Officer.

8.2 Consultation was carried out via e-mail.

## 9 RISK MANAGEMENT

9.1 The Council's lending & borrowing list is regularly reviewed during the financial year and credit ratings are monitored throughout the year. All lending/borrowing transactions are within approved limits and with approved institutions. Investment and Borrowing advice is provided by our Treasury Management consultants Arlingclose.

9.2 The CIPFA Treasury Management in the Public Services: Code of Practice requires the Council nominate a committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies. The Corporate Audit Committee carries out this scrutiny.

9.3 In addition, the Council maintain a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year.

<b>Contact person</b>	<i>Giles Oliver - 01225 477022; Andrew Stanton - 01225 477209; <u><a href="mailto:Giles_Oliver@Bathnes.gov.uk">Giles_Oliver@Bathnes.gov.uk</a></u>; <u><a href="mailto:Andrew_Stanton@bathnes.gov.uk">Andrew_Stanton@bathnes.gov.uk</a></u>;</i>
<b>Background papers</b>	<i>2017/18 Treasury Management &amp; Investment Strategy</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## APPENDIX 1

### Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

#### 1. Authorised limit for external debt

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
Borrowing	338,000	192,465
Other long term liabilities	2,000	0
<b>Cumulative Total</b>	<b>340,000</b>	<b>192,465</b>

#### 2. Operational limit for external debt

The operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
Borrowing	306,000	192,465
Other long term liabilities	2,000	0
<b>Cumulative Total</b>	<b>308,000</b>	<b>192,465</b>

#### 3. Upper limit for fixed interest rate exposure

This is the maximum amount of total borrowing which can be at fixed interest rate, less any investments for a period greater than 12 months which has a fixed interest rate.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Fixed interest rate exposure</b>	<b>306,000</b>	<b>172,465(*)</b>

\* The £20m of LOBO's are quoted as variable rate in this analysis as the Lender has the option to change the rate at 6 monthly intervals (the Council has the option to repay the loan should the Lender exercise this option to increase the rate).

#### 4. Upper limit for variable interest rate exposure

While fixed rate borrowing contributes significantly to reducing uncertainty surrounding interest rate changes, the pursuit of optimum performance levels may justify keeping flexibility through the use of variable interest rates. This is the maximum amount of total borrowing which can be at variable interest rates.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Variable interest rate exposure</b>	<b>206,000</b>	<b>20,000</b>

## 5. Upper limit for total principal sums invested for over 364 days

This is the maximum amount of total investments which can be over 364 days. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Investments over 364 days</b>	<b>50,000</b>	<b>0</b>

## 6. Maturity Structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk.

	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	%	%	%
Under 12 months	50	Nil	9.6
12 months and within 24 months	75	Nil	0
24 months and within 5 years	75	Nil	5.2
5 years and within 10 years	100	Nil	0
10 years and above	100	Nil	85.2

\* The CIPFA Treasury management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date (which are at 6 monthly intervals for the £20m of LOBO's). However, the Council would only consider repaying these loans if the Lenders exercised their options to alter the interest rate.

## 7. Average Credit Rating

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the weighted average credit rating of its investment portfolio. A summary guide to credit ratings is set out at **Appendix 7**.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	Rating	Rating
<b>Minimum Portfolio Average Credit Rating</b>	<b>A-</b>	<b>AAA-</b>

## APPENDIX 2

### The Council's Investment position at 31<sup>st</sup> March 2018

The term of investments, from the original date of the deal, are as follows:

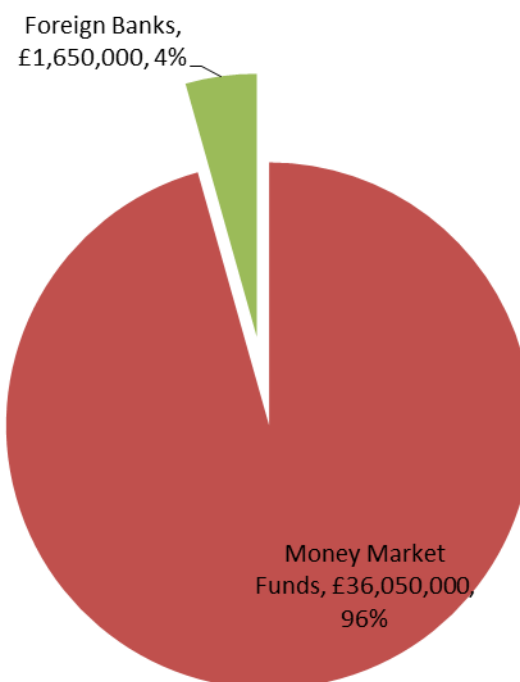
As per Weekly	Balance at 31 <sup>st</sup> March 2018
	£'000's
Notice (instant access funds)	37,700
1 month to 3 months	0
Over 3 months	0
<b>Total</b>	<b>37,700</b>

The investment figure of £37.7 million is made up as follows:

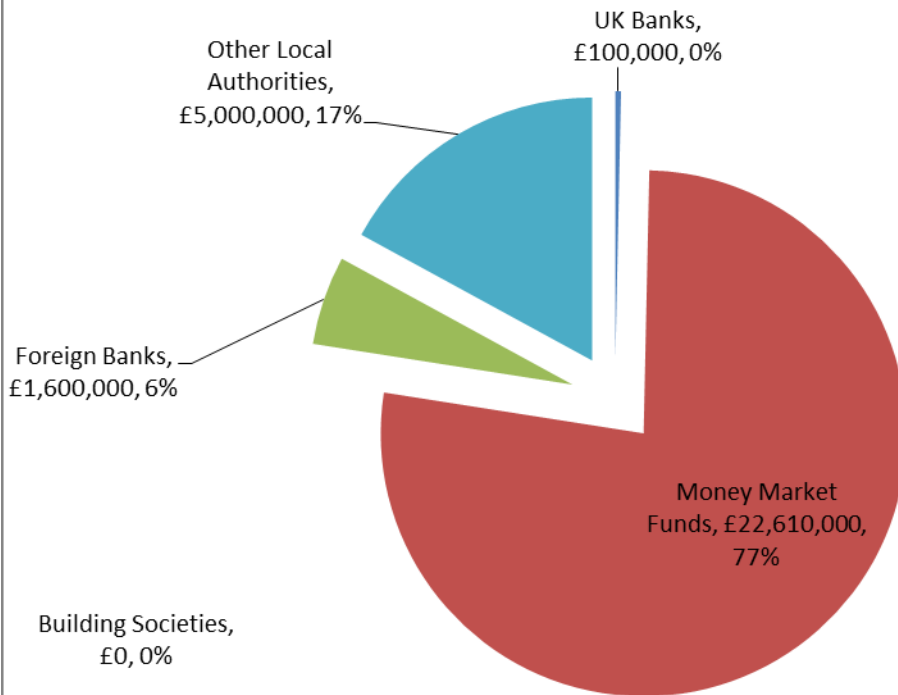
	Balance at 31 <sup>st</sup> March 2018
	£'000's
B&NES Council	33,424
Schools	4,266
<b>Total</b>	<b>37,700</b>

The Council had a total average net positive balance of £33.541m during the period April 2017 to March 2018.

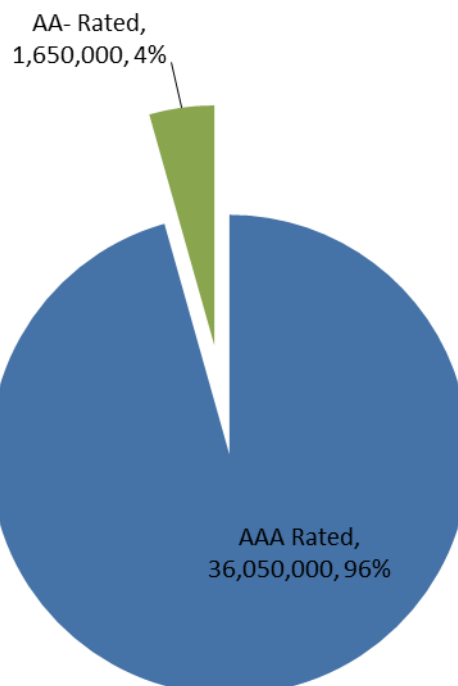
**Chart 1: Council Investments as at 31st March 2018 (£37.7m)**



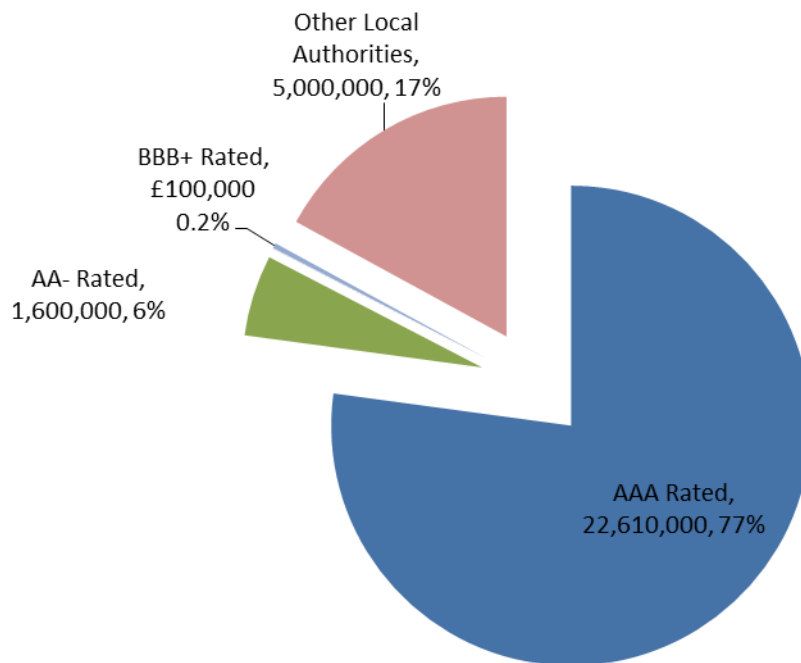
**Chart 2: Council Investments as at 31st December 2017 (£29.3m)**



**Chart 3: Council Investments per lowest equivalent Long Term credit rating (£37.7m) 31st March 2018**



**Chart 4: Council Investments per lowest equivalent Long Term credit rating (£29.3m) 31st December 2017**



## APPENDIX 3

### Average rate of return on investments for 2017/18

	<b>April %</b>	<b>May %</b>	<b>June %</b>	<b>July %</b>	<b>Aug %</b>	<b>Sept %</b>
<b>Average rate of interest earned</b>	0.34%	0.24%	0.24%	0.22%	0.24%	0.24%
<b>Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)</b>	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%
<b>Difference %</b>	0.18%	0.08%	0.08%	0.06%	0.08%	0.08%

<b>(Cont)</b>	<b>Oct %</b>	<b>Nov %</b>	<b>Dec %</b>	<b>Jan %</b>	<b>Feb %</b>	<b>Mar %</b>	<b>Average for Period</b>
<b>Average rate of interest earned</b>	0.26%	0.33%	0.34%	0.36%	0.40%	0.40%	<b>0.30%</b>
<b>Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)</b>	0.17%	0.40%	0.41%	0.41%	0.41%	0.41%	<b>0.26%</b>
<b>Difference %</b>	0.09%	-0.07%	-0.07%	-0.05%	-0.01%	-0.01%	<b>+0.04%</b>

## APPENDIX 4

### Councils External Borrowing at 31<sup>st</sup> March 2018

LONG TERM	Amount	Start	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/34	4.75%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/02/60	4.53%
PWLB	5,000,000	05/08/11	15/02/31	4.86%
PWLB	10,000,000	05/08/11	15/08/29	4.80%
PWLB	15,000,000	05/08/11	15/02/61	4.96%
PWLB	5,300,000	29/01/15	08/04/34	2.62%
PWLB	5,000,000	29/01/15	08/10/64	2.92%
PWLB	19,102,011	20/06/16	20/06/41	2.36%
PWLB	9,655,424	24/02/17	16/02/40	2.28%
PWLB	9,698,525	04/04/17	15/02/42	2.26%
PWLB	8,243,412	08/05/17	15/02/42	2.25%
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KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
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Gloucestershire CC	5,000,000	19/12/14	19/12/19	2.62%
<b>Sub Total</b>	<b>173,965,291</b>			
<b>TEMPORARY</b>				
Tameside Metropolitan	6,000,000	25/04/17	20/04/18	0.49%
West of England Combined Authority	10,000,000	25/04/17	24/04/18	0.55%
PCC For Hampshire	2,500,000	28/07/17	27/07/18	0.41%
<b>Sub Total</b>	<b>18,500,000</b>			
<b>Total</b>	<b>192,465,291</b>			

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## APPENDIX 5

### **Economic and market review for April to 31<sup>st</sup> March 2018** **(provided by Council's Treasury Advisors Arlingclose)**

#### **Economic commentary**

2017-18 was characterised by the push-pull from expectations of tapering of Quantitative Easing (QE) and the potential for increased policy rates in the US and Europe and from geopolitical tensions, which also had an impact.

The UK economy showed signs of slowing with latest estimates showing GDP, helped by an improving global economy, grew by 1.8% in calendar 2017, the same level as in 2016. This was a far better outcome than the majority of forecasts following the EU Referendum in June 2016, but it also reflected the international growth momentum generated by the increasingly buoyant US economy and the re-emergence of the Eurozone economies.

The inflationary impact of rising import prices, a consequence of the fall in sterling associated with the EU referendum result, resulted in year-on-year CPI rising to 3.1% in November before falling back to 2.7% in February 2018. Consumers felt the squeeze as real average earnings growth, i.e. after inflation, turned negative before slowly recovering. The labour market showed resilience as the unemployment rate fell back to 4.3% in January 2018. The inherent weakness in UK business investment was not helped by political uncertainty following the surprise General Election in June and by the lack of clarity on Brexit, the UK and the EU only reaching an agreement in March 2018 on a transition which will now be span Q2 2019 to Q4 2020. The Withdrawal Treaty is yet to be ratified by the UK parliament and those of the other 27 EU member states and new international trading arrangements are yet to be negotiated and agreed.

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2018 and a further two in 2019. However, the imposition of tariffs on a broadening range of goods initiated by the US, which has led to retaliation by China, could escalate into a deep-rooted trade war having broader economic consequences including inflation rising rapidly, warranting more interest rate hikes.

**Financial markets:** The increase in Bank Rate resulted in higher money markets rates: 1-month, 3-month and 12-month LIBID rates averaged 0.32%, 0.39% and 0.69% and at 31<sup>st</sup> March 2018 were 0.43%, 0.72% and 1.12% respectively.

Gilt yields displayed significant volatility over the twelve-month period with the change in sentiment in the Bank of England's outlook for interest rates. The yield on the 5-year gilts which had fallen to 0.35% in mid-June rose to 1.65% by the end of March. 10-year gilt yields also rose from their lows of 0.93% in June to 1.65% by mid-February before falling back to 1.35% at year-end. 20-year gilt yields followed an even more erratic path with lows of 1.62% in June, and highs of 2.03% in February, only to plummet back down to 1.70% by the end of the financial year.

The FTSE 100 had a strong finish to calendar 2017, reaching yet another record high of 7688, before plummeting below 7000 at the beginning of 2018 in the global equity correction and sell-off.

## **Credit background:**

### Credit Metrics

In the first quarter of the financial year, UK bank credit default swaps reached three-year lows on the announcement that the Funding for Lending Scheme, which gave banks access to cheaper funding, was being extended to 2018. For the rest of the year, CDS prices remained broadly flat.

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Barclays was the first to complete its ring-fence restructure over the 2018 Easter weekend; wholesale deposits including local authority deposits will henceforth be accepted by Barclays Bank plc (branded Barclays International), which is the non ring-fenced bank.

**Money Market Fund regulation:** The new EU regulations for Money Market Funds (MMFs) were finally approved and published in July and existing funds will have to be compliant by no later than 21st January 2019. The key features include Low Volatility Net Asset Value (LVNAV) Money Market Funds which will be permitted to maintain a constant dealing NAV, providing they meet strict new criteria and minimum liquidity requirements. MMFs will not be prohibited from having an external fund rating (as had been suggested in draft regulations). Arlingclose expects most of the short-term MMFs it recommends to convert to the LVNAV structure and awaits confirmation from each fund.

## Credit Rating developments

The most significant change was the downgrade by Moody's to the UK sovereign rating in September from Aa1 to Aa2 which resulted in subsequent downgrades to sub-sovereign entities including local authorities.

Changes to credit ratings included Moody's downgrade of Standard Chartered Bank's long-term rating to A1 from Aa3 and the placing of UK banks' long-term ratings on review to reflect the impending ring-fencing of retail activity from investment banking (Barclays, HSBC and RBS were on review for downgrade; Lloyds Bank, Bank of Scotland and National Westminster Bank were placed on review for upgrade).

Standard & Poor's (S&P) revised upwards the outlook of various UK banks and building societies to positive or stable and simultaneously affirmed their long and short-term ratings, reflecting the institutions' resilience, progress in meeting regulatory capital requirements and being better positioned to deal with uncertainties and potential turbulence in the run-up to the UK's exit from the EU in March 2019. The agency upgraded Barclays Bank's long-term rating to A from A- after the bank announced its plans for its entities post ring-fencing.

Fitch revised the outlook on Nationwide Building Society to negative and later downgraded the institution's long-term ratings due to its reducing buffer of junior debt. S&P revised the society's outlook from positive to stable.

S&P downgraded Transport for London to AA- from AA following a deterioration in its financial position.

## **Local Authority Regulatory Changes**

**Revised CIPFA Codes:** CIPFA published revised editions of the Treasury Management and Prudential Codes in December 2017. The required changes from the 2011 Code are being incorporated into Treasury Management Strategies and monitoring reports.

The 2017 Prudential Code introduces the requirement for a Capital Strategy which provides a high-level overview of the long-term context of capital expenditure and investment decisions and their associated risks and rewards along with an overview of how risk is managed for future financial sustainability. Where this strategy is produced and approved by full Council, the determination of the Treasury Management Strategy can be delegated to a committee. The Code also expands on the process and governance issues of capital expenditure and investment decisions. The Authority expects to produce this in the near future.

In the 2017 Treasury Management Code the definition of 'investments' has been widened to include financial assets as well as non-financial assets held primarily for financial returns such as investment property. These, along with other investments made for non-treasury management purposes such as loans supporting service outcomes and investments in subsidiaries, must be discussed in the Capital Strategy or Investment Strategy. Additional risks of such investments are to be set out clearly and the impact on financial sustainability is to be identified and reported.

**MHCLG Investment Guidance and Minimum Revenue Provision (MRP):** In February 2018 the MHCLG (Ministry of Housing, Communities and Local Government) published revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision (MRP).

Changes to the Investment Guidance include a wider definition of investments to include non-financial assets held primarily for generating income return and a new category called “loans” (e.g. temporary transfer of cash to a third party, joint venture, subsidiary or associate). The Guidance introduces the concept of proportionality, proposes additional disclosure for borrowing solely to invest and also specifies additional indicators. Investment strategies must detail the extent to which service delivery objectives are reliant on investment income and a contingency plan should yields on investments fall.

The definition of prudent MRP has been changed to “put aside revenue over time to cover the CFR”; it cannot be a negative charge and can only be zero if the CFR is nil or negative. Guidance on asset lives has been updated, applying to any calculation using asset lives. Any change in MRP policy cannot create an overpayment; the new policy must be applied to the outstanding CFR going forward only.

**MiFID II:** As a result of the second Markets in Financial Instruments Directive (MiFID II), from 3<sup>rd</sup> January 2018 local authorities were automatically treated as retail clients but could “opt up” to professional client status, providing certain criteria was met which includes having an investment balance of at least £10 million and the person(s) authorised to make investment decisions on behalf of the authority have at least a year’s relevant professional experience. In addition, the regulated financial services firms to whom this directive applies have had to assess that that person(s) have the expertise, experience and knowledge to make investment decisions and understand the risks involved.

The Authority has met the conditions to opt up to professional status and has done so in order to maintain its erstwhile MiFID II status prior to January 2018. The Authority will continue to have access to products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.

## APPENDIX 6

### Interest & Capital Financing Costs – Budget Monitoring 2017/18 (April to March)

April to March 2018	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Over or (under) spend £'000	
<b>Interest &amp; Capital Financing</b>				
- Debt Costs	6194	5,353	(841)	FAV
- Internal Repayment of Loan Charges	(8,830)	(7,326)	1,504	ADV
- Ex Avon Debt Costs	1,190	1,190	0	-
- Minimum Revenue Provision (MRP)	5,278	4,264	(1,014)	FAV
- Interest on Balances	(317)	(370)	(53)	FAV
<b>Sub Total - Capital Financing</b>	<b>3,515</b>	<b>3,112</b>	<b>(404)</b>	<b>FAV</b>

## APPENDIX 7

### Summary Guide to Credit Ratings

Rating	Details
AAA	Highest credit quality – lowest expectation of default, which is unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality - expectation of very low default risk, which is not likely to be significantly vulnerable to foreseeable events.
A	High credit quality - expectations of low default risk which may be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
BBB	Good credit quality - expectations of default risk are currently low but adverse business or economic conditions are more likely to impair this capacity.
BB	Speculative - indicates an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time.
B	Highly speculative - indicates that material default risk is present, but a limited margin of safety remains. Capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	Substantial credit risk - default is a real possibility.
CC	Very high levels of credit risk - default of some kind appears probable.
C	Exceptionally high levels of credit risk - default is imminent or inevitable.
RD	Restricted default - indicates an issuer that has experienced payment default on a bond, loan or other material financial obligation but which has not entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, and which has not otherwise ceased operating.
D	Default - indicate an issuer that has entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, or which has otherwise ceased business.

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## APPENDIX 1

### Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

#### 1. Authorised limit for external debt

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
Borrowing	338,000	192,465
Other long term liabilities	2,000	0
<b>Cumulative Total</b>	<b>340,000</b>	<b>192,465</b>

#### 2. Operational limit for external debt

The operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
Borrowing	306,000	192,465
Other long term liabilities	2,000	0
<b>Cumulative Total</b>	<b>308,000</b>	<b>192,465</b>

#### 3. Upper limit for fixed interest rate exposure

This is the maximum amount of total borrowing which can be at fixed interest rate, less any investments for a period greater than 12 months which has a fixed interest rate.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Fixed interest rate exposure</b>	<b>306,000</b>	<b>172,465(*)</b>

\* The £20m of LOBO's are quoted as variable rate in this analysis as the Lender has the option to change the rate at 6 monthly intervals (the Council has the option to repay the loan should the Lender exercise this option to increase the rate).

#### 4. Upper limit for variable interest rate exposure

While fixed rate borrowing contributes significantly to reducing uncertainty surrounding interest rate changes, the pursuit of optimum performance levels may justify keeping flexibility through the use of variable interest rates. This is the maximum amount of total borrowing which can be at variable interest rates.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Variable interest rate exposure</b>	<b>206,000</b>	<b>20,000</b>

### 5. Upper limit for total principal sums invested for over 364 days

This is the maximum amount of total investments which can be over 364 days. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	£'000	£'000
<b>Investments over 364 days</b>	<b>50,000</b>	<b>0</b>

### 6. Maturity Structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk.

	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	%	%	%
Under 12 months	50	Nil	9.6
12 months and within 24 months	75	Nil	0
24 months and within 5 years	75	Nil	5.2
5 years and within 10 years	100	Nil	0
10 years and above	100	Nil	85.2

\* The CIPFA Treasury management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date (which are at 6 monthly intervals for the £20m of LOBO's). However, the Council would only consider repaying these loans if the Lenders exercised their options to alter the interest rate.

### 7. Average Credit Rating

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the weighted average credit rating of its investment portfolio. A summary guide to credit ratings is set out at **Appendix 7**.

	<b>2017/18 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2018</b>
	Rating	Rating
<b>Minimum Portfolio Average Credit Rating</b>	<b>A-</b>	<b>AAA-</b>



## APPENDIX 2

### The Council's Investment position at 31<sup>st</sup> March 2018

The term of investments, from the original date of the deal, are as follows:

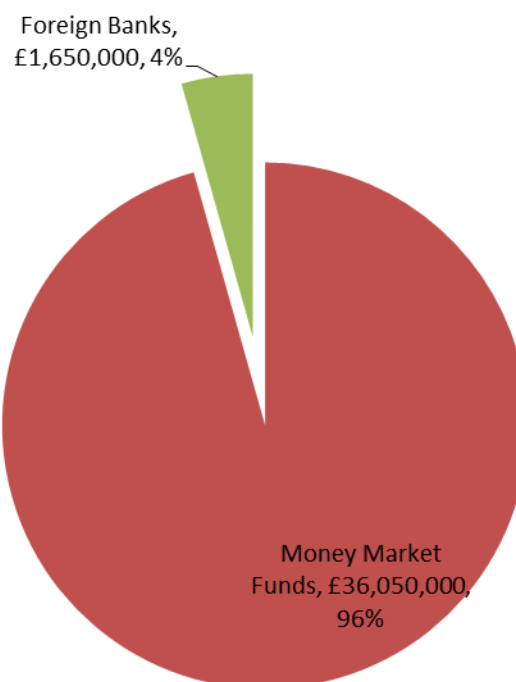
As per Weekly	Balance at 31 <sup>st</sup> March 2018
	£'000's
Notice (instant access funds)	37,700
1 month to 3 months	0
Over 3 months	0
<b>Total</b>	<b>37,700</b>

The investment figure of £37.7 million is made up as follows:

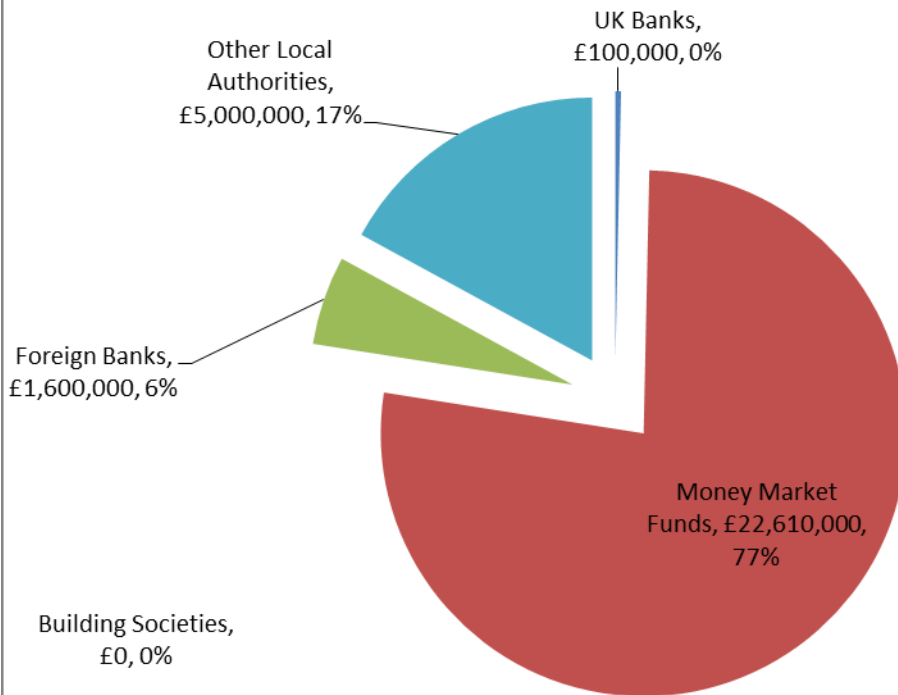
	Balance at 31 <sup>st</sup> March 2018
	£'000's
B&NES Council	33,424
Schools	4,266
<b>Total</b>	<b>37,700</b>

The Council had a total average net positive balance of £33.541m during the period April 2017 to March 2018.

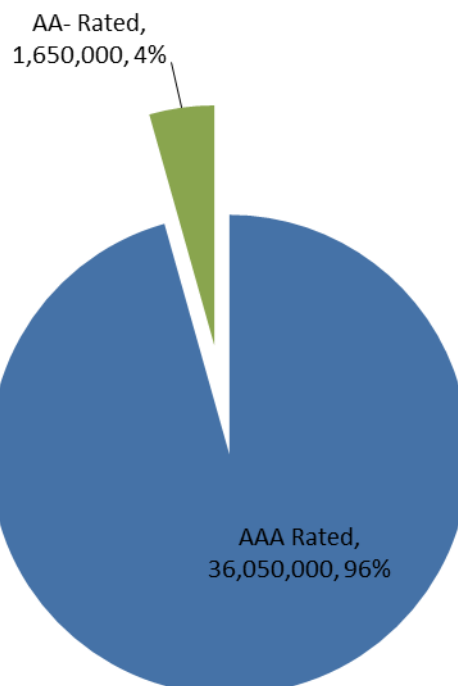
**Chart 1: Council Investments as at 31st March 2018 (£37.7m)**



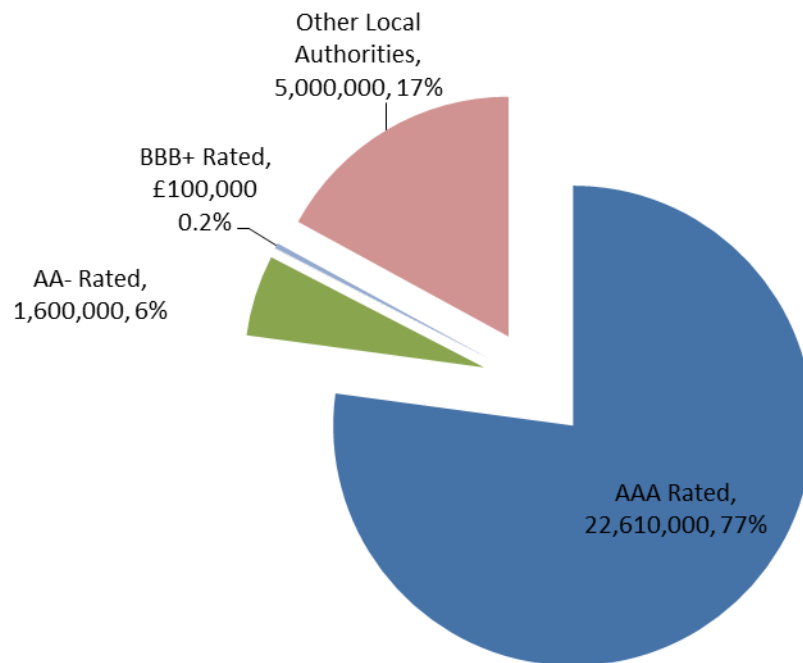
**Chart 2: Council Investments as at 31st December 2017 (£29.3m)**



**Chart 3: Council Investments per lowest equivalent Long Term credit rating (£37.7m) 31st March 2018**



**Chart 4: Council Investments per lowest equivalent Long Term credit rating (£29.3m) 31st December 2017**



## APPENDIX 3

### Average rate of return on investments for 2017/18

	<b>April %</b>	<b>May %</b>	<b>June %</b>	<b>July %</b>	<b>Aug %</b>	<b>Sept %</b>
<b>Average rate of interest earned</b>	0.34%	0.24%	0.24%	0.22%	0.24%	0.24%
<b>Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)</b>	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%
<b>Difference %</b>	0.18%	0.08%	0.08%	0.06%	0.08%	0.08%

<b>(Cont)</b>	<b>Oct %</b>	<b>Nov %</b>	<b>Dec %</b>	<b>Jan %</b>	<b>Feb %</b>	<b>Mar %</b>	<b>Average for Period</b>
<b>Average rate of interest earned</b>	0.26%	0.33%	0.34%	0.36%	0.40%	0.40%	<b>0.30%</b>
<b>Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)</b>	0.17%	0.40%	0.41%	0.41%	0.41%	0.41%	<b>0.26%</b>
<b>Difference %</b>	0.09%	-0.07%	-0.07%	-0.05%	-0.01%	-0.01%	<b>+0.04%</b>

## APPENDIX 4

### Councils External Borrowing at 31<sup>st</sup> March 2018

LONG TERM	Amount	Start	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/34	4.75%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/02/60	4.53%
PWLB	5,000,000	05/08/11	15/02/31	4.86%
PWLB	10,000,000	05/08/11	15/08/29	4.80%
PWLB	15,000,000	05/08/11	15/02/61	4.96%
PWLB	5,300,000	29/01/15	08/04/34	2.62%
PWLB	5,000,000	29/01/15	08/10/64	2.92%
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The rules for UK banks' ring-fencing were finalised by the Prudential Regulation Authority and banks began the complex implementation process ahead of the statutory deadline of 1st January 2019. As there was some uncertainty surrounding which banking entities the Authority would be dealing with once ring-fencing was implemented and what the balance sheets of the ring-fenced and non ring-fenced entities would look like, in May 2017 Arlingclose advised adjusting downwards the maturity limit for unsecured investments to a maximum of 6 months. The rating agencies had slightly varying views on the creditworthiness of the restructured entities.

Barclays was the first to complete its ring-fence restructure over the 2018 Easter weekend; wholesale deposits including local authority deposits will henceforth be accepted by Barclays Bank plc (branded Barclays International), which is the non ring-fenced bank.

**Money Market Fund regulation:** The new EU regulations for Money Market Funds (MMFs) were finally approved and published in July and existing funds will have to be compliant by no later than 21st January 2019. The key features include Low Volatility Net Asset Value (LVNAV) Money Market Funds which will be permitted to maintain a constant dealing NAV, providing they meet strict new criteria and minimum liquidity requirements. MMFs will not be prohibited from having an external fund rating (as had been suggested in draft regulations). Arlingclose expects most of the short-term MMFs it recommends to convert to the LVNAV structure and awaits confirmation from each fund.

## Credit Rating developments

The most significant change was the downgrade by Moody's to the UK sovereign rating in September from Aa1 to Aa2 which resulted in subsequent downgrades to sub-sovereign entities including local authorities.

Changes to credit ratings included Moody's downgrade of Standard Chartered Bank's long-term rating to A1 from Aa3 and the placing of UK banks' long-term ratings on review to reflect the impending ring-fencing of retail activity from investment banking (Barclays, HSBC and RBS were on review for downgrade; Lloyds Bank, Bank of Scotland and National Westminster Bank were placed on review for upgrade).

Standard & Poor's (S&P) revised upwards the outlook of various UK banks and building societies to positive or stable and simultaneously affirmed their long and short-term ratings, reflecting the institutions' resilience, progress in meeting regulatory capital requirements and being better positioned to deal with uncertainties and potential turbulence in the run-up to the UK's exit from the EU in March 2019. The agency upgraded Barclays Bank's long-term rating to A from A- after the bank announced its plans for its entities post ring-fencing.

Fitch revised the outlook on Nationwide Building Society to negative and later downgraded the institution's long-term ratings due to its reducing buffer of junior debt. S&P revised the society's outlook from positive to stable.

S&P downgraded Transport for London to AA- from AA following a deterioration in its financial position.

## Local Authority Regulatory Changes

**Revised CIPFA Codes:** CIPFA published revised editions of the Treasury Management and Prudential Codes in December 2017. The required changes from the 2011 Code are being incorporated into Treasury Management Strategies and monitoring reports.

The 2017 Prudential Code introduces the requirement for a Capital Strategy which provides a high-level overview of the long-term context of capital expenditure and investment decisions and their associated risks and rewards along with an overview of how risk is managed for future financial sustainability. Where this strategy is produced and approved by full Council, the determination of the Treasury Management Strategy can be delegated to a committee. The Code also expands on the process and governance issues of capital expenditure and investment decisions. The Authority expects to produce this in the near future.

In the 2017 Treasury Management Code the definition of 'investments' has been widened to include financial assets as well as non-financial assets held primarily for financial returns such as investment property. These, along with other investments made for non-treasury management purposes such as loans supporting service outcomes and investments in subsidiaries, must be discussed in the Capital Strategy or Investment Strategy. Additional risks of such investments are to be set out clearly and the impact on financial sustainability is to be identified and reported.



**MHCLG Investment Guidance and Minimum Revenue Provision (MRP):** In February 2018 the MHCLG (Ministry of Housing, Communities and Local Government) published revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision (MRP).

Changes to the Investment Guidance include a wider definition of investments to include non-financial assets held primarily for generating income return and a new category called “loans” (e.g. temporary transfer of cash to a third party, joint venture, subsidiary or associate). The Guidance introduces the concept of proportionality, proposes additional disclosure for borrowing solely to invest and also specifies additional indicators. Investment strategies must detail the extent to which service delivery objectives are reliant on investment income and a contingency plan should yields on investments fall.

The definition of prudent MRP has been changed to “put aside revenue over time to cover the CFR”; it cannot be a negative charge and can only be zero if the CFR is nil or negative. Guidance on asset lives has been updated, applying to any calculation using asset lives. Any change in MRP policy cannot create an overpayment; the new policy must be applied to the outstanding CFR going forward only.

**MiFID II:** As a result of the second Markets in Financial Instruments Directive (MiFID II), from 3<sup>rd</sup> January 2018 local authorities were automatically treated as retail clients but could “opt up” to professional client status, providing certain criteria was met which includes having an investment balance of at least £10 million and the person(s) authorised to make investment decisions on behalf of the authority have at least a year’s relevant professional experience. In addition, the regulated financial services firms to whom this directive applies have had to assess that that person(s) have the expertise, experience and knowledge to make investment decisions and understand the risks involved.

The Authority has met the conditions to opt up to professional status and has done so in order to maintain its erstwhile MiFID II status prior to January 2018. The Authority will continue to have access to products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.

## APPENDIX 6

### Interest & Capital Financing Costs – Budget Monitoring 2017/18 (April to March)

April to March 2018	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Over or (under) spend £'000	
<b>Interest &amp; Capital Financing</b>				
- Debt Costs	6194	5,353	(841)	FAV
- Internal Repayment of Loan Charges	(8,830)	(7,326)	1,504	ADV
- Ex Avon Debt Costs	1,190	1,190	0	-
- Minimum Revenue Provision (MRP)	5,278	4,264	(1,014)	FAV
- Interest on Balances	(317)	(370)	(53)	FAV
<b>Sub Total - Capital Financing</b>	<b>3,515</b>	<b>3,112</b>	<b>(404)</b>	<b>FAV</b>

## APPENDIX 7

### Summary Guide to Credit Ratings

Rating	Details
AAA	Highest credit quality – lowest expectation of default, which is unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality - expectation of very low default risk, which is not likely to be significantly vulnerable to foreseeable events.
A	High credit quality - expectations of low default risk which may be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
BBB	Good credit quality - expectations of default risk are currently low but adverse business or economic conditions are more likely to impair this capacity.
BB	Speculative - indicates an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time.
B	Highly speculative - indicates that material default risk is present, but a limited margin of safety remains. Capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	Substantial credit risk - default is a real possibility.
CC	Very high levels of credit risk - default of some kind appears probable.
C	Exceptionally high levels of credit risk - default is imminent or inevitable.
RD	Restricted default - indicates an issuer that has experienced payment default on a bond, loan or other material financial obligation but which has not entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, and which has not otherwise ceased operating.
D	Default - indicate an issuer that has entered into bankruptcy filings, administration, receivership, liquidation or other formal winding-up procedure, or which has otherwise ceased business.

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	12 <sup>th</sup> July 2018	
TITLE:	Amendments to the Constitution and related business	
WARD:	All	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>		
Appendix 1 – Part 3, Section 4 A-E Officer Delegation Scheme		
Appendix 2 – Part 3, Section 4 C-1 Proper Officer functions table		
Appendix 3 – Development Management delegation scheme		
Appendix 4 – Housing Services delegation scheme		
Appendix 5 – Part 4K – Employment rules		
Appendix 6 – Part 5, Restructuring Implementation Committee Terms of Reference		

## **1 THE ISSUE**

1.1 The Constitution is a single point of reference which contains the principal governance structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

1.2 This report sets out various proposed amendments to the Constitution.

## **2 RECOMMENDATION**

The Council is asked to;

2.1 Agree the revised Officer delegation scheme (Part 3, Section 4 A-E) as set out in paragraph 5.1 and Appendix 1;

2.2 Agree the revised Proper Officer functions table (Part 3, Section 4 C-1) as set out in paragraph 5.1 and Appendix 2;

2.3 Agree the revised Development Management delegation scheme (Part 3 – Responsibility for Functions) as set out in paragraph 5.2 and Appendix 3;

- 2.4 Agree the revised Housing Services delegation scheme (Part 3 – Responsibility for Functions) as set out in paragraph 5.2 and Appendix 4;
- 2.5 Agree the proposed revisions to the Employment rules (Part 4K) as described in paragraph 5.3 and Appendix 5;
- 2.6 Agree the revised Restructuring Implementation Committee Terms of Reference (Part 5) as set out in paragraph 5.3 and Appendix 6;
- 2.7 Agree that the Indemnities scheme for Members and Officers (already approved on 21<sup>st</sup> July 2016) can be amended to specifically mention panel and co-opted members, which was always the intention of the scheme, as set out in paragraph 5.4.

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

- 3.1 There are no financial, property or people implications directly arising from this report.

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

- 4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

### **5 THE REPORT**

#### **5.1 Officer delegations**

The Officer Delegation scheme has been amended to reflect the new Council management structure and includes an amendment to the Corporate Property Officer section and inclusion of the Data Protection Officer in line with GDPR regulations.

The Proper Officer Functions table has been amended to include the Data Protection Act 2018.

Any other minor post title changes have been amended in the Constitution.

#### **5.2 Revisions to Service delegation schemes**

These revisions are recommended to ensure the schemes remain legal, relevant and effective.

#### **5.3 Employment rules**

The constitutional rules concerning the Employment committee and the Restructuring Implementation Committee have been amended to reflect the delegations that Council made to the Restructuring Implementation Committee.

The Terms of Reference of the Restructuring Implementation Committee have been amended to make them more comprehensive, by including existing Human Resources policy regarding compulsory redundancies. This does not reflect a change to policy.

#### 5.4 Indemnities for co-opted members

The Council on 21<sup>st</sup> July 2016 approved an Indemnities Scheme for Members and Officers (as recommended by the Standards Committee);

<https://democracy.bathnes.gov.uk/documents/g4527/Public%20reports%20pack%2021st-Jul-2016%2018.30%20Council.pdf?T=10>

Recent consideration of independent school appeal panel members' responsibilities with regard to GDPR has highlighted the need for this policy to be confirmed as covering all panel members and co-opted members. Council is asked to confirm this to provide the reassurance needed for these invaluable voluntary panel members.

### 6 RATIONALE

- 6.1 Council is requested to agree the amendments to ensure that the Constitution is up to date with best practice and provides robust arrangements to facilitate effective debate and decision making. An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

### 7 OTHER OPTIONS CONSIDERED

- 7.1 If the Constitution is not amended, it will not be robust enough to support effective decision making processes at Council, or reflect the correct legal position.

### 8 CONSULTATION

- 8.1 The Chief Executive & Monitoring Officer were consulted in preparing this report.

### 9 RISK MANAGEMENT

- 9.1 Considered as part of the formulation of proposals.

<b>Contact person</b>	<i>Jo Morrison, Democratic Services Manager, 01225 394358</i>
<b>Background papers</b>	<i>The Constitution.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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## **SECTION 4**

### **DELEGATION OF FUNCTIONS TO OFFICERS**

The following paragraphs and tables explain the Council's Scheme of Delegations to Officers of the Council.

#### **INTRODUCTION**

Under the provisions of this Scheme, the Council makes arrangements for the discharge of its functions by officers of the Council. Section A defines these Officers and sets out what they may do.

Section B sets out the range of activities that may be undertaken by such Officers.

Section C sets out some activities which may only be undertaken by certain Officers.

Section D sets out the general provisions of the Scheme, indicating the limits on the powers conferred, conditions prior to their exercise and other necessary information.

Section E sets out the consideration that could justify the issue in question being referred to a Cabinet Member or the Cabinet for resolution.

#### **SECTION A**

The Chief Executive, Corporate Directors, Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility other than

- a. those reserved to certain officers (see Section 4C) where delegated power subsists only for those officers.
- b. The general conditions set out in Section 4D and
- c. The issue not being one which, under Section 4E, should be referred to a Cabinet Member or Cabinet Members for resolution.

#### **SECTION B**

### **GENERAL PROVISIONS**

Applicable to all officers specified in Section A.

The Council has made arrangements for the Officers specified in Section A to discharge the responsibilities outlined therein. Subject only to the limitations set out in Section D below, Officers are authorised to take all action and decisions deemed necessary to enable those responsibilities to be effectively discharged in accordance with the following schemes or arrangements:-

- Budget Management Scheme
- Scheme of Delegation to Officers in respect of day to day human resource management and Employee Code of Conduct

- Financial Regulations
- Corporate Legal Standards
- Standing Orders relating to Contracts
- Protocol for Member/Officer relations

Without prejudice to the generality of this, Officers are authorised to:-

- determine the amount(s) of any fee or charge the Council is entitled or authorised to levy or make in respect of the discharge or any of its functions subject to such charges:
  - (a) being in line with the Council's financial plan; and
  - (b) in the opinion of the officer concerned, not involving major restructuring of charges or the introduction of any new charges.
- recruit, manage and dismiss staff necessary to enable the Council's powers and duties to be discharged in accordance with the Council's scheme for the management of the employment matters and the employee Code of Conduct referred above.
- prepare and implement necessary or required plans or strategies for appropriate approvals.
- make bids or requests for financial or other support from any government or other agencies with responsibilities which encompass those of the Council.
- determine all applications for financial assistance or grant from the Council.
- manage any allocated building premises or land.
- implement any approved service or business plans.
- liaise with the media (to the extent appropriate for officers) and issue publicity (in accordance with the requirements of the Statutory Code of Guidance and the law).
- respond to government or other consultation papers or documents and make representations on matter of interest to the Council to appropriate authorities.
- take decisions necessary or appropriate to give effect to approved capital and revenue budgets and programmes and take any other decisions necessary or authorised under the provisions of financial regulations the Budget management scheme and Standing Orders relating to contracts.
- manage Council funds, stock and material including taking any necessary action to protect them.
- make comments/objection to any statutory or other body necessary to give effect to a decision of the Council.
- enter into and manage contracts and grant exemptions from contract standing orders for contracts of all values (other than those specifically reserved to specified officers outlined in Section C).
- serve any notices and make, amend or revoke any orders falling within his/her area of responsibility.

## NOTE

The Scheme of Delegation to Officers in respect of day to day human resource management includes within it the right for management to issue instructions.

Without prejudice to the generality of the Scheme, the Chief Executive is authorised to issue instructions and directions to any officer of the Council save in respect of the Council's statutory officers when acting in such capacity. The Council's statutory officers for this purpose are the Corporate Directors, Director (Finance) as Chief Finance Officer, and the Director (Legal and Democratic Services) as Monitoring Officer and Electoral Registration/Returning Officer.)

## **SECTION C**

### **SPECIFIC AUTHORISATIONS**

*[See separate section 4C-1 for Proper Officer functions]*

#### **DIVISIONAL DIRECTOR (FINANCE)**

1. To carry out the functions conferred of Chief Finance Officer conferred by law and the Council's financial regulations and the budget management scheme.

#### **PEOPLE TEAM LEADER, PLACE TEAM LEADER, RESOURCES TEAM LEADER, LEGAL SERVICES MANAGER AND DIRECTOR (LEGAL & DEMOCRATIC SERVICES)**

1. The powers conferred by resolution of the Council dated October 1999
2. To institute and conduct all civil and criminal proceedings by the Council.
3. To defend or participate in any legal proceedings brought against the Council (or its employees as a result of actions incurred during the course of their employment) or where the Council's interests are affected and to negotiate settlement.
4. To institute and conduct all proceedings and procedures to implement and enforce any decision of the Council.
5. To select and instruct Counsel and other legal service providers.
6. To enter into contracts for the provision of legal advice and services with public bodies as defined by the Local Authorities (Goods and Services) Act 1970.
7. To enter into and merge contracts and grant exemption from Contract Standing Orders for contracts of all values.

#### **CORPORATE PROPERTY OFFICER**

1. The acquisition, disposal and management of all interests in real property in accordance with a scheme devised by the Property Board and any such scheme as may be approved by the Council from time to time.

2. To enter contracts for the provision of property services with public bodies as defined by the Local Authorities (Goods and Services) Act 1970.

## **DATA PROTECTION OFFICER**

1. To carry out the functions under the GDPR and the Data Protection Act 2018 as a public authority responsible for the handling of personal data in the role of controller or otherwise and for the control and release of data under the Freedom of Information Act 2000, the Environmental Information regulations 2004 and Local Government (Access to Information) Act 1985.

## **SECTION D**

### **SCHEME OF DELEGATION TO OFFICERS – GENERAL PROVISIONS**

1. The exercise of the arrangements for the discharge of functions in this document are subject to the provisions of Standing Orders, Financial Regulations, Contract Standing Orders, the Budget Management Scheme, Corporate Legal Standards all relevant legal provisions and the provisions of the Constitution.
2. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
3. The exercise of a delegated power, duty or function:
  - (a) shall be subject to the Council's policies;
  - (b) shall not amount to a new policy or extension of or amendment to an existing policy; and
  - (c) shall be subject to the requirements of the documents set out in Paragraph 1.
4. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
5. Delegations to officers are subject to:-
  - (a) the right of the Cabinet or a Cabinet Member to decide any matter in particular case, where they have the power to do so;
  - (b) the Head of Service or other Officer may in any case in lieu of exercising his/her delegated power refer to a Committee or Sub-Committee for a decision where that body has the power to act; and
  - (c) any restrictions, conditions or directions of the Leader of the Council.
6. In exercising delegated powers, the Chief Executive, Corporate Director, Director, Head of Service or other officers shall:-

- (a) comply with the requirements of the Corporate Legal Standards and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
  - (b) exercise the delegation so as to promote the efficient, effective and economic running of that service, and the Council, and in furtherance of the Council's visions and values;
  - (c) keep a full record of action taken and, where and when appropriate, report back to the decision making body as to the exercise of those delegated powers, and
  - (d) carry out necessary consultations
7. In exercising delegated powers, officers shall not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by Contract Standing Orders or Financial Regulations.
  8. In exercising delegated powers, officers shall have regard to any advice of the Head of Paid Service, the Monitoring Officer or of the Chief Financial Officer.
  9. An Officer to whom a power, duty or function is delegated may nominate or authorise another Officer to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator.
  10. Subject to any express instructions to the contrary from the Council, Committee or Sub-Committee, any power to approve also includes the power to refuse and the power to impose appropriate conditions.
  11. Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.
  12. Where a power or duty is delegated to an Officer and the exercise of the power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the Officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
  13. References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
  14. Any reference to any Act of Parliament includes reference to Regulations, subordinate and European legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
  15. The compilation of a Register of Delegated Powers is a statutory requirement. The Register is maintained by the Monitoring Officer and detailed amendments are added to it as they are made by the Leader of the Council,

the Council, Committees and Sub-Committees, the Chief Executive and other Officers. Officers should take care to inform themselves of any subsequent changes to the Register before relying on this document.

16. Following consultation with the Monitoring Officer, the Chief Executive will have the power to amend the Register to reflect re-organisations, changes in Job Titles and vacancies, where said changes result in re-distributing existing delegations and not the creation of new ones.
17. All matters of interpretation of this document will be determined by the Monitoring Officer.
18. Officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this scheme) to the nearest practicable point to the service user and in a way which clearly identifies accountabilities.
19. All responsible Officers of the Council are authorised and required to consider and discharge on the Council's behalf its powers and duties under the following statutory provisions:-  
  
Crime and Disorder Act 1988 Section 17  
Equalities Act 2010  
Data Protection Act 1998  
Human Rights Act 1998  
Localism Act 2011 Sections 1 – 4  
Freedom of Information Act 2000  
Environmental Information Regulations 2005
20. Officers are required to consider before exercising delegated powers, whether in their opinion the criteria set out in Section E below are applicable.
21. The officers referred to in Section A may make arrangements within their area of responsibility for the discharge of functions to be carried out by other specified officers. Such arrangements must be recorded in writing and notified to the Monitoring Officer who will ensure such arrangements are recorded in the Register referred to at 15 above.

## **SECTION E**

### **CRITERIA FOR REFERRAL OF AN OFFICER ISSUE FOR MEMBER LEVEL CONSIDERATION OR DECISION**

If any of the following criteria apply, the matter is to be considered by elected members in the appropriate forum as follows:

Cabinet or Cabinet Member

The opinion of the Chief Executive in consultation with the Leaders of the Council, as to the interpretation and application of these criteria shall be final and conclusive.

- (i) matters of significant political impact including those which impact significantly on the issue of members' accountability to the electorate;
- (ii) matters of substance relating to key and significant projects;
- (iii) matters which raise specific issues requiring choices between options which themselves might have knock-on effects elsewhere- eg on funding;
- (iv) where significant risks have been identified in proceeding with the issue as a result of risk analysis;
- (v) where issues of timing, presentation, or relationships with other bodies (eg other Councils, outside bodies, central government) have become critical to resolve;
- (vi) where there is a significant deviation from the original intention of a project plan etc
- (vii) where a decision is required which was not anticipated in the Council's agreed plans or policies;
- (viii) a proposal for a detailed Strategy/Action Plan which is consistent with, but goes beyond the intended scope of an agreed Council Policy
- (ix) where a high level implementation decision is required.

The relevant lead Officer will be responsible for determining which is the relevant member body, having considered any advice from the Chief Executive who will be the final arbiter in such matters.

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**Bath & North East Somerset Council**

**Proper Officer Functions**

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. Subject to the proper officer appointments set out below, the Chief Executive and each Corporate Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.

**LOCAL GOVERNMENT ACT 1972**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive  Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the Council and of Councillors.	Chief Executive  Monitoring Officer & Director (Legal & Democratic Services)
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive  Monitoring Officer & Director (Legal & Democratic Services)
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Manager  Monitoring Officer & Director (Legal & Democratic Services)
100B(2) Inserted by Local Government (Access to Information Act 1985)	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager

100B((7)(c))	To supply to the press additional material supplied to members of the Council in connection with the item to be discussed.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
100C(2)	To prepare a written summary of proceedings taken by a Committee in private.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
100D(1)	To compile a list of background papers to a report to a Committee.	Corporate Director, Director or other officer in whose name the report is written.
100D(5)(a)	Identifying background papers of reports.	Corporate Director, Director or other officer in whose name the report is written.
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Director - Finance
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying disputed boundaries.	Director, Economy & Growth
210	To exercise certain residual functions relating to charities.	Monitoring Officer & Director (Legal & Democratic Services)
225	To receive and retain documents deposited with the Local Authority.	Monitoring Officer & Director (Legal & Democratic Services)
229	To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the	Monitoring Officer & Director (Legal & Democratic Services) (generally) and all

	original document.	Directors and Corporate Directors within their areas of responsibility
234	To sign any notice, order or other document on behalf of the Authority; any document purporting to be so signed being deemed to be issued by the Authority.	Monitoring Officer & Director (Legal & Democratic Services)
236	To send to the Council of every Parish in the area a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Monitoring Officer & Director (Legal & Democratic Services)
238	Certification of copy of byelaws.	Monitoring Officer & Director (Legal & Democratic Services)
<b>Schedule 12</b> (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive  Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Manager

## REGISTRATION SERVICES

4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Digital & Customer Service Transformation
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949	Head of Digital & Customer Service Transformation
4	In relation to the approval of premises for the	Head of Digital & Customer Service

	solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Transformation
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### **MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005**

	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees and offer discounts where applicable.	Head of Digital & Customer Service Transformation
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### **LOCAL GOVERNMENT ACT 1974**

30(5)	Giving public notice of receipt of report by a Local Commissioner	Monitoring Officer & Director (Legal & Democratic Services)
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### **HIGHWAYS ACT 1980**

59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Director, Environment
205(3)(4) & (5)	To undertake duties in relation to private street works.	Director, Environment

210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Director, Environment
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Director, Environment
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Director, Environment
Section 321	Authentication of notices, consents, approvals, orders, demands, licenses, certificates or other documents.	Director, Environment
Schedule 9, Paragraph 4	Signing plans showing proposed improvement or building lines.	Director, Environment

#### **LOCAL GOVERNMENT FINANCE ACT 1988**

116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer"	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
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#### **LOCAL GOVERNMENT AND HOUSING ACT 1989**

2	To receive on deposit a list of politically restricted posts.	Head of Human Resources & Organisational Development
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive (as Head of Paid Service)
15 and 16	To undertake all matters	Democratic Services

	relating to the formal establishment of political groups within the membership of the Council.	Manager
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## **FOOD SAFETY ACT 1990**

49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Director, Environment
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## **LOCAL GOVERNMENT ACT 2000**

### **SECTION 9G AND 9GA: MEETINGS AND ACCESS TO INFORMATION ETC**

### **LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)**

Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Monitoring Officer & Director (Legal & Democratic Services)
Regulation 10	Informing the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and making available for public inspection notices relating to this.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 13	Producing a written statement of decisions made by individual Cabinet Members.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services

		Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 15 and Regulation 2	Making available for inspection a list of background papers.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Monitoring Officer & Director (Legal & Democratic Services)  Democratic Services Manager

**LOCAL GOVERNMENT ACT 2000**  
**SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)**

Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Monitoring Officer & Director (Legal & Democratic Services)  Electoral Services
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**LOCALISM ACT 2011**

29	Establish, maintain and publish a Register of Interests.	Monitoring Officer & Director (Legal & Democratic Services)
33	<p>Grant a dispensation in circumstances where without the dispensation:</p> <ul style="list-style-type: none"> <li>the number of persons prohibited by having a DPI from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or</li> <li>the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;</li> <li>each member of the authority's executive would be prohibited by DPIs from participating in any particular business to be transacted by the authority's executive.</li> </ul>	Monitoring Officer & Director (Legal & Democratic Services)

#### **LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

1 (Part 11)	Notifications to the Cabinet concerning appointments and dismissals.	Head of Human Resources & Organisational Development
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#### **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000**

21, 22, 27, 28 and 29	The Senior Responsible	Monitoring Officer &
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	<p>Officer for RIPA.</p> <p>Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources and communications data checks.</p>	<p>Director (Legal &amp; Democratic Services)</p> <p>Chief Executive.</p>
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#### **FREEDOM OF INFORMATION ACT 2000**

36	<p>Acting as a “qualified person” in respect of information held by the Council.</p>	<p>Monitoring Officer &amp; Director (Legal &amp; Democratic Services)</p> <p>Chief Executive.</p>
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#### **DATA PROTECTION ACT 2018**

Part 3, Chapter 4, section 69	<p>Designated Data Protection Officer for Council as Data controller</p>	<p>Director (Risk &amp; Assurance)</p> <p>Chief Executive.</p>
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## OFFICER DELEGATIONS

### DEVELOPMENT MANAGEMENT COMMITTEE

#### 1. General Delegations

The Director of Development and the following Officer(s) ("Designated Officers") and their duly appointed deputies are within the Authority's approved procedures (but subject to all relevant legislation and the Council's Standing Orders, Financial Regulations, Strategy and Programme) authorised to take decisions on behalf of the Council in respect of matters of managerial or professional responsibility and to put into effect approved schemes of the Council's Strategy and Programme.

	<u>Designated Officer(s)</u>	<u>Deputies</u>
	Director, Development	Group Manager - Development Management  Team Managers; Development Management, Planning and Conservation, & Planning and Enforcement  Principal Planning Officer  Senior Planning/Conservation Officer  Senior Planning Enforcement Officer  Planning/Conservation Officer  Planning Enforcement Officer  Archaeology Officer  Senior Arboricultural Officer  Planning Information Officer/Planning Apprentice  Technical Support Coordinator  Technical Support Officer  Group Manager – Policy and Environment

	Head of Legal and Democratic Services and Monitoring Officer	Legal Officers
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## 2. Specific Officer Delegations

- (i) Listed below are those matters falling within the remit of the Committee (“Functions”) and delegated by the Committee to the Officers shown (“Nominated Officers”)
- (ii) Unless otherwise stated, reference to Function is to the relevant one arising under the Town and Country Planning Act 1990 as subsequently amended or re-enacted, including any Regulations or Orders made under that Act.
- (iii) Reference to any other Act includes any amendments to, or re-enactment of, that Act and/or any Orders or Regulations made under that Act.
- (iv) Reference to any Order or Regulations include reference to any Order or Regulations amending or revoking and re-enacting that Order or those Regulations with or without modification.
- (v) Nominated Officers are to:-
  - a. perform all functions on behalf of the Council and in the Council’s name,
  - b. act, subject to statutory requirements, within any relevant aspects of the Council’s Strategy and Programme,
  - c. consult with the appropriate professional or technical Officer of the Authority in respect of matters not within the competence of the Nominated Officer; and
  - d. maintain an adequate record of action taken.

# SCHEME OF DELEGATION – PLANNING & RELATED APPLICATIONS & ENFORCEMENT

A	<u>PLANNING APPLICATIONS</u>	<u>Nominated Officers</u>
1	<p>To determine all applications for planning and other permissions, excluding Permissions in Principle (see section B below) but including Listed Building Consent <u>except</u> where:</p> <p>1 A Ward Member has, before a delegated decision is made and within four weeks of the publication of the Weekly List containing that application, submitted in writing to:</p> <p><a href="mailto:development_management@bathnes.gov.uk">development_management@bathnes.gov.uk</a></p> <p>a request, for the attention of the relevant case officer, that the application be referred to Committee specifying the planning reasons for the request and such referral has been agreed by the Chair of Development Management Committee, taking into account:-</p> <ul style="list-style-type: none"> <li>• Relevant material considerations raising significant planning concerns</li> <li>• Significant implications for adopted policy</li> <li>• The nature, scale and complexity of the proposed development.</li> </ul> <p>(NB the Ward Member will be expected to attend the Committee meeting at which the application they referred is to be discussed.)</p> <p>2 An application has been subject of a letter of objection or support from the Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Management Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section,</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>

	<p>letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application.</p> <p>3 The Director, Development and/or the Group Manager, Development Management considers that the application should be considered by Committee.</p> <p>4 The applicant is a Councillor for Bath and North East Somerset or a Council employee who works within Planning Services.</p> <p>5 The application is one in connection with either a Councillor for Bath and North East Somerset Council or a Council employee or someone who is privately employed in any capacity (e.g. as agent or consultant) and who has direct links with the Planning Service.</p> <p>NB No nominated officer may determine an application in respect of which they have also acted as Case Officer.</p>	
B	<u>PRIOR NOTIFICATIONS</u>	<u>Nominated Officers</u>
1	Applications for Prior Approval in accordance with the provisions of the General Permitted Development Order 2015 as amended or other Regulations that impose a strict deadline for the issuing of a decisions, or where the application cannot be reported to Committee in time for a decision notice to be supplied to the applicant prior to the expiry of the statutory period, shall be determined under delegated powers, and not be reported to Committee, even if one of the exceptions numbered A1 – 5 above applies.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Planning Information Officer/Planning Apprentice</li> </ul>
C	<u>PERMISSION IN PRINCIPLE</u>	<u>Nominated Officers</u>
	Applications for Permission in Principle (PIPs) and Technical Details Consent (TDCs) in accordance with the provisions of the Town and Country Planning (Permission	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development</li> </ul>

<p>in Principle) Order 2017</p> <p>Due to the short period for determination of these applications (5 weeks) a Ward Member wishing to call the application to Development Management Committee must make their request in writing within two weeks of the publication of the Weekly List in order for it to be considered within the relevant committee cycle.</p> <p>Requests should be submitted to <a href="mailto:development_management@bathnes.gov.uk">development_management@bathnes.gov.uk</a> for the attention of the relevant case officer, and must specify the planning reasons for the request. Any such referral must be agreed by the Chair of Development Management Committee, taking into account:-</p> <ul style="list-style-type: none"> <li>• Relevant material considerations raising significant planning concerns</li> <li>• Significant implications for adopted policy</li> <li>• The nature, scale and complexity of the proposed development.</li> </ul> <p>(NB the Ward Member will be expected to attend the Committee meeting at which the application they referred is to be discussed.)</p> <p>An application for PIP or TDC subject to a letter of objection or support from the Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Management Committee before a decision is made whether or not to refer the application to committee. Letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application.</p> <p>The Director, Development and/or the Group</p>	<p>Management</p> <ul style="list-style-type: none"> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
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	<p>Manager, Development Management may call any application for PIP or TDC to Committee.</p> <p>Where the applicant is a Councillor for Bath and North East Somerset or a Council employee who works within Planning Services, the application will be presented to Committee.</p> <p>Where the application is one in connection with either a Councillor for Bath and North East Somerset Council or a Council employee or someone who is privately employed in any capacity (e.g. as agent or consultant) and who has direct links with the Planning Service it will be presented to Committee.</p> <p>No nominated officer may determine an application in respect of which they have also acted as Case Officer.</p>	
D	<u>PLANNING ENFORCEMENT</u>	<u>Nominated Officers</u>
1	The issue of Discontinuance/ Enforcement Stop Notice(s) and making applications for and enforcing injunction(s) in cases of urgency.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
2	The issue of Temporary Stop Notices.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>



		<ul style="list-style-type: none"> <li>Principal Planning Officer</li> </ul>
3	The issue of Planning Contravention Notices and notice under Section 330 Town & Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	<ul style="list-style-type: none"> <li>Director, Development</li> <li>Group Manager – Development Management</li> <li>Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>Principal Planning Officer</li> </ul>
4	The issue of Breach of Condition Notices.	<ul style="list-style-type: none"> <li>Director, Development</li> <li>Group Manager – Development Management</li> <li>Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>Principal Planning Officer</li> </ul>
5	<p>The issue of Enforcement Notices in the following circumstances:</p> <p>(i) where planning permission has been granted for development but the development is subsequently not carried out in accordance with the approved plans;</p> <p>(ii) where the owner of the property has been notified in advance by the Council in writing that planning permission is required for the development, but the development is subsequently carried out without the required planning permission;</p> <p>(iii) where the unauthorised development relates to a material change of use (other than to use as a dwelling house);</p> <p>(iv) where the unauthorised development relates a temporary use of land;</p> <p>(v) where time is of the essence to keep the unauthorised development within the control</p>	<ul style="list-style-type: none"> <li>Director, Development</li> <li>Group Manager – Development Management</li> <li>Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>Principal Planning Officer</li> </ul>

	<p>of the Council as local planning authority</p> <p>(vi) Where unauthorised development has been carried out and a retrospective application has been refused/dismissed on appeal.</p> <p>(vii) Where unauthorised development has been carried out and an application for planning permission could not address the harm caused and therefore is unlikely to be granted</p>	
6	<p>The issue of Notices requiring the proper maintenance of land adversely affecting the amenity of a neighbourhood.</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
7	<p>To authorise prosecution proceedings where:</p> <p>a) The requirements of an Enforcement Notice have not been carried out as specified in the notice.</p> <p>b) The requirements of a Breach of Condition Notice have not been complied with.</p> <p>c) Where unauthorised works have been carried out to a listed building where significant irreversible harm has been caused.</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
8	<p>To determine not to take any form of enforcement action where it is considered NOT to be expedient to do so having regard to the development plan and any other material planning considerations.</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>

		<ul style="list-style-type: none"> <li>• Principal Planning Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning Enforcement Officer</li> </ul>
E	<u>ADVERTISEMENTS ENFORCEMENT</u>	<u>Nominated Officers</u>
1	To take appropriate action (whether prosecution, injunction proceedings or enforcement) in respect of the unauthorised display of an advertisement.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
F	<u>LISTED BUILDINGS AND CONSERVATION AREAS ENFORCEMENT</u>	<u>Nominated Officers</u>
1	<p>The issue of Listed Building Enforcement Notices in the following circumstances:-</p> <p>(i) Where Listed Building Consent has been granted for works and the works have not been carried out in accordance with that Consent.</p> <p>(ii) Where the owner/occupier of the property has been notified in advance by the Council in writing that Listed Building Consent is required for the proposed works and the works are subsequently carried out without the required Listed Building Consent.</p> <p>(iii) Unauthorised works have been carried out to a listed building and an application for retrospective listed building consent has been refused or an appeal in respect of the unauthorised works has been dismissed.</p> <p>(iv) Where unauthorised works have been carried out to a listed building and an application for listed building consent could</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>

	not address the harm caused and would therefore unlikely to be granted.	
2	To determine not to take listed building enforcement action for unauthorised works where it is considered NOT to be expedient to do so.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
3	Making applications for and enforcing injunctions in cases of urgency.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
4	To take action to commence prosecution proceedings in respect of unauthorised demolition of buildings or works to buildings.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
	<p>NOTE: In all the above circumstances, the Officer using the delegations would have to be satisfied in each case that it is expedient to take (or not to take) Enforcement action.</p> <p>The decision with reasons is to be documented, and provided to the complainant in line with the published enforcement policy.</p>	
G	<u>LISTED BUILDINGS/CONSERVATION AREAS</u>	<u>Nominated Officers</u>
1	Issue of Building Preservation Notices and Emergency Building Preservation Notices	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager –</li> </ul>

		<p>Development Management</p> <ul style="list-style-type: none"> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
2	Deciding whether small changes to proposals which have previously been granted Listed Building Consent or Planning Permission for Demolition by the Council will materially affect the character of the building or the proposal.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
3	Determine applications for approval of minor details required by a condition imposed on a grant of Listed Building Consent or Planning Permission for Demolition	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Senior Planning/ Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>
4	Decisions as to whom to consult on applications for Listed Building Consent and Planning Permission for Demolition	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/ Conservation Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/ Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
5	Decisions as to whether Listed Building Consent or Planning Permission for Demolition is necessary	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
6	The determination of the validity of applications for Listed Building Consent or Conservation Area Consent and the issuing of directions requiring further information in support of an application for Listed Building Consent or Planning Permission for Demolition and verification of particulars of information given in respect of an application.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Senior Planning Enforcement Officer</li> <li>•</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
7	Deciding to whom to direct notification of a receipt of a Listed Building Consent or Conservation Area Consent application	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
8	Setting the precise wording of notices, conditions imposed and other notes on Listed Building Consents or Planning Permission for Demolition and reasons for refusals to reflect the intentions of Committee when making its decision.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
9	The submission of applications to the Secretary of State for Scheduled Monument Consent to carry out minor works of repair and minor alterations to Council owned buildings	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• </li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
10	Deciding whether or not a planning application requires to be publicised as affecting the character or appearance of a Conservation Area	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>



		<ul style="list-style-type: none"> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> </ul>
11	Deciding whether or not a Planning Application requires to be advertised as affecting the setting of a Listed Building	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
12	Service of Urgent Works and Repair Notices in respect of Listed Buildings in cases of urgency	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> </ul>
13	Making Directions under Article 4 of the Town and Country Planning (General Development) Order 1988 as regards Conservation Areas	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> </ul>

		<ul style="list-style-type: none"> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
14	Countersigning a Listed Building Heritage Partnership Agreement	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
15	Deciding an application for a Certificate of Lawfulness of Works to a Listed Building	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
16	Responding to consultations from Dioceses and Parochial Parish Councils regarding works to Listed Buildings under the Faculty procedures	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Archaeology Officer</li> </ul>
H	<u>ADVERTISEMENTS</u>	<u>Nominated Officers</u>
1	Applications for consent under the Town and Country Planning (Control of Advertisements) Regulations 2007	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
2	Deciding where no formal application under the advertisement regulations need be submitted for the display of a banner across the highway	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
I	<u>MISCELLANEOUS</u>	<u>Nominated Officers</u>
1	Determining applications for non-material amendments to proposals which have been previously approved by the Council under the provisions of the Town and Country Planning Act 1990.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>
2	Determining applications for the approval of details required by a condition imposed on	<ul style="list-style-type: none"> <li>• Director, Development</li> </ul>

	the grant of Planning Permission	<ul style="list-style-type: none"> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
2 (a)	Determining applications for the approval of minor material amendments (Section 73 Applications) of proposals which have been previously approved by the Council under the provisions of the Town and Country Planning Act	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
3 (a)	Decisions as to the requirement for environmental assessments under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in connection with submitted or proposed planning applications	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
(b)	Decisions as to the scope of environmental assessments in connection with proposed	<ul style="list-style-type: none"> <li>• Director, Development</li> </ul>

	planning applications	<ul style="list-style-type: none"> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>
(c)	Decisions as to the requirement for further information to be submitted for an environmental assessment.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>
4	Decision as to whether to advertise applications	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>

		<ul style="list-style-type: none"> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Technical Support Co-Ordinator</li> <li>• Technical Support Officer</li> </ul>
5	Decisions as to whom to consult on all applications e.g. Ministry of Agriculture	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
6	Consultation under Pastoral Measure 1983	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management,</li> </ul>

		<p>Planning and Conservation, &amp; Planning and Enforcement</p> <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
7	Informal Decisions as to whether planning permission is necessary.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Technical Support Co-Ordinator</li> <li>• Technical Support Officer</li> <li>• Planning Information Officer/Planning Apprentice</li> </ul>
8	Determining applications for Certificates of Existing Lawful use or Development or Proposed Use or Development	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>

		<ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
9	Determining applications for Certificates of Alternative Development under the Land Compensation Act 1961	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
10	To determine applications received under the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Development Procedure) Order 2015 as it applies to agricultural permitted developments and notifications for demolition.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
11	Making observations on prospective development in the environs of the District	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>



12	Consultation from adjoining District Councils in relation to planning applications within their district	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
13	Determination of validity of planning applications and the issuing of directions requiring further information in support of an application for planning permission and verification of particulars of information given in respect of an application	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Planning Information</li> </ul>

		<p>Officer/Planning Apprentice</p> <ul style="list-style-type: none"> <li>• Technical Support Co-Ordinator</li> <li>• Technical Support Officer</li> </ul>
14	Dealing with any matters relating to fees for development management applications	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Planning Information Officer/Planning Apprentice</li> <li>• Technical Support Co-Ordinator</li> <li>• Technical Support Officer</li> </ul>
15	Deciding to whom to direct notification of a receipt of planning or other applications	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Planning Information Officer/Planning Apprentice</li> <li>• Technical Support Co-Ordinator</li> <li>• Technical Support Officer</li> </ul>
16	Settling the precise wording of notices, conditions imposed on permissions or consents and reasons for refusals to reflect the intentions of the Committee when making its decision	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
17	Determining applications for the erection of overhead electricity lines and telecommunications apparatus	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers;</li> </ul>

		<p>Development Management, Planning and Conservation, &amp; Planning and Enforcement</p> <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
18	<p>To determine notifications received under the Town and Country Planning (General Permitted Development) Order 2015 for alterations or extensions to a dwellinghouse where no objections are received from the adjoining premises.</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> <li>• Planning Information Officer/Planning Apprentice</li> </ul>
19	<p>To determine notifications received under the Town and Country Planning (General Permitted Development) Order 2015 for alterations or extensions to a dwellinghouse where objections are received from the adjoining premises.</p>	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
20	To enter into planning obligations including the modification, discharge, variation and release of planning obligations.	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
21	To decline to determine applications pursuant to ss70A - C of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
J	<u>HAZARDOUS SUBSTANCES</u>	<u>Nominated Officers</u>
1	Dealing with all aspects for hazardous substances consent under the Planning (Hazardous Substances) Act 1990	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
2	Service of hazardous substances contravention notices under Section 24 of the Planning (Hazardous Substances) Act 1990	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management,</li> </ul>

		Planning and Conservation, & Planning and Enforcement <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
K	<u>TREES AND WOODLANDS</u>	<ul style="list-style-type: none"> <li>• <u>Nominated Officers</u></li> </ul>
1	Making Tree Preservation Orders and confirming Orders except where objections are received	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
2	The modification of Tree Preservation Orders prior to confirmation	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
3	The decision not to confirm a Tree Preservation Order	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
4	The variation of Tree Preservation Orders except where objections are received	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> </ul>

		<ul style="list-style-type: none"> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
5	The revocation of Tree Preservation Orders except where objections are received	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
6	In an emergency, to authorise the felling of trees which are the subject of Tree Preservation Orders or within designated Conservation Areas where the trees are considered to be unsound and dangerous	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
7	Approving species for replacement required by a condition imposed on the grant of planning consent	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>

		<ul style="list-style-type: none"> <li>• Senior Planning Officer</li> <li>• Senior Planning Enforcement Officer</li> </ul>
8	To investigate and take appropriate action (whether to prosecute or not) in respect of unauthorised works to protected trees	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Enforcement Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning Enforcement Officer</li> </ul>
9	To determine applications relating to surgery and/or felling of trees protected by a Tree Preservation Order	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
10	To determine whether or not to make a Tree Preservation Order following receipt of a notification to undertake tree work in a conservation area	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers;</li> </ul>



		<p>Development Management, Planning and Conservation, &amp; Planning and Enforcement</p> <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
11	To investigate and take appropriate action relating to reports of dangerous trees under the Local Government (Miscellaneous Provisions Act) 1976	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> </ul>
12	To undertake inspections in relation to complaints relating to high hedges under the Anti-social Behaviour Act 2003	<ul style="list-style-type: none"> <li>• Senior Arboricultural Officer</li> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Enforcement Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning Enforcement Officer</li> </ul>
L	<u>HEDGEROWS</u>	<u>Nominated Officers</u>
1	The powers and duties of the Authority under the Hedgerow Regulations 1997 introduced under Section 97 of the Environment Act 1995	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management,</li> </ul>

		<p>Planning and Conservation, &amp; Planning and Enforcement</p> <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Senior Planning Officer</li> </ul>
M	<u>PUBLIC PATH ORDERS (PLANNING)</u>	<u>Nominated Officers</u>
1	The powers and duties of the Authority under Part X of the Town and Country Planning Act 1990 except where valid objections have been received	<ul style="list-style-type: none"> <li>• Director, Development or Director Environmental Services</li> </ul>
2	The powers and duties of the Authority under the Local Authorities' Recovery of Costs for Public Path Orders Regulations 1993	<ul style="list-style-type: none"> <li>• • Director, Development or Director Environmental Services</li> </ul>
N	<u>APPEALS</u>	<u>Nominated Officers</u>
1	In consultation with the Chair and Spokespersons of the Development Management Committee agree amendments to applications and to amend/remove reasons for refusal relating to these applications which have been decided by the Committee or by Officers under the terms of the Scheme of Delegation and are now the subject of an appeal	<ul style="list-style-type: none"> <li>• Group Manager - Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Senior Planning/Conservation Officer</li> <li>• Senior Planning Enforcement Officer</li> <li>• Planning/Conservation Officer</li> <li>• Planning Enforcement Officer</li> </ul>
O	<u>GENERAL</u>	<u>Nominated Officers</u>
1	Authorisation of any Officer under any Act	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers;</li> </ul>

		<p>Development Management, Planning and Conservation, &amp; Planning and Enforcement</p> <ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
2	The institution and conduct of all civil and criminal proceedings by the Authority	<ul style="list-style-type: none"> <li>• Legal Officers</li> </ul>
3	Defence of all legal proceedings against the Authority	<ul style="list-style-type: none"> <li>• Legal Officers</li> </ul>
4	Issue and service of notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Legal Officers</li> </ul>
5	Authority to appear before the appropriate licensing or regulatory authority on behalf of the Authority in respect of all matters falling within the remit of the Committee and express formal objections or make general comments as appropriate	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Legal Officers</li> </ul>
6	Making objections or representations on all applications received in pursuance of the Authority's licensing functions where matters fall within the remit of the Committee	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>

		<ul style="list-style-type: none"> <li>• Principal Planning Officer</li> </ul>
7	The institution and conduct of all necessary proceedings and procedures to implement and enforce any decision of the Authority including (for example) any agreement, licence, permit or consent	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Legal Officers</li> <li>• Plus all Nominated Officers for the Function in question</li> </ul>
8	The Instruction and Selection of Counsel (including all legal consultants)	<ul style="list-style-type: none"> <li>• Legal Officers</li> </ul>
9	Authority to engage Consultants for Commissions not exceeding £10,000	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Legal Officers</li> <li>• Plus all Nominated Officers for the Function in question</li> </ul>
10	Authority to accept tenders or quotations up to £30,000	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> </ul>
11	The dealing with and determination of all requests for Environmental Information under the Environmental Information	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager –</li> </ul>

	Regulations 2004	<p>Development Management</p> <ul style="list-style-type: none"> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Plus all Nominated Officers for the Function in question</li> </ul>
12	“Proper Officer” functions under Part VA (Access to Information) Provisions of the Local Government Act 1972	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Plus all Nominated Officers for the Function in question</li> </ul>
13	Authority to affix the Common Seal of the Council whenever necessary to complete or give effect to any decision of the Authority	<ul style="list-style-type: none"> <li>• The Head of Legal and Democratic Services and nominated deputies</li> </ul>
14	Authentication of documents under Section 234 of the Local Government Act 1972	<ul style="list-style-type: none"> <li>• Director, Development</li> <li>• Group Manager – Development Management</li> <li>• Team Managers; Development Management, Planning and Conservation, &amp; Planning and Enforcement</li> <li>• Principal Planning Officer</li> <li>• Legal Officers</li> <li>• Plus all Nominated Officers for the Function in question</li> </ul>

July 2018

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Having made arrangements in accordance with Section 4 of the Council's Constitution entitled Delegation of Functions to Officers, the table below sets out functions which may be carried out by specified officers.

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
<b>Housing Act 1985</b>												
1.	To withdraw notices served under Section 189,190, 352, 363 or 372 of the Housing Act 1985 and Section 81 of the Housing Grants, Construction and Regeneration Act 1996 To determine closing orders pursuant to Section 278 of the Housing Act 1985			x	x	x	x	x				
2.	Power to investigate potential criminal offences for failure to comply with a closing order under Section 277 of the Housing Act 1985.		X	x	x	x	x					
3.	Power to investigate whether or not a property is overcrowded under Housing Act 1985 Part X (Section 324 to 326) and to request information about people sleeping in the dwelling (Section 335). Including power of entry under Section 337 and Section 340 once authorised by the appropriate officer.		X	x	x	x	x	x	x			
4.	Power to investigate potential offences for causing or permitting overcrowding pursuant to Section 327 and Section 331 and Section 341 of the Housing Act 1985.		X	X	X	X	X	X				

[illegible]





	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
<b>Part 1 (Housing Conditions)</b>												
19.	Power to review housing conditions in the district, Section 3 Housing Act 2004			x	x	x	x					
20.	To remedy a category 1 or 2 Hazard, the power to serve, vary, suspend, review or revoke: i. an improvement notice under Sections 11 to 19; ii. a prohibition order under sections 20 to 27			x	x	x	x	x				
21.	Power to authorise works in default under Schedule 3 for notices served under s11-19 (with or without agreement of owner)		x	x	x	x						
22.	Power to serve notice under Schedule 3 to authorise entry to undertake works in default for notices served under sections 11-19 (with or without agreement of owner) and power to recover expenses.			x	x							

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
23.	To remedy a category 1 or 2 hazard the power to serve, vary or revoke a hazard awareness notice under Section 28 and 29			x	x	x	x	x	x	x		
24.	To remedy a category 1 hazard power to: <ul style="list-style-type: none"> <li>i. take emergency remedial action under Sections 40 and 41</li> <li>ii. recover expenses incurred under Section 42 of the and to vary or revoke such action</li> <li>iii. Make, vary, review or revoke an emergency prohibition order under Section 43.</li> </ul>			x	x	x	x					
25.	To remedy a category 1 hazard power to: <ul style="list-style-type: none"> <li>i. Make, vary or revoke a demolition order under Section 265 of the Housing Act 1985 as amended by the Housing Act 2004 Section 46.</li> <li>ii. Declare, vary or revoke clearance areas under Section 289(2) of the Housing Act 1985 as amended by the Housing Act 2004 Section 47.</li> </ul>			x	x							
26.	The power under Sections 49 and 50 to charge and recover expenses in respect			x	x	x	x	x				

[illegible]

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
30.	Power under Sections 69 and 92 to vary a licence.			x	x	x	x	x				x
31.	Power under Sections 70 and 93 to revoke a licence			x	x	x	x					x
32.	Power to apply for a rent repayment order under Section 73 and 96 where an offence has been committed.		x	x	x	x	x					
<b>Part 4 – Additional Controls Provisions in relation to residential accommodation</b>												
33.	Powers to make: i. an Interim Management Order (IMO), ii. Interim Empty Dwelling Management Order (IEDMO) iii. Special Interim Management Order SIMO and to exercise the powers given by such orders and all powers under Part 4 Chapter I and II.		x	x	x							
34.	Power to serve an IMO in respect of a		x	x	x							

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
	licensable HMO											
35.	Powers to make: <ul style="list-style-type: none"> <li>i. a Final Management Order</li> <li>ii. Final Empty Dwelling Management Order</li> <li>iii. Final Special Management Order</li> </ul> and all Necessary powers in relations to these Orders under Part 4 Chapter I and II.			x	x							
36.	Power to serve, revoke or vary overcrowding notices in HMOs that are not licensable			x	x	x	x	x				
37.	Power to serve, vary or revoke a HMO declaration under section 255 Housing Act 2004			x	x	x	x	x				
<b>Financial Penalties</b>												
38.	Power to authorise a recommendation to impose a financial penalty under section 249A as an alternative to prosecution for offences under 30, 72, 95, 139 and 234		x	x	x							
39.	Power to impose a financial penalty under section 249A as an alternative to prosecution for offences under section 30,72, 95, 139 and 234		x	x	x	x	x					

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
<b>Housing and Planning Act 2016</b>												
40.	Power to apply to the First Tier Tribunal for a banning order under sections 15 and 18	x										
41.	Power under section 19 to require information for the purposes of enabling the authority to decide whether to apply for a banning order		x	x	x	x	x	x	x	x		
42.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence under section 19.		x	x	x							
43.	Power to administer a simple caution for an offence under section 19 following authorisation		x	x	x	x	x					
44.	Power to authorise a recommendation to prosecute or offer a simple caution under section 21 or 22.		x	x	x							
45.	Power to administer a simple caution for an offence under section 21 or 22.		x	x	x	x	x					

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
46.	Power to authorise a recommendation to impose a financial penalty under section 23 as an alternative to prosecution for breaching a banning order under section 21 or section 22		x	x	x							
47.	Power under section 30 to include a person convicted of a banning order offence on the database of rogue landlords and property agents		x	x	x	x	x					
48.	Power under section 35 to require information about a person for the purposes of enabling the authority to decide whether to make an entry in the database in respect of that person		x	x	x	x	x					
<b>Environmental Protection Act 1990</b>												
49.	Power under Section 79 to investigate and inspect for statutory nuisances and compliance with notices.			x	x	x	x	x	x	x	x	
50.	Power to: <ul style="list-style-type: none"> <li>i. Issue and serve notices under section 80 pursuant to Section 79 in respect of premises which constitute a statutory nuisance.</li> <li>ii. Under Section 81 abate the nuisance and ensure Section 80 notice complied with and to recover costs thereafter pursuant to Sections 81, 81A and 81B.</li> </ul>			x	x	x	x	x				



	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
51.	Power to apply to the court for a warrant to authorise entry under Schedule 3			x	x	x	x	x				
52.	Power of entry under Schedule 3 once duly authorised			x	x	x	x	x	x	x	x	
53.	Power to investigate criminal offences under section 79 of the Environmental Protection Act 1990			x	x	x	x	x				
54.	Power to authorise a recommendation to prosecute or offer a simple caution for offences under section 79 the Environmental Protection Act 1990		x	x	x							
55.	Power to administer a simple caution for an offence of failing to comply with a notice under section 79 of the Environmental Protection Act 1990		x	x	x	x	x					
56.	Power to serve requisitions for information pursuant to Section 16 and investigate offences for failing to comply with a requisition for information served under Section 16			x	x	x	x	x	x	x	x	
57.	The power under Section 33, to make arrangements with statutory undertakers for the restoration or continuation of supplies of water, gas or electricity to dwellings, where the supply is cut of, or is likely to be cut off.			x	x	x	x	x				

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
58.	All powers under section 33 including the power to recover expenses.			x	x	x	x	x				
59.	Power to authorise a recommendation to prosecute or offer a simple caution under section 16.			x	x	x	x					
60.	Power to administer a simple caution under section 16.			x	x	x	x					
<b>Local Government (Miscellaneous Provisions) Act 1982</b>												
61.	Powers to undertake all provisions under Section 29 for protection of empty buildings.			x	x	x	x	x			x	
62.	Power to apply to the court to recover expenses under section 32.	x										
<b>Local Government and Housing Act 1989</b>												
63.	To declare a renewal area under Section 89 as amended by the Regulatory Reform Order 2002		x	x	x							
<b>Public Health Act 1936</b>												
64.	Power to enter premises under Section 287(1) at any reasonable hour to determine if any function under this Act should be exercised.			x	x	x	x	x	x	x		
65.	Power to apply to the Court for a warrant to enter premises under Section 287(2) at	x	x	x	x	x	x	x				

[illegible]

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
	inspect and investigate drainage to a building and to investigate compliance with notices served under this section											
73.	Power to apply to the Court for a warrant to enter premises to determine if any function under this Act should be exercised.	x	x	x	x	x	x	x			x	
74.	Power under section 17 to serve notice		x	x	x	x	x					
75.	Power to authorise a recommendation to prosecute or offer a simple caution under section 17.		x	x	x							
76.	Power to administer a simple caution under section 17.		x	x	x	x	x	x				
77.	Power under section 17 to recover expenditure		x	x	x							
<b>Prevention of Damage by Pests Act 1949</b>												
78.	Power under section 22 to enter and inspect and investigate and under section 9 to require information for the purposes of this Act		x	x	x	x	x	x	x	x	x	
79.	Power under section 4 to serve notice		x	x	x	x	x	x				

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
80.	Power to apply to the court for a warrant of entry, to organise works in default and to recover expenses	x	x	x	x							
81.	Power to authorise a recommendation to prosecute or offer a simple caution under the Prevention of Damage by Pests Act 1949		x	x	x							
82.	Power to administer a simple caution for an offence under the Prevention of Damage by Pests Act 1949		x	x	x	x	x					
	<b>Financial Assistance</b>											
83.	In connection with the system of financial assistance contained in the Housing, Grants Construction and Regeneration Act 1996 ("the 1996 Act") and the Regulatory Reform (Housing Assistance) Order 2002 and in connection with the Housing Renewal Policy (or equivalent) - to process and approve all grant applications and applications for financial assistance made under Part I of the 1996 Act and to make payments in respect of approved grants.			x	x	x	x					

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
84.	After approval of a grant or financial assistance, the power to re-determine the estimated expense of the additional cost and approve those amounts.			x	x	x	x					
85.	In accordance with a scheme approved by the Council the approval or refusal of applications for, disabled facilities grants, and of applications for assistance as specified in the Housing Renewal Policy (or equivalent).			x	x	x	x					
86.	In accordance with the above points 84 and 85 the assessment of the cost of the relevant works which is attributable to the applicants, and the apportionment of that cost among them.		x	x	x	x	x	x	x	x		
87.	To demand repayment of financial assistance on breach of condition.		x	x	x	x	x					
88.	To reduce, withhold, or demand repayment of financial assistance in the circumstances permitted.		x	x	x	x	x					

[illegible]

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
95.	Power to serve a remedial notice under regulation 5 and amend, suspend or revoke the notice.			x	x	x	x	x	x			
96.	Power to authorise a person to take remedial action under regulation 7.			x	x	x	x					
97.	Power to arrange for remedial action to be taken under regulation 7.			x	x	x	x	x	x			
98.	Power to serve a penalty charge notice under regulation 8 and amend, suspend or revoke the notice.			x	x	x	x	x	x			
99.	Power to review a penalty charge notice and confirm, vary or withdraw the notice and serve a notice of that decision under regulation 10.			x	x	x						
100.	Power to apply to the court to recover the penalty charge notice under regulation 12.	x										
101.	Power to prepare, review and publish a statement of principles under regulation 13 in determining the penalty charge under regulation 8.			x	x	x						





	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior EHO	EHO	A EHO	Senior HS	EPO	HMO Licensing Officer
	affected and to negotiate settlement.											
107.	To institute and conduct all proceedings and procedures to implement and enforce any decision of the Council.	x										



	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior Housing Practitioner	Review and policy officer	Housing Advisor	Homelessness Advisor/S	Team Administrator	
114.	To arrange for temporary accommodation pursuant to the Council's duty under Section 188 of the Housing Act 1996, in accordance with the authority's policies and financial regulations.			x	x	x	x	x	x			
115.	To determine whether or not to provide temporary accommodation pending a review or appeal to the court pursuant to Section 188 of the Housing Act 1996			x	x	x	x	x				
116.	To refer applicants to other local authorities to which they have a local connection and to determine referrals from other authorities pursuant to Section 198.		x	x	x	x	x	x				
117.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence under section 214.		x	x	x	x	x					
118.	Power to administer a simple caution for an offence under section 214.		x	x	x	x	x					
119.	To exercise the power of the council pursuant to Section 211 of the Housing Act 1996 to protect the property of a homeless applicant.		x	x	x	x	x	x	x			
120.	To operate the Common Housing Register pursuant to Part VI.			x	x	x	x					

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior Housing Practitioner	Review and policy officer	Housing Advisor	Homesearch Advisor/S	Team Administrator	
121.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence under section 171.		x	x	x							
122.	Power to administer a simple caution for an offence under section 171.		x	x	x	x	x					
	<b>Accommodation Agencies Act 1953</b>											
123.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence under section 1.		x	x	x	x						
124.	Power to administer a simple caution for an offence under section 1.		x	x	x	x	x					
	<b>Protection from Eviction Act 1977</b>											
125.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence under sections 1 and 6.		x	x	x	x						
126.	Power to administer a simple caution for an offence under sections 1 and 6.		x	x	x	x	x					
	<b>Landlord and Tenant Act 1985</b>											
127.	Power to authorise a recommendation to prosecute or offer a simple caution for an offence(s) under sections 2, 3, 3A, 7 and 25.		x	x	x	x						
128.	Power to administer a simple caution for an offence(s) under sections 2, 3, 3A, 7 and 25.			x	x	x	x					

	Matters to be dealt with	Legal Services	Corporate Director	Director	Head of Housing	Team Manager	Senior Housing Practitioner	Review and policy officer	Housing Advisor	Homesearch Advisor/S	Team Administrator	
	<b>All of the above legislation</b>											
129.	To institute and conduct all civil and criminal proceedings by the Council.	<b>x</b>										
130.	To defend or participate in any legal proceedings brought against the Council or whether the Council's interests are affected and to negotiate settlement.	<b>x</b>										
131.	To institute and conduct all proceedings and procedures to implement and enforce any decision of the Council.	<b>x</b>										

July 2018

# **4K - EMPLOYMENT PROCEDURE RULES**

## **RULE 1 – RECRUITMENT AND APPOINTMENT**

### **(a) Declarations**

The Council will require any candidate for employment to state in writing on their application form whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, or niece of an existing councillor or officer of the Council, or of the partner of such persons.

### **(b) Seeking support for appointment.**

- i) the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. This will be stated in recruitment information.
- ii) no councillor will seek support for any person for any appointment with the Council. This does not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment. However, the member will not give such a testimonial if s/he takes part in any stage of the appointment process.

## **RULE 2 – RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS**

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer [ie Corporate Director] and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying (i) the duties of the post concerned; and (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

## **RULE 3 – APPOINTMENT OF HEAD OF PAID SERVICE; MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer following the recommendation of such an appointment by the Restructuring Implementation Committee of the Council. That Committee must include at least one member of the Cabinet for this purpose.

The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

*(The provisions of this Procedural Rule reflect a mandatory Regulation. It is not permitted therefore to suspend this Rule)*

#### **RULE 4 - APPOINTMENT OF CORPORATE DIRECTORS AND OTHER JNC OFFICERS**

The Restructuring Implementation Committee of the Council will appoint Corporate Directors and other JNC Officers reporting directly to the Chief Executive (and any deputy for such a post). That Committee must include at least one member of the Cabinet when dealing with any such an appointment.

An offer of employment as a Corporate Director or other JNC post (or the deputy of such a post) shall only be made where no well-founded objection from any member of the Cabinet has been received.

*(The provisions of this Procedural Rule reflect a mandatory Regulation. It is not permitted therefore to suspend this Rule)*

#### **RULE 5 – APPOINTMENT OF DIRECTORS, HEADS OF SERVICE AND SENIOR MANAGERS**

The appointment of Directors, Heads of Service and Senior Managers reporting to a Corporate Director is the responsibility of the relevant Corporate Director or his/her nominee, and may not be made by Councillors.

An offer of employment as a Director, Head of Service or a Senior Manager reporting to a Corporate Director (or the deputy of such a post) shall only be made where no well-founded objection from any member of the Cabinet has been received.

#### **RULE 6 – CONSULTATION WITH CABINET**

For each appointment to or dismissal from a post referred to in Rules 3, 4 and 5 above, neither an offer of employment of such an Officer, nor the giving of notice of dismissal may be made until every member of the Cabinet has been notified by the Chief Executive or his nominee of the proposed appointment or dismissal and given a period within which to make objections to the proposal through the Leader of the Council.

If the Leader of the Council informs the Chief Executive or his nominee that s/he or another Executive Councillor has an objection then its basis must be specified and the Committee or Officer making the appointment or proposing the dismissal must consider the objection and may only proceed if s/he considers it not to be material or not well founded.

If the Leader indicates to the Chief Executive or his nominee that neither s/he nor any other Executive Councillor has any objection to the making of the offer



of appointment or the notice of dismissal, or if the Leader fails to give an indication by the close of the period given for objections, the offer or notice may be implemented.

## **RULE 7 – APPOINTMENT OF OFFICERS BELOW HEAD OF SERVICE LEVEL**

The appointment of Officers below the level of a Director, Head of Service or a Senior Manager reporting to a Corporate Director, is the responsibility of the relevant Director, Head of Service or Senior Manager or his/her nominee. Such an appointment shall not be made by councillors.

## **RULE 8 – APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS**

Section 9 of the Local Government and Housing Act, 1989 requires a Council's Standing Orders [now these procedural Rules] to include certain points about the appointment of assistants to political groups.

Under these legal provisions, these Rules provide that each Political Group making up the membership of the Council shall be allocated one post of Political Assistant. The purpose of this post is to provide assistance to the Members of the Group in discharging any of their functions as members of the Council. The following conditions apply:

- (a) The Council must first agree to allocate such a post to each political group that qualifies for one (Note: It is open to a political group to decline to have such a post, even though it is entitled to have one)
- (b) The Council is not legally allowed to allocate such a post to a political group which does not satisfy the legal criteria for a post; and
- (c) No political group is allowed more than one such post.

Any allocation or appointment to these posts shall be subject to the provisions contained in Section 9 of the Local Government and Housing Act, 1989.

Such posts shall be filled from time to time by the Director Legal and Democratic Services in accordance with the wishes of the relevant political group.

### **(Non statutory provisions from here on)**

Assistants to political groups have the same rights of access to information as the councillors for whom they work, subject to legal provisions.

Assistants will be expected to maintain confidentiality when private business is discussed with them or in their presence. They will be permitted to attend private sessions of meetings on the same basis as councillors, subject to legal provisions.

Assistants are employees of the Council, but are accountable to the relevant Political Group Leader or other nominated Group members in terms of day to day operational management and workload.

The above non-statutory provisions shall apply also to the appointment by the Director Legal and Democratic Services of Political Group Support Officers, where such posts are approved by the Council to support political groups that would otherwise not qualify for one of the statutory Political Assistant posts.

## **RULE 9 – DISCIPLINARY ACTION**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- (c) **Involvement of Councillors.** Councillors will not be involved in the disciplinary action against any officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## **RULE 10 - DISMISSAL**

Subject to the provisions of Rule 6 above, Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

## **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.

*All severance and flexible retirement cases (excluding compulsory redundancy) that are in excess of £100,000 on total costs including redundancy, pay in lieu of notice, holiday pay, pension costs are required to go to the Restructuring Implementation Committee for approval. This is for all employees, not just Chief Officers.*

*Compulsory redundancy cases where the total cost is in excess of £100,000 do not require approval from the RIC, but a note will be shared with the RIC at the next available meeting for information, or communicated directly to RIC Members if no meeting is scheduled.*

### **Membership**

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

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## **Motion on Environmental Sustainability**

### **To be moved by Cllr Mark Shelford**

#### **This Council:**

- Notes that, since last summer the Environmental Sustainability Partnership Board has been working on a new Sustainability vision statement to bring to Full Council as a motion to reaffirm the Council's position on, and commitment to, sustainability.
- Therefore resolves to adopt the following as its Environmental Sustainability Vision Statement, in recognition of the importance of sustainability to everything the Council does:

#### **B&NES Environmental Sustainability Vision Statement 2018:**

Environmental sustainability is about our ability to survive and thrive into the future. Everything else that we seek to achieve – such as improved health and well-being and economic prosperity - is dependent on a clean environment and stable climate. In Bath & North East Somerset, our ambition is to provide the leadership to enable the whole community to benefit from an environmentally sustainable, healthy, low carbon future that is resilient to changes in our climate. We seek to be a leading place for innovation and achievement in pursuit of these goals.

#### **Benefits:**

- Cleaner, greener and more affordable energy with more of it produced and owned locally
- Warmer and cheaper to run homes and businesses
- Less traffic and congestion, cleaner air & streets where people can walk and cycle easily, including increased pedestrianisation
- Healthier and more sustainable local food supply
- New jobs from increased local food and energy production, increased home energy retrofitting, growth in local circular economy
- Reduction in waste production, increase in recycling rates and energy from food waste
- Increased local stewardship of local water resources and better flood resilience
- Enhanced beauty of the local natural environment and increased public engagement
- Increased ability to withstand changes to the climate through greater local food and energy security

#### **Enabling Partnerships, Strategies & Action Plans:**

- There are a range of relevant partnerships, strategies and action plans that enable action on sustainability, locally and within the West of England. Please see Appendix (i) for the full list.

### **Approach:**

The Environmental Sustainability Partnership's strategic approach to leading and supporting action utilises three principles:

- **Partnership Working:** Bringing together the right people to make things happen
- **Community Enablement:** Enabling residents and community groups to achieve their sustainability aims
- **Leading by Example:** Bold action from the Council and our partners.

### **Appendix (i): List of Enabling Partnerships, Strategies & Action Plans**

- B&NES Environmental Sustainability Partnership:
  - Environmental Sustainability & Change Strategy
  - Local Food Strategy
  - Community Energy Strategy
  - Bath & West Community Energy Co-operation Agreement
  - Keynsham Community Energy Co-operation Agreement
- Other B&NES Partnership Strategies
  - Health & Well-being Strategy and Healthy & Sustainable Places Group
  - Green Infrastructure Strategy
  - Fit for Life Strategy
- Council Service Delivery Strategies & Plans:
  - Transport Strategies
  - Air Quality Action Plans
  - Waste Strategy
- Planning Framework:
  - Core Strategy & Place Making Plan
  - Local Plan
- Beyond B&NES Partnerships & Plans:
  - West of England Nature Partnership
  - Bristol Avon Catchment Partnership
  - West of England Energy Strategy (in development)
  - West of England Joint Strategic Plans and Joint Transport Plans

**Council 12 July, 2018**

## **Short-Term Lettings**

### **Labour Group to move:**

#### **Council notes:**

- 1** Home-sharing services are often attractive to tourists and they provide direct income to host households. However, regulation has been slow to keep up with the growth in these services and the impact they have on both the housing market and on amenity issues for residents.
- 2** In Bath and North East Somerset, we are experiencing a housing crisis, yet at the same time properties are being removed from the private rental market as the earnings from short-term lettings can prove irresistible to landlords.
- 3** The difficulty in obtaining accurate figures around short-term lettings as there is no requirement to notify the Council of an intention to use a property in this way.
- 4** A report by Tom Copley (London Assembly Member) highlights recent changes to legislation allowing the short-term letting of whole residential properties for up to 90 days in a calendar year in London but that the report also identifies a need for additional measures to enable London authorities to investigate and effectively enforce the new legislation.
- 5** The B&NES Visitor Accommodation Study which this Council has commissioned to help provide evidence for the Local Plan includes considering the extent of and growth in short-term holiday lets and the implications and problems of short-term lets in relation to, for example, both the housing stock and the operation of other forms of visitor accommodation.
- 6** The Leader of Council has written to the Minister asking for a new use class to be introduced for short-term lets so that they are differentiated from dwelling houses.
- 7** The owners of properties used for short-term lets for up to 140 days per year are liable for council tax.

#### **Council believes that:**

- 8** There is a need to find effective solutions which allow legitimate home-sharing to continue while at the same time addressing the widespread concern about the growing professionalised sector.
- 9** Bath and North East Somerset should be able to benefit from a change in legislation in the way that London has and that, at the same time, the lessons should be learnt from the London experience with additional measures and resources to support enforcement of any new law.

#### **Council agrees therefore to ask the Leader of Council to:**

- 10** Write to the Secretary of State for Housing, Communities and Local Government asking for:
  - a. A change in the law around short-term lets, limiting the short-term letting of whole residential properties to 90 days in a calendar year;
  - b. Other legislative measures such as a change to the use classes order, to make short-term holiday lets its own specific use class;

- c. The resources and tools needed to ensure that the costs of implementing any new legislation do not fall on Council taxpayers and to enable effective enforcement including, but not limited to, the introduction of a requirement that short-term lettings hosts must register with the local authority and that home-sharing platforms must share details of property owners suspected of breaching any new requirements; and
- d. Support with the creation of an ombudsman by the home-sharing platforms paid for by the industry to address home-sharing fraud, help with enforcement, resolve disputes and investigate complaints.

**11** Write to Housing Associations asking them to remind their tenants that they must not sub-let their homes.



Bath and North East Somerset Council  
Full Council meeting, Thursday 12 July 2018

## **Motion on Motor Neurone Disease**

**To be proposed by a member of the Independent Group**

### **Council notes:**

- Motor Neurone Disease is a fatal, rapidly progressing disease that affects the brain and spinal cord.
- It can leave people locked in a failing body, unable to move, talk and eventually breathe.
- A person's lifetime risk of developing MND is up to one in 300.
- It kills around 30% of people within 12 months of diagnosis, more than 50% within two years.
- It affects people from all communities
- It has no cure.

The Motor Neurone Disease Association (MNDA) has recently published an Motor Neurone Disease Charter which it is asking Local Authorities to adopt.

### **Council resolves to**

note the charter and support its principles and seek to ensure they are met within our services, strategies and commissioning arrangements.

The Charter:

1. People with MND have the right to an early diagnosis and information.
2. People with MND have the right to access quality care and treatments.
3. People with MND have the right to be treated as individuals and with dignity and respect.
4. People with MND have the right to maximise their quality of life.
5. Carers of people with MND have the right to be valued, respected, listened to and well supported.

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## **Bath and North East Somerset Council**

**Full Council meeting, Thursday 12 July 2018**

### **Liberal Democrat Motion on Unregulated Short Term Holiday Lets**

#### **To be proposed by Councillor Will Sandry**

Council notes:

1. Concerns which have been raised by residents and local businesses about the growth in unregulated short term holiday lets in Bath and North East Somerset.
2. Discussions, which are ongoing, at the Bath City Forum and the Planning, Housing and Economic Development PDS Panel.
3. The negative impacts of unregulated lets, which may include:
  - a. The impact on neighbours of larger so-called 'party houses', including noise, poor waste management and inappropriate or antisocial behaviour.
  - b. The impact on the local housing market with fewer properties available for rent and knock on effects on traffic congestion.
  - c. The impact on the licenced hotel and guest house/B&B sector.
  - d. Potential risks to visitors for example due to the lack of fire safety inspections.
4. Current projects being undertaken by the Council including updates to the Local Plan and Visitor Accommodation Strategy.

Council resolves to:

5. Request that the Leader of Council writes to the appropriate government ministers and to the MPs for Bath and North East Somerset calling for:
  - a. A change in planning laws to create a change of use classification for short term holiday lets, similar to that used for HMOs.
  - b. Powers to enable Councils to apply an enforceable exception to such a classification allowing use of residential premises as temporary sleeping accommodation for up to 90 days, as is the case in Greater London.
  - c. Consideration to be given to whether such residential premises used as businesses should be brought under the business rates system, which would benefit local services.
  - d. A licensing regime for short term holiday lets, as with small HMOs, to improve safety and quality for visitors and to enhance management practices so as to benefit neighbours.

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## **Bath and North East Somerset Council**

**Full Council meeting, Thursday 12 July 2018**

### **Liberal Democrat Motion on Somerset Councils**

#### **To be proposed by Councillor Paul Crossley**

Council notes:

1. Discussions within Somerset councils to create one or more unitary councils to replace the current county and district model.
2. Media reports that the Leader of B&NES Council is 'interested in pursuing' a three-unitary model covering the area currently served by Somerset County, B&NES and North Somerset Councils.
3. That plans to replace nine councils in Dorset with two unitary authorities are now subject to a judicial review.

Council:

4. Believes it is appropriate for B&NES Council to be involved in discussions about future local government structures in Somerset.
5. Agrees that the creation of a Somerset super-unitary authority incorporating B&NES Council would be undesirable and would not benefit B&NES residents.
6. Believes that evidence would be required to show whether a unitary authority covering the areas of B&NES and Mendip District Councils would be of benefit to residents and businesses in both areas before any further steps are taken.
7. Instructs the Leader to ensure that discussions on this issue are carried out with full transparency and that no formal processes are to take place without democratic oversight by Council.

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