

Council

Date: Thursday, 8th November, 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, 8th November, 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
Liberal Democrat
Labour
Independent

Brunswick Room, Ground Floor
Kaposvar Room, Floor 1
Labour Group Room, Floor 2
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 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, 8th November, 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 5.

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 - 13TH SEPTEMBER 2018 (Pages 7 - 18)

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

5. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

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

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

The Democratic Services Manager will announce any submissions received. The

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

8. JOINT COMMUNITY SAFETY PLAN (Pages 19 - 44)

This draft joint Community Safety Plan sets out the joint community safety work to be carried out in Bath and North East Somerset by the Community Safety Partnership and Police and Crime Commissioner over the next three years. It reflects the outcomes of the recent Council Scrutiny Inquiry Day on Community Safety, which identified in particular the benefits of partnership working and recommended that such a joint plan be progressed. The Plan addresses key issues relating to crime, disorder and anti-social behaviour in Bath and North East Somerset.

9. INFLUENCING THE CENTRAL GOVERNMENT POLICY AGENDA (Pages 45 - 56)

This report sets out progress made in developing a single document setting out the Council's key requests of central government in order to create a more sustainable council.

10. POLLING DISTRICT REVIEW - APPROVAL OF NEW SCHEME (Pages 57 - 106)

On 7 August 2018 the Local Government Boundary Commission for England (LGBCE) published its final recommendations on the electoral review of Bath & North East Somerset Council's ward boundaries. In order to re-align the polling districts with the new scheme, the Council has conducted a review of polling districts and the Returning Officer has submitted a plan of polling stations for the local elections in May 2019.

11. REVIEW OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (Pages 107 - 158)

The Gambling Act 2005 (The Act) requires that licensing authorities review their Statement of Principles with regard to gambling every three years. Following the completion of a consultation exercise, and a recommendation from the Licensing Committee, Council is asked to consider the responses received and the officer recommendations, before adopting the proposed Statement of Principles provided in Appendix B.

12. PROTOCOL ON COMPANY GOVERNANCE (Pages 159 - 218)

This report sets out the progress made on implementing the decisions of the Council on 14th September 2017 relating to the governance arrangements for local authority trading companies.

13. TREASURY MANAGEMENT 2018/19 QUARTER 2 PERFORMANCE REPORT (MID YEAR UPDATE) (Pages 219 - 234)

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. This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2018/19 for the first six months of 2018/19.

14. ANNUAL REPORT ON USE OF REGULATORY INVESTIGATIONS POWERS ACT (RIPA) (Pages 235 - 238)

This report updates Council on the use of the Regulation of Investigatory Powers policies and procedures.

15. MOTION FROM THE LABOUR GROUP - SCHOOL PLACES & THREATENED CLOSURE OF BATH STUDIO SCHOOL (Pages 239 - 240)

16. MOTION FROM THE LABOUR GROUP - COUNCIL TAX COLLECTION (Pages 241 - 242)

17. MOTION FROM THE LIBERAL DEMOCRAT GROUP - SEND FUNDING FOR CHILDREN (Pages 243 - 244)

18. MOTION FROM THE LIBERAL DEMOCRAT GROUP - PEOPLE'S VOTE (Pages 245 - 246)

19. 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, 13th September, 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, Sue Craig, Paul Crossley, Chris Dando, Matthew Davies, Sally Davis, Douglas Deacon, Michael Evans, Andrew Furse, Charles Gerrish, Lizzie Gladwyn, Bob Goodman, Francine Haerberling, Liz Hardman, Steve Hedges, Deirdre Horstmann, Eleanor Jackson, Steve Jeffries, Les Kew, Barry Macrae, Paul May, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Lin Patterson, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Dine Romero, Richard Samuel, Will Sandry, Mark Shelford, Brian Simmons, Peter Turner, David Veale, Martin Veal, Karen Walker, Geoff Ward, Tim Warren, Karen Warrington and Chris Watt

Apologies for absence: **Councillors** Emma Dixon, Ian Gilchrist, Alan Hale, Michael Norton, Bryan Organ and Nigel Roberts

30 EMERGENCY EVACUATION PROCEDURE

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

31 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for all Councillors with an interest in item 9 - the Avon Pension Fund Annual report, to enable them to take part in the debate and vote.

The Monitoring Officer issued a further general dispensation for all Councillors with a personal interest in item 16 – Autism Awareness, to enable them to take part in the debate and vote.

In addition to the Councillors covered by the above dispensations, these further declarations were made;

Item 11 – Council Company Annual Accounts

Councillor Charles Gerrish declared an 'other' interest as Chairman of Aequus Developments Ltd (ADL) and announced he had been given a dispensation to speak on this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 14 – Establishment of Joint Venture Partnerships

Councillor Charles Gerrish declared an 'other' interest as Chairman of ADL and left the Chamber for the duration of this item.

Councillor Les Kew declared an 'other' interest as Director of ADL and left the Chamber for the duration of this item.

Item 15 – Labour Motion Shale Gas Exploration and Production etc..

Councillor Paul Myers declared an 'other' interest having attended Frack Free Somer Valley meetings.

Councillor Karen Warrington declared an 'other' interest having attended Frack Free Chew Valley meetings.

32 MINUTES - 12TH JULY 2018

On a motion from Councillor Tim Warren, seconded by Councillor Steve Hedges, it was

RESOLVED that the minutes of the meeting of 12th July 2018 be confirmed as a correct record and signed by the Chair.

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

The Chair made the customary announcements regarding practical meeting arrangements.

She invited Councillors and staff to join her for a Macmillan coffee morning on 28th September between 10:30 and 12:30 in the Chairman's room.

The Chair then informed Members of the recent death of Liz Everitt, wife of the former Chief Executive John Everitt, and asked for Council's sympathies to be sent to the family.

34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

35 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Chair made reference to the Q&A document which had been circulated at the meeting and is attached to the online minutes.

Statements to the meeting were made by the following members of the public;

Joe Scofield presented a petition of over 600 names – "Address the Crisis of Student Housing in Bath". In his statement, Joe called for measures to address the problems caused by over 24,000 students needing housing in Bath. The full copy of Joe's statement has been placed on the Council's Minute book and is available online.

Councillor Bob Goodman asked Joe if he was aware of the recent positive reduction in HMO concentration to 10%, to which Joe responded that he was aware but that he didn't feel the 10% cap was adequate and called for further measures such as ring fencing areas for family housing around schools. Councillor Will Sandry asked Joe if he thought there was more the Council and the University could do to help the situation, to which Joe responded that a message needed to be sent to the University that they couldn't continue to use green belt land allocated for housing for extra teaching blocks to accommodate more students. Councillor Colin Blackburn asked Joe if he thought the restriction should be placed across the whole B&NES area to which Joe responded that he certainly did think so, and that every community should have the same level of protection. The Chair thanked Joe for his statement and petition which would be referred to the Cabinet Member.

Tony Mitchell made a statement on behalf of Transition Keynsham. Tony referred to the questions he had submitted concerning the impact of budget cuts on the provision of Council services and asked if the Council had been robust enough in putting its case to Government. A full copy of Tony's statement is available on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Joe Rayment about whether Tony was asking the Council to be firmer in making their case to Government about the impact of austerity, Tony confirmed that he was. Councillor Sarah Bevan asked about the impact of budget cuts on the work that Transition Keynsham carried out, to which Tony responded that they wouldn't have access to the same level of equipment. The Chair thanked Tony for his statement which would be referred to the Cabinet Member.

Jackie Albrow made a statement calling on the Council to complete the application for a Fields in Trust 'Deed of Dedication' for Moorland Park. Councillor Shaun Stephenson McGall asked if it would now be useful to have a meeting with all the relevant parties to progress this, as the process was started in September 2017, to which Jackie replied that the Council had been supportive but something further was needed to move this along and a meeting would be an excellent idea. The full text of Jackie's statement is available on the Council's Minute book and attached to the online minutes. The Chair thanked Jackie for her statement which would be referred to the Cabinet Member.

John Chapman made a statement about the Kingdom contract for a litter enforcement service. He outlined a number of concerns about such contracts and called for fair and proportionate litter enforcement measures which were within DEFRA guidelines and not target driven. A full copy of John's statement is available on the Council's Minute book and attached to the online minutes. Councillor Tim Warren asked if John was aware that the Council had not entered into a contract with Kingdom, to which John responded that he was aware but the companies were all much the same. Councillor Richard Samuel asked if John was aware that the Liberal Democrats had called in the Council decision, which would be considered by the Communities, Transport and Environment Policy Development & Scrutiny Panel on 27th September and asked what clarifications the Panel should be seeking at that meeting. John suggested they should be seeking assurances that any company would be complying with the law. The Chair thanked John for his statement which would be referred to the Cabinet Member.

Andrew Dickens addressed the Council as a member of the Lower Common East Allotment Association (LCEAA) and outlined his concerns about how the Association had been treated thus far, with regard to use of noticeboards and attendance at quarterly allotment sub-forum meetings. He called for the Council to recognise and accept the Association's rights to be treated no less favourably than any other allotment association. A full copy of Andrew's statement can be viewed on the Council's Minute book and is attached to the online minutes. Councillor Tim Warren offered to meet Andrew to discuss this further; Andrew said he would consider the offer. Councillor Andy Furse asked Andrew to confirm that all they were asking for was for the LCEAA to be treated the same as the other local allotment associations. Andrew confirmed that that was correct and they were simply asking for their existing rights to be respected. Councillor Robin Moss sought clarity on the nature of the problem they had encountered with the Cabinet Member, to which Andrew replied that they had been told it wasn't appropriate to form an alternative association, which he added was contrary to their right to assembly in Article 11 of the Human Rights Act. The Chair thanked Andrew for his statement which would be referred to the Cabinet Member.

David Redgewell made a statement to Members about bus services through parts of B&NES and Somerset County Council. He explained that Somerset had just started a bus services review and called for proper consultation to take place with those parts of B&NES that would be affected by this. David stated that the Government were asking for a single south west voice to contribute to the Transport Select Committee, currently covered by the two Sub-national Transport bodies (SNTB) – South West Peninsula Board and the Western Gateway Board. A copy of David's statement is available on the Council's Minute book and attached to the online minutes. Councillor Mark Shelford asked if David was aware that he was very supportive of David's comments and would be speaking to the relevant people, to which David replied that he was. Councillor Neil Butters asked if David was aware how bus budgets were being impacted in Somerset, to which he responded that the budget was being massively curtailed and he was proud of the work done in B&NES and they needed to echo that. Councillor John Bull asked for a little more information about the SNTBs that David had mentioned, so he explained the areas they covered and reiterated that a single voice was needed into Government. The Chair thanked David for his statement which would be referred to the Cabinet Member.

Dr Chrissie Harrington made a statement on behalf of the Pulteney Estate Residents' Association calling on Councillors to include the Pulteney estate in the Bath Clean Air Zone (CAZ). She outlined the reasons why they considered its omission from the CAZ to be illogical and detrimental to the community, and set out their concerns about the impact this would have. A full copy of Chrissie's statement has been placed on the Council's Minute book and attached to the online minutes. Councillor Bob Goodman asked Chrissie to confirm that they did meet last week with a view to reviewing the situation, which she did. Councillor Richard Samuel asked for Chrissie to clarify her understanding of the Council's position regarding the zone and through traffic on Cleveland place and the A36 Warminster Road. Chrissie explained that they were concerned that traffic from the south and east would end up dropping off, and circulating in their area to avoid the zone, thereby making the congestion there even worse. Councillor Sarah Bevan asked if Chrissie had been informed as to why that area had been excluded, to which she responded that she understood the idea

was to start small, but Bath is already a small city and they didn't think this omission from the zone made sense. The Chair thanked Chrissie for her statement which would be referred to the Cabinet Member

36 POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT 2017-18

The Council considered the annual report of the work undertaken by the 4 Policy Development & Scrutiny Panels and the Select Committee.

On a motion from Councillor Will Sandry, seconded by Councillor John Bull, it was unanimously

RESOLVED to note the work of the Policy Development & Scrutiny Panels and Health Select Committee, as set out in the Annual Report attached at Appendix 1 to the report.

37 AVON PENSION FUND COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Avon Pension Fund Committee on the work it has undertaken in the previous twelve months, up to 31 March 2018.

On a motion from Councillor David Veale, seconded by Councillor Shaun Stephenson McGall, it was

RESOLVED

1. To note the report; and
2. To approve the amended Terms of Reference for the Avon Pension Fund Committee.

[Notes;

1. *The above resolution was carried with 56 Councillors voting in favour and 1 abstention.]*

38 CORPORATE AUDIT COMMITTEE - ANNUAL REPORT

The Council considered the annual report of the Corporate Audit Committee.

On a motion from Councillor Brian Simmons, seconded by Councillor Andy Furse, it was unanimously

RESOLVED to note the annual report of the Corporate Audit Committee.

39 COUNCIL COMPANY ANNUAL ACCOUNTS

The Council considered a report presenting the annual accounts of ADL, ACL and BTP.

In seconding the report, Councillor Paul Myers regretted that the final accounts had not been available from the Auditors and gave a commitment to Councillors that as soon as they were completed and approved, they would be circulated to all

Councillors and submitted for a future meeting of the Resources Policy Development & Scrutiny Panel and Council.

During debate, Councillor Sarah Bevan, Chair of the Resources Policy Development & Scrutiny Panel, read out the resolutions from the Panel's consideration of this item at their meeting the previous day. [Details available in the Panel's minutes.]

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

RESOLVED

1. Note the ADL 2017/18 year end audited accounts, as set out in Appendix 1 to the report;
2. Note the ACL 2017/18 year end audited accounts, as set out in Appendix 2 to the report;
3. Note the BTP 2017/18 year end audited accounts, as set out in Appendix 3 to the report.

40 UPDATED FINANCIAL REGULATIONS AND BUDGET MANAGEMENT SCHEME

The Council considered a report presenting the updated Financial Regulations and Budget Management Scheme.

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

RESOLVED

1. To approve the updated Financial Regulations and Budget Management Scheme attached as Appendix A to the report;
2. To agree that the Key Decision financial threshold be set at £500k;
3. To give delegated authority be given to the S151 Officer in consultation with the Chief Auditor to make any updates or changes to the regulations of a non-material nature; and
4. That the Corporate Audit Committee overview any further changes to the regulations in line with their terms of reference.

[Notes;

1. *During debate, an amendment was moved by Councillor Robin Moss, and seconded by Councillor Joe Rayment, to postpone the change to the Key Decision financial threshold change until proper scrutiny could take place. This was lost with 7 Councillors voting in favour, 47 Councillors voting against and 1 Councillor abstaining.]*
2. *The above successful resolution was carried with 48 Councillors voting in favour, 2 Councillors voting against and 2 Councillors abstaining.]*

41 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2018 FINAL TIMETABLE

The Council considered a report seeking approval for the final timetable for the implementation of the review of polling districts, places and stations, following the publication on 7th August 2018 of the Local Government Boundary Commission for England's final recommendations on the electoral review of B&NES ward boundaries.

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

RESOLVED to approve the final timetable for the implementation of the review.

[Notes;

- 1. The above successful resolution was carried with 56 Councillors voting in favour and 1 Councillor abstaining.]*

42 ESTABLISHMENT OF JOINT VENTURE PARTNERSHIPS

The Council considered a report seeking agreement for the establishment of Joint Venture Partnership(s) with other public bodies for the purpose of delivering local housing developments, subject to specific business cases being developed for each joint venture.

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

RESOLVED

1. To agree the principle of the establishment of Joint Venture Partnership(s) with other public bodies for the delivery of local housing developments both inside and outside the Council area;
2. To agree that decisions to enter into Joint Venture Partnerships shall be taken by the Cabinet, subject to business case and establishment of appropriate governance arrangements in line with those agreed for Council companies. Implementation of the approved Joint Ventures and administrative functions to be delegated to the appropriate officer(s); and
3. To agree the allocation of up to £10k from the Transformation Revenue Reserve to meet Council legal costs for the setup of the Joint Venture.

[Notes;

- 1. The above successful resolution was carried with 50 Councillors voting in favour, 3 Councillors voting against and 4 Councillors abstaining.]*

43 MOTION FROM THE LABOUR GROUP - PERMITTED DEVELOPMENT FOR SHALE GAS EXPLORATION & INCLUSION OF SHALE GAS PRODUCTION IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REGIME

On a motion from Councillor John Bull, seconded by Councillor Robin Moss, it was

RESOLVED as set out below;

Council notes that:

1. Currently fracking companies are required to apply for planning permission from the local authority to drill or sample a well. They also have to apply for planning permission from the local authority to undertake shale gas production.
2. The Ministry of Housing, Communities and Local Government is consulting on whether proposals for non-hydraulic shale gas exploration should be granted planning permission through a permitted development right.
3. The Ministry of Housing, Communities and Local Government is also consulting on whether to include major shale gas production projects in the Nationally Significant Infrastructure Project regime. This would mean that the Secretary of State would automatically become the decision maker for determining an application for future shale gas production projects meeting certain criteria.
4. The Council previously adopted resolutions on fracking on 11th July 2013 and 10th September 2015.
5. On the 6th August, 2018 the Leader of Council wrote to the Secretary of State, Greg Clark, objecting to these proposals.
6. The Council has responded to the consultation opposing permitted development rights for shale gas exploration and the inclusion of major shale gas production projects in the Nationally Significant Infrastructure Project regime.
7. The potential impact of fracking and its capacity to divert water flows could be catastrophic for the World Heritage City of Bath.

Council believes that:

8. The local planning process is one of the main ways in which communities can express their views about what happens in their area. Permitted development significantly reduces the potential for local people to comment on a development.
9. It is important that local councils have a say in whether shale gas exploration goes ahead as this activity could result in significant local impacts such as increased traffic, noise and lighting as well as damage to the ecology and visual landscape of an area.
10. Shale gas production is highly controversial with the potential to significantly impact on local communities. Decisions about these developments should continue to be made by democratically accountable local planning authorities and not as part of the Nationally Significant Infrastructure Project regime.

Council agrees to ask the Leader of Council to:

11. Write to;
 - a. our local MPs asking for their support in opposing these proposals;
 - b. all authorities which border Bath & North East Somerset, to ask them to support us in our opposition to fracking in our region;
 - c. the appropriate Minister requesting that the Avon Act is extended across the whole Avon catchment area in B&NES.
12. In the event that permitted development rights for shale gas exploration are introduced, to explore the potential for an Article 4 Direction to remove these permitted development rights from shale gas exploration in this area.
13. To work with all planning authorities in the catchment area defined by the carboniferous limestone bowl in which the hot springs sit to introduce Article 4 Directions.
14. Request that our Avon Pension Fund Committee members investigate options to continue diverting investment from companies specialising in fossil fuel energy production to companies specialising in environmentally responsible energy production.

[Notes;

1. *The above successful resolution was carried with 54 Councillors voting in favour, and 3 Councillors abstaining.]*

44 MOTION FROM THE LIBERAL DEMOCRAT GROUP - AUTISM AWARENESS

On a motion from Councillor Tim Ball, seconded by Councillor Steve Hedges, it was

RESOLVED unanimously as set out below;

Council notes:

1. Around 700,000 people in the UK are on the autism spectrum. That is more than 1 in 100. If you include families, autism is part of daily life for 2.8 million people. In addition, many are still undiagnosed.
2. Autism is a hidden disability – you cannot always tell if someone is autistic. The right support at the right time can make an enormous difference to people's lives. 17% of autistic children have been suspended from school. 70% of adults say they are not getting the help they need from social services and that with more support they would feel less isolated. At least one in three experiences severe mental health difficulties due to lack of support. Only 32% are in some kind of paid work.
3. Public awareness of autism is growing but many people are unaware of the challenges faced by people on the autism spectrum and their families.

4. Thousands of children are undiagnosed until later in life, and many adults have suffered from lack of diagnosis and the right understanding and support for much of their life. Many end up in our prison systems or are homeless. Many have never had the right support or opportunity to be employed. Children need to be assessed early and, if autism is suspected, get the right support in a timely way. This currently does not happen, leaving families unable to get the help and support required to enable the young people to understand their condition and reach their potential and for families and teachers to make the necessary adaptations to support them.
5. The efforts made by local organisations and businesses, such as the Roman Baths, which has been recognised by the Autism Society, and the introduction of 'quiet shopping hours' in supermarkets are welcomed. But it should go much further.
6. The excellent work the Council already achieves in providing high quality service for autistic people in Bath and North East Somerset but we recognise we may need to do more to meet the needs of the growing numbers being diagnosed.

Council resolves to:

7. Request that the Leader of the Council writes to the Minister concerned to ensure that Autism is recognised in our criminal justice system.
8. Recognise its position as a community leader in promoting inclusive practice across all partners including schools to ensure that children with autism or similar special educational needs and disabilities are given the appropriate support to learn and fulfil their potential.
9. Recognise its responsibility as a public service provider, to ensure that as far as possible within available resources, all public-facing Council services are aware of the ways in which they can best enable people with an autistic spectrum disorder to access the facilities they offer.
10. Refer this issue to the Health and Wellbeing Board which brings together a range of relevant partners, and is therefore the appropriate forum to consider what more they can do to raise awareness including with local businesses.
11. Consider supporting the 'Too Much Information' Autism Hour in its own premises (6 – 13th October 2018).

[Notes;

1. *The above successful resolution contains wording proposed by Councillor Paul May and accepted into the substantive motion by the mover and seconder, namely paragraphs 6, 8, 9 & 10.]*

45 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Alison Millar made a statement to Council about litter enforcement and advised caution when considering any private contractor undertaking this role. She expressed concern that this would target vulnerable groups and highlighted examples of private contractors being sacked across the country. She described this as a huge concern and reminded Councillors and the public of the call-in Policy Development & Scrutiny Panel which would consider this issue on Thursday 27th September.

The Chair thanked Councillor Millar for her statement which was referred to the relevant Cabinet Member.

The meeting ended at 9.38 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	8th November 2018	
TITLE:	Joint Community Safety Plan	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report: Draft Joint Community Safety Plan 2018 – 2021</p>		

1 THE ISSUE

1.1 This draft joint Community Safety Plan sets out the joint community safety work to be carried out in Bath and North East Somerset by the Community Safety Partnership and Police and Crime Commissioner over the next three years. It reflects the outcomes of the recent Council Scrutiny Inquiry Day on Community Safety, which identified in particular the benefits of partnership working and recommended that such a joint plan be progressed. The Plan addresses key issues relating to crime, disorder and anti-social behaviour in Bath and North East Somerset.

2 RECOMMENDATION

Council is asked;

2.1 To adopt the Joint Community Safety Plan

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The work plan is to be completed within existing Council resources. The Council’s budget contains income generation for the Communications Hub & CCTV Income of £50,000 in 2018/19 and £50,000 in 2019/20.

3.2 The PCC provides a grant to the council which is currently invested in a commissioned service to address domestic violence and abuse, a youth crime prevention service and young people’s substance misuse service. This grant is guaranteed until 2020. Any future changes to this will have an impact on this plan.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 This report addresses the Council's duties under the Crime and Disorder Act 1998

5 THE REPORT

5.1 The Responsible Authorities Group, which comprises Council, Police, Curo, Avon Fire and Rescue and other agencies, and the Police and Crime Commissioner have worked closely together to prepare this document, working with a range of other partners with responsibilities in this field. As such, it reflects our shared priorities and serves as both the Community Safety Plan and the local Police & Crime Plan for Bath and North East Somerset.

5.2 The PCC will publish a summary leaflet for distribution. This will be one of a number of such leaflets covering all authority areas within Avon and Somerset.

6 RATIONALE

6.1 A report on the Joint Plan was made to Cabinet on 31st October 2018. These recommendations are being made to Council as the Plan forms part of the Council's Policy and Budget Framework.

7 OTHER OPTIONS CONSIDERED

None

8 CONSULTATION

8.1 This report has been presented for consultation at Communities, Transport and Environment Policy Development and Scrutiny Panel; all area forums and the Independent Equality Advisory Group.

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.

Contact person	<i>Samantha Jones 01225 396364</i>
Background papers	<i>N/A</i>
Please contact the report author if you need to access this report in an alternative format	

**Bath & North East
Somerset Council**



**AVON &
SOMERSET
POLICE & CRIME
COMMISSIONER**

Joint Community Safety Plan

**Bath & North East Somerset
Community Safety Partnership
(Responsible Authorities Group)**

and

**Avon and Somerset Office of the Police and
Crime Commissioner**

2018 – 2021

Contents	Page
1. Joint introduction	3
2. Bath and North East Somerset – a description	5
3. Partnership working in Bath & North East Somerset	6
4. Police and crime: local context and challenges	7
5. Feedback from local communities	9
6. Strategic and emerging issues across the area	11
7. What we can deliver together	12
8. Involving our communities more	15
9. Priority 1	16
10. Priority 2	18
11. Priority 3	20
12. Measures	22
13. Glossary	23
14. Appendix 1: Links to other plans, strategies and partnerships	24

1 Joint Introduction

From Councillor Bob Goodman, Cabinet member for Neighbourhoods and Chair of Bath & North East Somerset Responsible Authorities Group and Sue Mountstevens, Police and Crime Commissioner for Avon and Somerset.

- i. The PCC and the Community Safety Partnership have a clear shared aim - to take every opportunity to protect the public and help keep us safe. Our success and that of our other partner agencies depends on dedicated teams of staff working together, whether that is to safeguard children and vulnerable people, tackle domestic abuse or address local anti-social behaviour.
- ii. For the Police, as an emergency service, this means responding efficiently and effectively to calls from the public and utilising our resources in a cost effective manner. Protecting vulnerable people and preventing and reducing crime in partnership with others is our core activity.
- iii. For the Council, this could mean anything from identifying and stopping rogue traders, catching fly-tippers or using CCTV to help the Police to identify suspects. We can only do all this effectively by working in partnership. This Plan sets out how we will protect vulnerable people, tackle crime and build strong, resilient communities. It focuses on our collective priorities where a shared vision is needed, and on the actions that we - by working together - will take to achieve the best outcomes for individuals, families and communities.
- iv. There is a lot of work to be done, but we should be proud of our achievements so far through our work together for the good of all. We should also be justly proud of the staff who work so hard to improve our quality of life and keep us safe, support victims of crime and bring those that cause us harm to justice.
- v. This joint Community Safety Plan sets out the Partnership's Community Safety objectives and planned activities for the next three years. It fulfils a specific recommendation of the recent Bath & North East Somerset Council

Scrutiny Enquiry Day on Community Safety, which identified the benefits of such a partnership approach. It identifies the key issues we will focus on as we tackle crime, disorder and anti-social behaviour in Bath and North East Somerset. The Bath and North East Somerset Responsible Authorities Group (RAG), which is our Community Safety Partnership, and the Police and Crime Commissioner (PCC), have worked closely together to prepare this document, alongside the other key partners involved in keeping us safe. As such, it reflects their shared priorities and serves as both the Community Safety Plan and the local Police & Crime Plan for Bath and North East Somerset.

- vi. The local forums are in receipt of regular reports that detail local crime and anti-social behaviour statistics. We use these reports to monitor our progress.
- vii. This plan asks for your support - because together we can keep our communities in Bath and North East Somerset safe and feeling safe

2 Bath and North East Somerset – a description

- i. Bath & North East Somerset is a diverse area which includes the World Heritage Site City of Bath as well as vibrant towns, villages and rural communities.
- ii. Generally, our communities are healthy and safe with overall levels of deprivation that are significantly below the national average. However, we have a number of communities with significant levels of deprivation, particularly in the south and southwest of Bath, in Radstock and in Keynsham. There are areas of rural isolation as well as a high and growing student population.
- iii. Our Connecting Communities programme has seen the creation of five Area Profiles for areas in Bath & North East Somerset, as below:

[Bath Area Profile](#)

[Somerset Valley Area Profile](#)

[Chew Valley Area Profile](#)

[Keynsham Area Profile](#)

[Bathavon Area Profile](#)

3 Partnership Working in Bath & North East Somerset

- i. Our Community Safety Partnership is led by the Responsible Authorities Group (RAG) and comprises: Bath and North East Somerset Council; the B&NES Clinical Commissioning Group; Lighthouse, Avon & Somerset Police; the Bristol, Gloucestershire, Somerset and Wiltshire Community Rehabilitation Company Ltd; Avon Fire and Rescue Service and Curo. The Responsible Authorities Group regularly welcomes the PCC and representatives to attend and be involved in discussions and joint working.

- ii. The RAG works at a strategic level and links with a very wide range of partners and across the whole community safety field. Recent and emerging issues for the Partnership include Prevent (the aim of which is to stop people becoming terrorists or supporting terrorism), Modern Slavery and Serious and Organised Crime. The RAG monitors issues and concerns at a high level whilst delivering through thematic groups such as the Night Time Economy Group, the Task and Targeting Group (which deals with issues such as rough sleeping), the Domestic Abuse Partnership and – increasingly - our Area Forums. In the next section, we set out our joint assessment of the key community safety challenges facing our area.

4 Police and crime: local context and challenges¹

- i. Overall, our area remains a safe place but in the context of all public agencies facing immense challenges maintaining this, with rising crime trends and changing crime patterns, this puts a pressure on resources. We are required to prioritise our work according to our strategic assessment of crime and disorder in our area which is built on a range of data including recorded crime and feedback from local agencies and communities, and is set out below:
- ii. The scale of identified vulnerability in Avon and Somerset is significant and placing increasing demand upon public sector services. Neighbourhood policing teams have an important role to play in supporting and protecting vulnerable people, through reassurance, monitoring and, where necessary, intervention, either in partnership with other agencies or as the lead agency.
 - a) In 2017/18 recorded crime in B&NES rose by 3.4% compared against the previous year (397 more offences)². Reports of anti-social behaviour increased by 8.4% (310 extra reports).
 - b) Arson and theft reduced by -16% (10 offences less) and -5.9% (218 offences less).
 - c) Burglaries increased by +22.7 % (198 more offences),
 - d) Robbery increased by +32% (29 more offences).
 - e) Sexual offences increased by +25% (67 more reports) and offences involving violence rose by +7.5% (343 more reports).
 - f) Offences classed as Hate Crime rose by +20.7% (53 more offences).
 - g) Over 40,000 “requests for service” were made to the Police in the 12 months to April 2018 with customer satisfaction in the B&NES area at 77%³.
 - h) Lighthouse is an integrated victim care service. It supports victims who are vulnerable, intimidated, persistently targeted or experience serious crime⁴. In

¹ Data from Avon & Somerset ‘Business Objects’

² This would appear lower than rises elsewhere in the country; recorded crime levels are linked to factors including the accuracy of recording practices which all forces are seeking to improve. Other factors are actual levels of crime and the levels of confidence victims have in reporting.

³ Data from satisfaction survey of victims of: burglary, hate crime, violent crime and ASB.

2017/18, around 21% of victims of crime and ASB who live in the BaNES area (2183 people) were assessed as eligible for enhanced victim support and referred to the service.

- i) For the calendar year 2017, there was a further small reduction in young people entering the youth justice system for the first time, continuing a long term trend. However, the reduction was at a slower rate as it included, unusually, a large cohort of young people arrested for a spate of anti-social behaviour and violence in the centre of Bath in the autumn of 2017; thirteen of these young people were charged directly to Court.

⁴ Victims are offered practical support and guided through the criminal justice process by specially-trained staff. The service includes police staff, working with independent organisations.

5 Feedback from local communities

- i. The Police provide regular policing updates to the Connecting Communities Area Forums and this allows for local concerns to be raised and projects identified. An analysis of Connecting Communities Forum reports and feedback has identified a number of differences in concerns raised across our Forum areas, and these are set out below:

1 In Bath, key issues raised included:

- a) Drug offences particularly the outcome of “Operation Hydra” (now replaced by Operation Cabbotage) which focuses on tackling the Bath drugs market.
- b) Thefts from vehicles.
- c) Street issues - including begging, street drinking and rough sleeping.
- d) Improving Police visibility, particularly in Bath city centre.

2 In Somer Valley, key issues raised included:

- a) Anti-social behaviour, particularly in Gullock Tynning in Midsomer Norton. The introduction of a dispersal zone here resulted in a significant reduction in anti-social behaviour.
- b) Speeding traffic, we work together to reduce the number of persons killed or seriously injured on our roads, using community feedback to target danger hotspots through community speedwatch, road signage, traffic speed enforcement or traffic calming measures.

3 In Chew Valley, key issues raised included:

- a) Burglary, particularly non-dwelling burglaries such as from garden sheds.
- b) Road safety, particularly on the A37. The Chew Valley Transport Strategy Delivery Plan October 2017 recommended that the programme of safety measures following the recent review of this route should be continued. Some improvements have already been implemented. Further improvements to the

junction at Farrington Gurney as part of the Somer Valley Enterprise Zone in Paulton are planned. Highways Department have commissioned a safety audit in Pensford.

4 In the Keynsham area, key issues raised included:

- a) Anti-social behaviour in the town, including setting fire to waste bins at the Memorial Park and significant issues in the area around the civic centre, was the key issue raised. This led to a special session of the Keynsham Community Forum in September 2017. The police reported to the Responsible Authority Group and subsequently to the Forum in July 2017 that during the intervening period offenders have been targeted and offences have reduced significantly through a programme focusing on concerns raised by residents including:
- Improving residents' ability to make reports – beat surgeries were set up in 4 locations including the library and café in Queens Road
 - Prevention of antisocial behaviour – police patrols targeting hotspot locations
 - Prosecution - use of the new antisocial behaviour powers one prolific young offender issued with a community protection order
 - Reassurance of the public – attendance at public meetings including quarterly Keynsham Forum meetings to report statistics and facts

6 Strategic and emerging issues across the area

- i. The Responsible Authorities Group meets quarterly and its agenda reflects the changing crime patterns and addresses local concerns. It also takes a strategic overview of the emerging priorities raised by local partners particularly those where there may be gaps or where demands are increasing due to external pressures and legislative changes. RAG then co-ordinates partnership resources to address new and emerging concerns. RAG is clear that this plan should be delivered in the context of the capacity which the various partners have to deliver.
- ii. In 2017-18, the group focused on the following key issues:
 - a) 'Street' based issues, including supporting the Task and Targeting Group to address rough sleeping and aggressive begging. Our Task and Targeting Group meets monthly to provide targeted action on rough sleeping and other related issues, supported by our Assertive Street Outreach team. Julian House provides 30 direct access hostel beds and there is a dedicated outreach worker for female rough sleepers. Our partnership with the Business Improvement District has extended city centre marshalling, and our Bath and District Crime Reduction Partnership reduces the impact of crime and anti-social behaviour on businesses particularly regarding anti-social behaviour including rough sleeping in doorways. The group was successful in receiving a grant for £300,000 to run until March 2019 to tackle rough sleeping in our area.
 - b) Domestic Abuse, particularly supporting the Independent Domestic Violence Adviser service and conducting Domestic Homicide Reviews. Our Domestic Abuse Partnership has been successful in an ambitious bid for national funding to expand our Independent Domestic Violence Advisor (IDVA) service to better deal with complex cases and provide better information and advice to help victims "navigate" through the system. The Partnership has secured long-term funding for the RUH IDVA through contributions from public health, CCG and Wiltshire Council. The RUH IDVA saw 134 referrals between April

2016 and April 2017. The IRIS project (which creates a clear referral pathway for domestic violence for GP surgeries) has seen 92% of GPs receiving training to August 2017 and there have been 270 referrals. The Partnership has also secured funding to provide 10 new beds of refuge provision.

- c) Serious and Organised Crime - establishing cross-agency links to disrupt organised crime gangs operating in our area, including Disrupt and modern slavery and people trafficking. Our multi-agency Disrupt Panel brings together Council, Police, and others to tackle serious and organised crime in our area.
- d) Protecting vulnerable people - linking with the Safeguarding Boards and focusing on hate crime.
- e) Linking with wider Avon and Somerset initiatives, such as the Avon and Somerset Reoffending Strategy.

7 What we can deliver together

- i. Historically, significant central Government funding was available to support the work of Community Safety Partnerships. However, external funding for community safety has declined significantly in recent years and the only dedicated funding of this type is now allocated by the PCC. In 2018/19, RAG received £64,589 from the PCC to support activities to address local priorities. This is an annual sum that has been provided as a three year commitment (2018/19 is year 2). This has been invested in our IDVA Domestic Abuse project, currently delivered by Southside Family Project domestic violence and abuse (DVA) commission; the Compass youth crime prevention service and the young people's substance misuse service.
- ii. Local partner organisations agree the level of resources they commit to the work of the Responsible Authorities Group against a backdrop of financial challenges for all partners. In some cases, the level of support can be quantified - for example, investment by the Council in our CCTV control room operations – and in other cases support is “mainstreamed” through the day-to-work of services such as:
 - a) The Local Safeguarding Boards for Children and Adults. Our Local Safeguarding Children Boards co-ordinates a multi-agency approach to reducing harm to vulnerable children and young people.
 - b) The multi-agency Youth Offending Service brings together staff from a range of backgrounds including Police, Health, Social Care, Education and the National Probation Service. In early 2017, the Youth Offending Service was awarded the Restorative Service Quality Mark in recognition of its work with victims.
 - c) The Council's Trading Standards team, which takes firm action against illegal businesses and those selling counterfeit and other illegal products.
 - d) The Council's Public Protection team working alongside Avon & Somerset police on tackling modern slavery and rural exploitation.

- e) Licensing and enforcement, which deal with a wide range of local concerns including fly-tipping and noise.
 - f) Our extensive network of public space CCTV cameras.
- iii. Our RAG partners such as Curo also provide significant resources to address anti-social behaviour through their specialist Tenancy Compliance and Support team. In many cases, partners also provide significant 'in kind' support and partner resources, for example in sharing data. 105 parents/carers were identified in Bath and North East Somerset experiencing all three of what is sometimes called the 'complex trio' i.e. mental ill health, domestic abuse and substance abuse. We then used this data to ensure that people were offered the support they needed.
- iv. However, public service agencies are operating under significant financial challenges. The Council's Operational Plan 2018-19 identifies a funding gap to 2020 which has resulted in the establishment of a programme, 'Changing Together' to look at how savings can be delivered continuing to protect our most vulnerable residents. The programme also provides a framework for working with staff and our communities to establish what services should take priority (and what we can do less of), and how communities can help to manage demand.
- v. Partner agencies are facing similar challenges and this, along with the removal of national funding directly for Community Safety Partnerships, has put increasing pressure on partners to address the assessed needs set out above. This means that we need to:
1. Prioritise our resources based on **helping those who most need our help**, particularly targeting our work on helping and protecting the most vulnerable people.
 2. **Involve our communities more** in what we do and support them in addressing local concerns.
 3. **Work better together** to share resources and identify new ways of working.

8 Involving our Communities More

- i. In recent years we have provided for local community discussions on community safety to be channelled through our Connecting Communities Area Forums. The Police provide updates to the Forums on local crime patterns, receive feedback and publish up to date local priorities.
- ii. This process of working together to identify local priorities has provided a catalyst for local community action, including:
 - a) Keynsham residents came together in response to their significant concerns raised in the town about anti-social behaviour. The meetings saw Council, traders, residents, Police, and head teachers, alongside community and church groups, come together to find solutions. There was recognition at the meeting that there was no “quick fix”, but that there were many local people willing to work together, particularly on projects for young people. One church launched a young person’s café at Community@67, young people attending the café will be invited to be involved in the radio station. There are five volunteers at present, all DBS checked and with experience of working alongside young people. The scheme received £400 funding from local businesses to help support the initiative.
 - b) The formation of a new Midsomer Norton Public Safety Group. This has built on the success of our ground-breaking Community Alcohol Partnership which included the use of Street Marshalls and restrictions which allowed for the seizure of alcohol being consumed on the streets. The area has seen a significant reduction in reported violence and criminal damage since 2012.
 - c) 35 “Safe Zones” have been introduced across Keynsham, Midsomer Norton and Bath City to provide support for vulnerable people.
 - d) The establishment of Community Speedwatch schemes across the area. Bathampton Community Speedwatch is a team of around eight volunteers carrying out speed checks through the village. The Chew Valley Forum is currently identifying interest in a Community Speedwatch across the area.

9 Priority 1:

Protect the most vulnerable from harm

1 Why this is a priority

- a) Complex crimes with high levels of associated risk, such as Child Abuse, Child Sexual Exploitation (CSE), modern slavery and human trafficking, are increasing and this rise is expected to continue
- b) It is widely acknowledged that children and young people experiencing Adverse Childhood Experiences (ACES) are more likely to develop complex trio behaviours / dependencies in adulthood.
- c) The local specialist domestic abuse agency Southside, reporting through their 'Insights' data shows 69% of survivors having children in the household and 50% presenting with mental ill health. Early intervention (particularly in 'complex trio' work focussing on substance and alcohol misuse, mental ill health and domestic abuse / violence) is a key factor in reducing service dependency in later life.
- d) Hate crime reports in B&NES have increased by around 20% in the last 12 months
- e) It is believed that only 5% of mass marketing fraud is reported. It is recognised that there is significant under reporting in relation to mass marketing fraud – and that vulnerable people due to age or capacity are more likely to be targeted.

2 Key Objectives of priority 1:

- 1. Implement, monitor and evaluate our new partnership investment from the Violence Against Women and Girls Fund.
- 2. Strengthen the role of the Hate Crime and Community Cohesion Partnership
- 3. Continue to take enforcement action against scammers and rogue traders, working in partnership with the National Scams Hub.

1.	<p>Implement, monitor and evaluate our new partnership investment from the Violence Against Women and Girls Fund.</p> <p>Between partners we will continue to Chair the Domestic Abuse Partnership and use this group to monitor the efficacy of the VAWG funding into the area.</p> <p>Continue to respond to and manage Domestic Homicide Reviews.</p> <p>Learn from the outcomes of Domestic Homicide reviews and implement changes to working practices where necessary.</p> <p>Continue to identify opportunities for longer-term funding to reduce domestic abuse and improve outcomes for survivors</p> <p>Work together with other Community Safety Partnerships in Avon and Somerset to finalise and implement the review of MARACs in a way that (1) reflects the financial challenges faced by councils and other agencies (2) mainstreams the work of MARAC and (3) improves outcomes for survivors (4) addresses perpetrators</p>
2.	<p>Strengthen the role and effectiveness of the Bath and North East Somerset Hate Crime and Community Cohesion Partnership. <i>The Partnership's remit is to provide an integrated, proactive approach to monitoring patterns and trends and using this challenging, influencing and championing change needed in services to tackle hate crime and incidents effectively</i></p> <p>Between partners we will continue to administer and chair the Hate Crime Case Review Panel.</p>
3.	<p>Continue to take enforcement action against scammers and rogue traders, working in partnership with the National Scams Hub.</p> <p>We will advise vulnerable local residents on how to spot and report scams and rogue traders. <i>The Council, in partnership with the National Trading Standards Scams Team recently offered vulnerable residents call-blockers to prevent nuisance callers. Over an 18 month period 5,649 nuisance calls were made to ten local residents who had call blockers installed, just 11 got through.</i></p>

10 Priority 2:

Strengthen and improve local communities to improve outcomes for local people

1 Why this is a Priority

- a) A high proportion of people report feeling safe in their local area (88%). However, local residents say they require more 'reassurance' through visible policing.
- b) Work with our Connecting Communities Forums and our experiences in Midsomer Norton and Keynsham shows the benefits of local communities coming together to address local concerns
- c) The #NeverOK Campaign on anti-harassment and bullying shows the benefits of tapping into local networks such as our student communities.

2 Key Objectives of priority 2:

- 1. Reduce the impact that anti-social behaviour has in our communities.
- 2. Continue the commitment to support neighbourhood policing.
- 3. Strengthen the resilience of local communities.

1.	Reduce the impact that anti-social behaviour has in our communities
	Work through the Connecting Communities programme to develop partner responses to local priorities and promote community cohesion and resilience
2.	Continue the commitment to support neighbourhood policing
	Co-ordinate and administer the Night Time Economy Group to reduce impacts on local residents, and continue to undertake multi-agency enforcement visits to licensed premises to ensure they are safe and do not create nuisance.
	Continue commitment to active participation in local community forums
3.	Strengthen the resilience of local communities
	Continue to promote the “Got Ya Back” River Safety campaign with partners and students. <i>We worked with Avon Fire and Rescue to develop and install 14 robust, vandal-proof cabinets for life-saving equipment along the River Avon.</i>
	Work closely with the Student Community Partnership on a range of projects to promote safety
	Continue to develop the #NeverOK Campaign organised by the Student Community Partnership on Anti-harassment and Bullying. <i>The campaign has now been extended beyond the University of Bath to Bath Spa University and is being integrated into sports clubs and societies. The next step is to work with Bath College and Sixth Forms to involve them with the campaign</i>
	Work alongside community groups to facilitate closer working to problem solve – in partnership - local issues
	Work together on hate crime and encourage families to report concerns.

11 Priority 3:

Work together effectively to respond to community safety challenges

1 Why this is a Priority

- a) The nature of crime is changing. We need to be open to new ways of working which deliver outcomes in a smarter way, including greater working across boundaries. For example
- b) Child Sexual Exploitation continues to rise, with reports increasing over the last year. The PCC has brought together contributions from across the force area to provide specialist support to address for Child Sexual Exploitation. Our LSCB has an outcome for staff to be confident in responding appropriately to these issues. Similarly, addressing Modern Slavery also requires significant regional co-ordination and specialist support including working with organisations such as the Gangmasters Licencing Authority.
- c) The Counter Terrorism and Security Act 2015 places a duty to “have due regard to the need to prevent people from, being drawn into terrorism” It applies to a range of public bodies including colleges, universities, councils, health, probation and police. Again, local activity depends on access to regional and other intelligence. Avon and Somerset Counter Terrorism local Profile informs partners of threats, vulnerabilities and risks. Prevent is part of Contest which aims to reduce the risk to the UK from terrorism. Prevent’s aim is intercept radicalisation, to stop people becoming terrorists or supporting terrorism. “Lone Actors” present the highest threat to Avon and Somerset. We work closely to protect “crowded places” with work ongoing on designing and securing protective measures.

2 Key Objectives of priority 3:

1. Continue to actively work across the Avon & Somerset partnerships on Child Sexual Exploitation, Anti-Slavery Partnership and Modern Slavery and people trafficking.
2. Comply with legislative changes regarding responsibility for Prevent.

1.	Continue to actively work across the Avon & Somerset partnerships on Child Sexual Exploitation, Anti-Slavery Partnership and Modern Slavery and people trafficking.
	Support and enable the reporting of, discovery of, and response to, incidents of modern slavery and exploitation
	Actively participate in the Avon and Somerset Anti-Slavery Partnership and develop proportionate local initiatives across partner organisations and with services to identify and respond to incidents.
2.	Comply with legislative changes regarding responsibility for Prevent
	Meet our Prevent duties and help other partners to do so, including raising awareness of reporting method for online extremist material working with community groups to raise awareness of radicalisation and in particular the role of social media

12 Measures

- i. Indicators will be regularly reviewed in order to understand the impact of the Plan's activities, noting the challenges that present in interpreting these as measures of performance

Police recorded total crime for the B&NES area
Police recorded serious cases involving young people as victims of abuse, CSE, Modern Slavery
Police recorded hate crime
Police recorded fraud with vulnerable victims
The number of domestic abuse incidents reported to the Police
The number of domestic abuse prosecutions
Police recorded ASB
NTE incidents recorded by Police from licensed premises
Victim satisfaction
Victim outcomes following support interventions

13 Glossary

ACES	Adverse Childhood Experiences
B&NES	Bath and North East Somerset
CCG	Clinical Commissioning Group
CCTV	Closed Circuit Television
CSE	Child Sexual Exploitation
CSP	Community Safety Partnership
DVA	Domestic Abuse and Violence
IDVA	Independent Domestic Abuse Advisor
LSAB	Local Safeguarding Adults Board
LSCB	Local Safeguarding Children's Board
MARAC	Multi-Agency Risk Assessment Conference
OPCC	Office of the Police and Crime Commissioner
PCC	Police and Crime Commissioner
RAG	Responsible Authorities Group
RUH	Royal United Hospital
VAWG	Violence Against Women and Girls

14 Appendix 1

Links to Other Plans, Strategies, web pages and Partnerships

Police and Crime Commissioner [Avon and Somerset PCC](#)

Avon and Somerset Constabulary [Avon & Somerset Police](#)

Bath & North East Somerset Council [Bath and North East Somerset Council](#)

LSAB [Safeguarding Adults](#)

LSCB [Safeguarding Children](#)

Crime Prevention and Community Safety [Crime Prevention and Community Safety](#)

Youth offending [Youth Offending Service](#)

Anti-Social behaviour [Anti-social Behaviour](#)

Trading standards rogue traders [Trading Standards](#)

Children and Young People [Children and Young Peoples plan 2018-2021](#)

Reoffending Strategy [reoffending strategy avon and somerset PCC](#)

Bath & NE Somerset Youth Justice Plan [youth justice plan](#)

Anti-slavery partnership [Anti Slavery Partnership](#)

[Health and Wellbeing Strategy 2015-19](#)

[Child Sexual Exploitation Strategy](#)

Early Help Strategy [Early Help Services](#)

Prevent [Counter-terrorism strategy 2018](#)

Crowded Places [crowded places uk](#)

CTE PDS Panel Scrutiny Enquiry Day [Community Safety Inquiry Day 2018](#)

Bath & North East Somerset Council		
MEETING:	Council	
MEETING:	8 November 2018	
TITLE:	Influencing the central government policy agenda	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Thriving in uncertain times: Our offer to become a self-sufficient local authority		

1 THE ISSUE

- 1.1 This report sets out progress made in developing a single document setting out the council's key requests of central government in order to create a more sustainable council.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Adopt the document attached as the Appendix as its core position statement in order to influence the central government policy agenda and secure benefits for local residents and businesses
- 2.2 Ensure that relevant Secretaries of State, local Members of Parliament, key officials and other relevant stakeholders receive a copy of the adopted document
- 2.3 Use the document in order to continue to seek influence on central government
- 2.4 Encourage local stakeholders to use the document to also influence central government to benefit Bath & North East Somerset residents and businesses.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The attached position statement and related work to influence central government has been carried out within existing resources.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council has a number of statutory duties and powers with regard to promoting the wellbeing of our communities. This work has been undertaken within this framework and within the context of the Council demonstrating community leadership for our area.

5 THE REPORT

- 5.1 Feedback from the engagement undertaken on the council's budget in 2017 highlighted that our communities share the council's concerns about the impacts of central government policies- particularly relating to local government finance- on our ability to sustain high-quality local services. Particular areas identified through the Area Forum engagement on the budget included the impact of our Universities on our ability to generate Council Tax and Business Rate income, and the impact of tourists and visitors. Latterly, the issue of the impact of short-term holiday lets has also come to the fore, with a motion passed at the Council on this in July.
- 5.2 As a result of this feedback, and drawing on previous discussions with central government on the council's financial position, a package of measures to seek to influence central government policy in a more systematic way has been prepared. This draws on the council's submission presented to the Government's Fair Funding Review. It has been refined by further analysis of the financial challenges facing the authority, as set out in the report to October Cabinet on the Medium Term Financial strategy, which identified that these seeking to influence central government provided a key component of our overall approach.
- 5.3 The resultant document, entitled "Thriving in uncertain times: our offer to become a self-sufficient local authority", is attached as an Appendix. Once finalised and adopted its aims will be twofold:
- To be submitted to **ministers, officials, and others the council seeks to influence**. This will complement and reinforce the face-to-face discussions which Cabinet members are also having with central government such as recent meetings between the Leader and ministerial advisers on short-term lettings.
 - To be made available to **local stakeholders, partners and communities** to set out the the council's thinking on these issues, and to invite involvement in further developing these proposals and influencing the central government agenda. Key partners to be included within this conversation will include the CCG, parish and town councils and WECA. Progress made on this will also be fed back at the November/December Area Forums.
- 5.4 The attached document is not designed to be an exhaustive list of all our requests of government. In addition, the council will continue to press central Government to fully fund the impacts locally of the so-called "new burdens" it has introduced. For example, we have argued strongly – and will continue to argue- to central government that the SEND reforms have not been fully-funded. Whilst the council welcomes the improvements for children and families resulting from these reforms, this has led to significant "cost-shunting" to local authorities which the government must address directly and urgently.
- 5.5 The document's primary aim is to persuade government of the merit of a number of key requests for policy and legislative change, as well as of some technical changes which could be achieved in the shorter-term. The approach emphasises our strategy of seeking greater self-sufficiency, particularly through the ability to raise funding to invest in our local infrastructure and public realm whilst also maintaining our support for adult social care and children's services.

5.6 The council will also continue to work with other authorities on the full range of issues set out in the paper, for example with local authority areas who have expressed an interest in a tourism levy in some form. The council has also been working through the LGA with council areas with common interests, including areas who have seen significant growth in University numbers in recent years. Further progress on this will be reported as appropriate.

6 RATIONALE

6.1 This document has been prepared in response to feedback from local communities during last year's budget engagement sessions that the council should seek to influence the central government policy agenda to the benefit of local residents and businesses.

7 OTHER OPTIONS CONSIDERED

7.1 The option of not preparing a single document bringing together these policy requests was considered. However, it was thought that the most practical way of setting out the council's case both for central government and local communities was to produce a clear guide to the council's position.

8 CONSULTATION

8.1 The report and attached document have been prepared in consultation with the council Leader, Cabinet Member for Finance and Efficiency, Chief Executive, S151 Officer, Monitoring Officer and Corporate Directors.

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.

Contact person	Andy Thomas, andy_thomas@bathnes.gov.uk 01225 394322
Background papers	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
Please contact the report author if you need to access this report in an alternative format	

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Thriving in uncertain times

Our offer to become a self-sufficient local authority

Bath and North East Somerset Council submission to UK Government Ministers

October 2018

DRAFT

About this document

The paper sets out the unprecedented financial burdens facing Bath & North East Somerset Council and the policy options that Government is requested to consider to help alleviate them.

It forms a submission to the Ministry of Housing, Communities and Local Government (MHCLG) and HM Treasury, addressed to Ministers and copied to key special advisers and civil servants. It will also form the basis for wider discussions with our local partners and communities as we engage with them on the future of our area and our requests to central government.

In short, it is about central government helping us to help ourselves. The most significant ways in which Government can help us do this is by enabling us to introduce:

- **A levy on short-term lettings**
- **A local tourism levy.**

It can also help us by introducing a series of **technical changes** including:

- **Amending the current Business Rates retention systems**
- **Allowing us to levy fees for listed building applications.**

This paper sets out our local context and explains how these key proposals will help us become more self-sustaining.

1. Introducing Bath & North East Somerset – a distinctive local authority

The Government has accepted and understands the increasing financial strain that local authorities are facing up and down the country. This is affecting different local authorities in different ways. This paper sets out the position of Bath and North East Somerset Council (B&NES) and describes the unique and distinctive circumstances that B&NES faces. It is also designed to be a constructive contribution to the debate around local government finance. We support the Fair Funding Review that MHCLG are undertaking, and have contributed to it. We particularly welcome the recognition from the Minister in the foreword to the consultation document that:

“The world in which we live is changing. The demographics of our population are shifting, public services are being transformed by new thinking and new technology, even the way we work and travel is not the same as it once was. All of that has an impact on local government, with changes in the demand for and delivery of the many different services it provides. And that, in turn, has an impact on the funding required by different councils. The current system for allocating that funding has been in place for over a decade, and it has served the country well. But the world has changed almost beyond recognition since it was introduced, and now it’s time for the system to change too. I want local government funding to be decided in a fair, robust and evidence-based way, one that reflects the most up-to-date picture of councils’ relative needs and resources.”

This document is not about asking central Government for more money. Instead it sets out our thinking about how local authorities such as B&NES can be granted new powers to raise revenues in order to become a self-sufficient local authority, reflecting the changes that have taken place in recent years such as the growth of Universities and changes to the retail sector, including the growth of e-commerce. We want to be a constructive voice in the debate around the future funding of local authorities.

This paper therefore builds on the Fair Funding Review and the recent LGA document “Local Government Funding: Moving the Conversation On” and sets out:

- what makes B&NES distinctive
- why we therefore require tailored funding arrangements
- the range of ways in which central Government can help local authorities such as B&NES raise more funds locally to make ourselves financially sustainable for future generations.

2. What makes our position so challenging and distinctive?

As with many local authorities, meeting the needs of the most vulnerable takes up an increasing proportion of the Council’s resources. Adult Social Care and Children’s Services will make up 80% of our net budget for 2018/19 compared to 66% in 2015/16. We will continue to prioritise help for the most vulnerable. However, our ability to continue to do this and to provide high quality services on behalf of our residents is facing an unprecedented mix of challenges, including:

- In the City of Bath **World Heritage Site** (WHS), B&NES Council has a destination of international quality and distinctiveness. The WHS is a centre of international significance, inscribed by UNESCO in 1987 as a living city set within a beautiful and dramatic landscape, and exceptional in that the inscription covers the entire city, not just the centre or individual monuments. This is a situation paralleled in very few other sites world-wide and means that all of the needs of a thriving modern city must be balanced with conservation of our outstanding heritage. Our UNESCO designation is part of our local “DNA” but it also represents a key element of the nation’s cultural, visitor and tourism offer.
- These assets are accompanied by our **obligations** as custodian of the WHS to conserve our heritage for future generations, requiring constant vigilance, maintenance and investment. Bath is a complex and challenging site, where modern life (including two thriving Universities) co-exists alongside historic cultural and natural assets of global significance. For example, traffic volumes and the specific impact of heavy vehicles inevitably have an effect on the approximately 8000 vaults and cellars beneath Bath. Managing these risks and achieving balance between conservation and community needs is a constant challenge. We welcome 5.8 million visitors a year, who in turn spend £375 million, helping underpin 8,700 local jobs. But the number of tourists and visitors themselves creates large and significant pressures and risks, particularly given that there is no direct levy on tourism in the way that is commonplace in Europe.
- We continue to support, invest in - and depend on - **our local High Streets and other centres**, including in our market towns of Keynsham and Midsomer Norton. Our ability to continue this support - despite the challenges from out of town retail and online shopping - is central to delivering the national agenda of promoting resilient town centres. Through the £11.5 million in rents received from retailers in 2018/19, our “bricks and mortar” High Streets and local shopping facilities contribute directly to local taxpayers and promote both self-sufficiency and local distinctiveness. Our local businesses pay Business Rates and other taxes, employ staff and promote both local and national economies. However, as is well known, the retail environment is changing rapidly. Given this, we would be pleased to explore new options for “levelling the playing field” with regard to online contributions to revenue, which is currently borne disproportionately by “bricks and mortar” retailers, particularly in city and town centres. Some form of “turnover” or similar levy which ensured fair contributions against online revenues generated, and which would be used to help support local businesses and high streets, would be a potential option.
- This vibrant mix of **different types of community and settlements in our area**, including green belt and Areas of Outstanding Natural Beauty, means that we must balance the service priorities and needs of very distinct communities within one relatively small local authority. In addition to our World Heritage Site and our market towns, a wide range of smaller towns, villages and rural communities- including areas of rural isolation- encompass more than 50 parishes. The diversity of local need is exemplified by a life expectancy gap of over 8 years for men living along just one bus route in our area.

- The **pressures of two successful Universities** and a large (and growing) student population presents big challenges for a small city. An estimated 18,000 students live in the city who now account for around 20% of its total population. This places pressure on housing supply, with family homes being converted to multiple occupancy. Similar cities such as Canterbury, York and Norwich face related challenges: as campus, “plate glass” universities, founded in the 1960s, they have grown significantly beyond their original “footprints”. The implications for funding of these changes are clear. For example:
 - Student households are exempt, rightly, from council tax but we have calculated that this has created a **loss of revenue of approximately £5m for 2017/18** – a stark increase over the last 5 years as student numbers have increased.
 - Both the University of Bath and Bath Spa University are entitled to significant exemptions from business rates.
 - The large student population has started to alter the housing market within the city – in terms of accommodation that is available but also the type of accommodation that is being planned and built out. Purpose Built Student Accommodation (PBSA) does not provide full business rate contributions.

3. How Government can help us help ourselves

B&NES supports proposals for local authorities to retain a greater percentage of business rates.

However, our request is for Government to go further and recognise the specific issues facing our area (and those facing similar challenges), particularly the cumulative impacts of the requirements to:

- maintain and invest in our World Heritage Site, including the large number of short-term holiday lets attracted by this
- manage large visitor and student populations.

These challenges exist without Council access to the ability to generate revenue streams from linked economic activities. Despite many years of careful budgeting and financial efficiencies, these pressures- combined with the demands of Adult Social care and Children’s Services- are now outweighing the financial tools we have at our disposal to cover these additional costs. **This burden is only likely to increase in the future.**

We have therefore identified a series of specific policy changes which we believe would begin to ease these burdens. However, rather than simply requesting additional funding, we are also seeking opportunities that will allow us to raise additional funding ourselves. These will require policy support from central government, and, in some cases, legislative change.

These are set out below in two sections;

- i) **Policies which would require new legislation**, particularly relating to generating new revenue funding streams from local economic activities including tourism and short-term holiday lettings
- ii) **Technical changes** which we believe would correct unintended or unfair consequences of existing policies. We believe these changes would, in the short-term, provide much-needed breathing space for the Council to move to a more self-sufficient approach to be supported by new revenue-raising powers. These

include specific proposals with regard to Business Rates retention and office to residential conversions.

i) **Policies which would require new legislation**

a) **Power to introduce a levy on short-term lettings**

The most recent Visitor Accommodation Study (2016) indicated that there were around 880 properties registered as being available on various booking websites in the Bath & North East Somerset area (this includes individual rooms and whole properties). We are aware that the government has previously explored the possibility of introducing levies on short-term holiday lettings (sometimes referred to as “Airbnb” properties). The use of these has increased substantially over the last five years and will continue to do so. This is particularly an issue in Bath and the surrounding areas. The majority of owners of such properties are exempt from taxation, unless their income exceeds a certain threshold. However, in many cases, these owners are undertaking business activities and profiting from these. In effect, the local taxpayer is picking-up the tab for this “market disruption” whilst central government considers its approach to regulating this market.

Policy request: The Council has considered this matter and resolved at its meeting of 12th July to request the leader to request a series of changes including limiting the short-term letting of whole residential properties to 90 days in a calendar year, a change to the use classes order so short-term holiday lets differentiated from dwelling houses and a licensing scheme. The Council also agreed that any future Tourism Levy (see below) should also apply to short-term lettings.

b) **Ability to introduce a local tourism levy.**

B&NES has approximately 5.8 million visitors annually and, although they bring real benefits to our economy, the impact of related activities is a challenge to council resources. We estimate that a tourism levy in B&NES could raise over £2million per annum, based on hotel occupancy rates drawn from 2016 and applying a £1 per night per bed rate. This would be reinvested into the local area to help maintain the assets identified in this paper and develop the infrastructure necessary to support our World Heritage status

Policy request: we ask the government to consider and review this suggestion. As we appreciate that a tourism levy is a substantial policy consideration, we propose that the government reviews the possible mechanisms by which it might be introduced, and consults local authorities. It is important that any funds raised from a tourism levy are retained by local authorities. We are however also interested in consideration as to whether such a fiscal power could sit with Metro Mayors, and in considering this proposal alongside that related to short-term holiday lettings set out in a) above.

As was highlighted earlier, there are also challenges in addressing the way in which Universities (and purpose-built student accommodation) are dealt with through Business Rates and the impact of the loss of subsidy to reflect students’ exemption from Council Tax. We are currently

working with the LGA to identify potential options for redressing these imbalances, including (for example) creating a new class for student HMOs and seeking the power to charge business rates for purpose built student accommodation. However, we would welcome dialogue and discussion on how best to address these issues.

ii) Technical Changes that can be achieved in the shorter term.

- a) Amending Business Rates Retention Systems to ensure that office to residential conversions are subject to business rates until converted.** Since 2011/2012, around 18,000 m² of B1 space in Bath has been approved for conversion to other uses under the national Permitted Development scheme. Of this space, only around 7,000m² had actually been converted by April 2016.

Under the Business Rates Retention system this has impacted on the Council's income. Between 2012/13 and 2016/17 the gross reduction of business rates in Bath due to the loss of office space has been estimated at £0.92m. This has reduced our income by approximately £0.5million between 2013/14 and 2016/17. By 2016/17, this represents an annual net loss of £178,000 B&NES. This also only reflects the net loss of office space to date but takes no account of the remaining 11,000 m² of relevant accommodation that has consent. We believe this is an unexpected and unintended consequence of the current business rates policy regime.

Policy request: we ask the government to consider amending the Business Rates Retention System to ensure that national policy concerning office to residential conversions is not used incorrectly and in a manner that has an adverse financial impact on B&NES.

- b) Fees for listed building applications.** B&NES receives around 800-900 such applications per year, which rightly require time and resources from the council to deal with. We strongly support the need to maintain and safeguard listed buildings for the future, and indeed are very proud of our approach to listed buildings in our area. However, we believe it is fair and reasonable for a fee to be chargeable on listed building applications, in the same way as for other applications including householder extensions.

Policy request: amend legislation to give B&NES and other local authorities the power to levy a charge on listed building applications. The fee for a householder extension is £172, which if applied to listed buildings, would amount to around £137,600 pa.

Next Steps

- We would like to enter into constructive dialogue with MHCLG and, where necessary HM Treasury, to discuss how the policies above could be implemented as soon as possible. Where legislative change is required, we request that consideration is given to whether there is a suitable legislative vehicle in the current Parliament to insert some or all of the requested changes
- B&NES is already in conversation with like-minded local authorities who face similar challenges created by the impact of Universities. We would be happy to co-ordinate this activity through the LGA and create formal mechanisms for MHCLG engage with us.

- The Civic University Commission is examining the economic impact that universities and higher education institutions play in their local areas. We welcome this work and will contribute towards it.
- We hope that Ministers will recognise the issues set out in this paper and the constructive approach we are determined to follow. We look forward to discussing these issues in more detail and in doing so we are focused on the importance of securing the long term financial position of Bath and North East Somerset – for the benefit of our residents and businesses.

DRAFT

Bath & North East Somerset Council	
MEETING	Council
MEETING DATE:	8 November 2018
TITLE:	Review of Polling Districts and Polling Stations 2018 Approval of Final Polling District Scheme
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A: New Polling District Scheme by Ward (including proposed polling stations)</p> <p>Appendix B: List of Submissions</p>	

1 THE ISSUE

- 1.1 On 7 August 2018 the Local Government Boundary Commission for England (LGBCE) published its final recommendations on the electoral review of Bath & North East Somerset Council's ward boundaries. In order to re-align the polling districts with the new scheme, the Council has conducted a review of polling districts and the Returning Officer has submitted a plan of polling stations for the local elections in May 2019.

2 RECOMMENDATION

The Council is asked to:

- 2.1 Approve the new polling district scheme, and
- 2.2 Note the proposed polling station plan, acknowledging that work is still in progress, and that the Returning Officer will continue to liaise with Ward Councillors and Parish Councils in order to identify the most suitable venues.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The implementation of the review has already involved significant hours of work and will require substantial updates to the electoral register database. It is anticipated an expenditure of approximately £15,000.

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.
- 4.3 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 polling districts within Bath & North East Somerset Council.
- 4.4 Local authorities must also comply with specific access requirements, and in particular they must seek to ensure that all electors 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 started a review of polling districts in September 2018. The steps taken by the Council in undertaking this review are as follows:
1. Publication of notice of holding a review
 2. Publication of new polling district scheme
 3. Publication of Returning Officer's proposed polling stations for May 2019
 4. Comments invited from any interested parties, including Bath & North East Somerset Councillors, Parish and Town Councils and local political parties
 5. Comments invited from people and organisations with particular expertise in relation to access to premises or facilities for persons who have different forms of disability
 6. Analysis of all comments and representations received
 7. Completion of the review and implementation of the new scheme at the next scheduled local government elections.

5.2 Details of the new polling district scheme (including the proposed polling stations) are noted in Appendix A.

5.3 Submissions are included in Appendix B.

6 RATIONALE

- 6.1 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.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 Suggestions were invited from members of the public and any interested parties, including Bath & North East Somerset Councillors, Parish and Town Councils, Parish Meetings, local political parties. People and organisations with particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

9 RISK MANAGEMENT

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

Contact person	Aurora Loi T: 01225 477431 E: aurora_loi@bathnes.gov.uk
Background papers	New polling district scheme (circulated to Councillors on 14 September 2018) List of proposed polling stations for May 2019 (circulated to Councillors on 5 October 2018)
Please contact the report author if you need to access this report in an alternative format	

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Review of Polling Districts, Polling Places and Polling Stations

APPENDIX A

Details of New Polling District Scheme by Ward (including proposed polling stations)

Ward Name	Bathavon North		
No. of polling districts	7		
No. of polling stations	6		
Location of polling stations	N-BN1	Bathampton	Bathampton Methodist Church, Holcombe Lane, Bathampton, BA2 6UL
	N-BN2	Batheaston	Batheaston Youth Club, School Lane, Batheaston, BA1 7EP
	N-BN3	St Catherine	Batheaston Youth Club, School Lane, Batheaston, BA1 7EP
	N-BN4	Bathford	The Community Centre, Mountain Wood, Bathford, BA1 7SB
	N-BN5A	Charlcombe	Walcot RFC, Albert Field, Lansdown, Bath, BA1 9BJ
	N-BN5B	Charlcombe	Weston Free Church, High Street, Lower Weston, BA1 4DB
	N-BN6	Swainswick	St Mary's Church, Innox Lane, Upper Swainswick, BA1 8DB

Polling Districts

No submissions were received on the polling district scheme for Bathavon North Ward.

Polling Stations

Submissions were received from Bathampton and Batheaston Parish Councils.

Bathampton Parish Council suggested the use of Bathampton Methodist Church, which was the polling station for the Parish at the most recent elections, instead of Bathampton Village Hall, as proposed in the Returning Officer's original plan {Submission Reference No. PDR-01}. It is agreed that the polling station for the Parish of Bathampton should be Bathampton Methodist Church.

Batheaston Parish Council wrote to support the use of Batheaston Youth Club, as proposed in the Returning Officer's original plan {Submission Reference No. PDR-02}.

Ward Name	Bathavon South		
No. of polling districts	14		
No. of polling stations	14		
Location of polling stations	N-BS1	Camerton	Camerton Community Centre, Meadgate, Camerton, BA2 0NL
	N-BS2	Claverton	St Mary's Church, Claverton, BA2 7BG
	N-BS3	Combe Hay	Combe Hay Parish Church, Backy Hill, Combe Hay, BA2 7EG
	N-BS4A	Dunkerton & Tunley	Dunkerton Parish Hall, The Hollow, Dunkerton, BA2 8BG
	N-BS4B	Dunkerton & Tunley	Tunley Recreation Centre, Bath Road, Tunley, BA2 8BA
	N-BS5	Englishcombe	The Salem Christian Centre (The Old School), Englishcombe, BA2 9DT
	N-BS6	Freshford	Freshford Village Memorial Hall, Freshford Lane, Freshford, BA2 7UR
	N-BS7	Hinton Charterhouse	Hinton Charterhouse Memorial Hall, High Street, Hinton Charterhouse, BA2 7SW
	N-BS8	Marksbury	Marksbury Village Hall, 75 The Street, Marksbury, BA2 9HP
N-BS9	Monkton Combe	Monkton Combe Village Hall, Church Lane, Monkton Combe, BA2 7HB	

	N-BS10	Priston	Priston Village Hall, High Street, Priston, BA2 9EE
	N-BS11	Shoscombe	Shoscombe Village Hall, Barn Hill, Shoscombe, BA2 8LZ
	N-BS12	South Stoke	South Stoke Village Hall, Old School Hill, South Stoke, BA2 7DU
	N-BS13	Wellow	Wellow Village Hall, High Street, Wellow, BA2 8QA

Polling Districts

No submissions were received on the polling district scheme for Bathavon South Ward.

Polling Stations

Submissions were received from Camerton, Dunkerton & Tunley and Englishcombe Parish Councils {Submission Reference Nos. PDR-03, PDR-04 and PDR-05}, all of which supported the Returning Officer's original plan.

Ward Name	Bathwick	
No. of polling districts	6	
No. of polling stations	6	
Location of polling stations	B-BK1	Central United Reformed Church, Grove Street, Bath, BA2 6PJ
	B-BK2	St John's Church Hall, St John's Road, Bath, BA2 6PT
	B-BK3	Bathwick St Mary School, Darlington Road, Bath, BA2 6NN
	B-BK4	St Mary's Church Hall, Darlington Street, Bath, BA2 4EB
	B-BK5	University of Bath Library, Claverton Down, Bath, BA2 7AY
	B-BK6	Claverton Down Community Hall, Claverton Down Road, Bath, BA2 6DT

Polling Districts

No submissions were received on the polling district scheme for Bathwick Ward.

Polling Stations

A significant number of submissions were received from Claverton Down community groups, residents and Ward Councillors, expressing their concerns and disappointment for the replacement of Claverton Down Community Hall with the University of Bath Library {Submission Reference from No. PDR-06 to No. PDR-23}.

Due to the boundary change in Bathwick Ward, Claverton Down Community Hall, which had traditionally served as their polling station, is now located outside the ward boundary and falls within Widcombe & Lyncombe Ward.

Having examined all comments received, and the issues around accessibility of the University of Bath Library, the Returning Officer's original plan has been reviewed. It is now proposed that Claverton Down Community Hall should continue to serve as a polling station for the Claverton Down residents of Bathwick Ward, as well as being used as a polling station for Widcombe & Lyncombe Ward.

Ward Name	Chew Valley
No. of polling districts	8

No. of polling stations	8		
Location of polling stations	N-CH1	Chew Magna	The Old School Room, Millenium Hall, Chew Magna, BS40 8SH
	N-CH2	Chew Stoke	St Andrews Church Hall, Pilgrims Way, Chew Stoke, BS40 8TU
	N-CH3	Compton Martin	Compton Martin Village Hall, The Street, Compton Martin, BS40 6JW
	N-CH4	Nempnett Thrubwell	Nempnett Village Hall, Nempnett Thrubwell, BS40 8YJ
	N-CH5	Norton Malreward	The YDA Hall, Rookery Hill, Norton Malreward, BS38 4EX
	N-CH6	Stanton Drew	Stanton Drew Village Hall, Sandy Lane, Stanton Drew, BS39 4EL
	N-CH7	Bishop Sutton	Bishop Sutton Village Hall, Wick Road, Bishop Sutton, BS39 5XD
	N-CH8	Ubley	Ubley Village Hall, The Street, Ubley, BS40 6PN

Polling Districts

No submissions were received on the polling district scheme for Chew Valley Ward.

Polling Stations

A submission was received from Compton Martin Parish Council {Submission Reference No. PDR-24}, supporting the Returning Officer's original plan for the Parish of Compton Martin.

Ward Name	Clutton & Farmborough		
No. of polling districts	3		
No. of polling stations	3		
Location of polling stations	N-CL1	Chelwood	Chelwood Village Hall, Main Road, Chelwood, BS39 4NP
	N-CL2	Clutton	Clutton Village Hall, Venus Lane, Clutton, BS39 5SP
	N-CL3	Farmborough	Farmborough Memorial Hall, Little Lane, Farmborough, BA2 0AE

Polling Districts

No submissions were received on the polling district scheme for Clutton & Farmborough Ward.

Polling Stations

No submissions were received on the polling station plan for Clutton & Farmborough Ward.

Ward Name	Combe Down		
No. of polling districts	5		
No. of polling stations	3		
Location of polling stations	B-CD1A	Foxhill Community Centre, Hawthorn Grove, Bath, BA2 5QA	
	B-CD1B	Foxhill Community Centre, Hawthorn Grove, Bath, BA2 5QA	
	B-CD2	Mulberry Park Community Hub	
	B-CD3A	Combe Down Primary School, Church Road, Combe Down, Bath, BA2 5JQ	
	B-CD3B	Combe Down Primary School, Church Road, Combe Down, Bath, BA2 5JQ	

Polling Districts

No submissions were received on the polling district scheme for Combe Down Ward.

Polling Stations

No submissions were received on the polling station plan for Combe Down Ward.

Ward Name	High Littleton		
No. of polling districts	3		
No. of polling stations	3		
Location of polling stations	N-HL1	Farrington Gurney	Farrington Gurney Village Hall, Church Lane, Farrington Gurney, BS39 6UA
	N-HL2A	Hallatrow	The Post Room, Hallatrow, BS39 6EJ
	N-HL2B	High Littleton	High Littleton Methodist Church, High Street, High Littleton, BS39 6JD

Polling Districts

No submissions were received on the polling district scheme for High Littleton Ward.

Polling Stations

A submission was received from Cllr Les Kew, High Littleton Ward, recommending the use of either High Littleton Methodist Church in the High Street, or the Church Village Hall, instead of High Littleton Recreation Club, Off Butlass Close, as proposed in the Returning Officer's original plan {Submission Reference No. PDR-25}. Cllr Les Kew argues that both alternatives would offer a more central location, as well as more accessible facilities. Subject to availability, it is agreed that either venue should be used.

Ward Name	Keynsham East		
No. of polling districts	4		
No. of polling stations	2		
Location of polling stations	N-KE1	Keynsham Masonic Hall, Bath Road, Keynsham, BS31 1SR	
	N-KE2A	Wellsway School Junior, Chandag Road, Keynsham, BS31 1PH	
	N-KE2B	Wellsway School Junior, Chandag Road, Keynsham, BS31 1PH	
	N-KE2C	Wellsway School Junior, Chandag Road, Keynsham, BS31 1PH	

Polling Districts

No submissions were received on the polling district scheme for Keynsham East Ward.

Polling Stations

A submission was received from Keynsham Town Council {Submission Reference No. PDR-26}. Although no specific reference was made to Keynsham East Ward, the Town Council expressed concern that 'very few historical polling stations had been selected' across the whole of Keynsham. The Town Council was also concerned 'at the level of disruption that would be caused to teachers/children and parents alike by focusing just on the local schools as venues.' At its meeting on 16 October 2018 the Town Council passed a resolution with the following comments:

1. That every effort should be made to find alternative venues to schools

2. That Curo community rooms and Church halls should be investigated as the preferred options and that the Key Centre should definitely continue to be a polling station
3. That the proposed changes in virtually all polling stations will lead to a reduction in turnout
4. That polling cards should be conspicuously marked if a polling station had changed.'

Both polling stations proposed for Keynsham East are the 'historical polling stations' for this ward. It is proposed to continue to use both venues at the local elections in May 2019.

Ward Name	Keynsham North	
No. of polling districts	5	
No. of polling stations	3	
Location of polling stations	N-KN1A	Broadlands Academy, St Francis Road, Keynsham, BS31 2DY
	N-KN1B	Broadlands Academy, St Francis Road, Keynsham, BS31 2DY
	N-KN2A	Keynsham Baptist Church, High Street, Keynsham, BS31 1DS
	N-KN2B	Keynsham Baptist Church, High Street, Keynsham, BS31 1DS
	N-KN3	Somerdale Pavilion, Tiberius Road, Keynsham, BS31 2FF

Polling Districts

No submissions were received on the polling district scheme for Keynsham North Ward.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllrs Charles Gerrish and Brian Simmons had advised on alternative polling stations in Keynsham North, following the change in the ward boundaries introduced by the review conducted by the Local Boundary Commission for England {Submission Reference Nos. PDR-27, PDR-28 and PDR-29}.

A submission was received from Keynsham Town Council {Submission Reference No. PDR-26}. Although no specific reference was made to Keynsham East Ward, the Town Council expressed concern that 'very few historical polling stations had been selected' across the whole of Keynsham. The Town Council was also concerned 'at the level of disruption that would be caused to teachers/children and parents alike by focusing just on the local schools as venues.' At its meeting on 16 October 2018 the Town Council passed a resolution with the following comments:

1. That every effort should be made to find alternative venues to schools
2. That Curo community rooms and Church halls should be investigated as the preferred options and that the Key Centre should definitely continue to be a polling station
3. That the proposed changes in virtually all polling stations will lead to a reduction in turnout
4. That polling cards should be conspicuously marked if a polling station had changed.'

Further to conversations with Ward Councillors, it is understood that Broadlands Academy currently has a number of empty buildings which could serve as a polling station at the local elections in May 2019. It is therefore advised that this venue should be used for polling districts N-KN1A and N-KN1B.

The Labbott Community Room, which was proposed in the Returning Officer's original plan, has not responded to booking attempts. It is proposed that Keynsham Baptist Church in the High Street (opposite the Key Centre) should be used instead, subject to availability. The Key Centre cannot be taken into consideration due to its increasing hire cost.

Ward Name	Keynsham South	
No. of polling districts	5	
No. of polling stations	3	
Location of polling stations	N-KS1A	Keynsham Elim Church, Balmoral Road, Keynsham, BS31 1AL
	N-KS1B	Keynsham Elim Church, Balmoral Road, Keynsham, BS31 1AL
	N-KS2A	St Francis Church, Warwick Road, Keynsham, BS31 2QN
	N-KS2B	St Francis Church, Warwick Road, Keynsham, BS31 2QN
	N-KS2C	St Francis Church, Warwick Road, Keynsham, BS31 2QN

Polling Districts

No submissions were received on the polling district scheme for Keynsham South Ward.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllrs Alan Hale and Lisa O'Brien had suggested that there should be a polling station at Castle Primary School (to accommodate Bilbie Green and The Meadows) as well as retaining the station at St Francis Church and Elim Church {Submission Reference No. PDR-30}.

A submission was received from Keynsham Town Council {Submission Reference No. PDR-26}. Although no specific reference was made to Keynsham East Ward, the Town Council expressed concern that 'very few historical polling stations had been selected' across the whole of Keynsham. The Town Council is also concerned 'at the level of disruption that would be caused to teachers/children and parents alike by focusing just on the local schools as venues.' At its meeting on 16 October 2018 the Town Council passed a resolution with the following comments:

1. That every effort should be made to find alternative venues to schools
2. That Curo community rooms and Church halls should be investigated as the preferred options and that the Key Centre should definitely continue to be a polling station
3. That the proposed changes in virtually all polling stations will lead to a reduction in turnout
4. That polling cards should be conspicuously marked if a polling station had changed.'

Suitable alternatives to schools, i.e. Keynsham Elim Church and St Francis Church (two of the 'historical polling stations'), have been identified in Keynsham South, therefore removing the need to book Castle Primary School and St Keyna Primary School as proposed in the Returning Officer's original plan.

Ward Name	Kingsmead	
No. of polling districts	4	
No. of polling stations	3	
Location of polling stations	B-KM1	St John the Evangelist, Upper Bristol Road, Lower Weston, Bath, BA1 3DD
	B-KM2	Assembly Rooms, Bennett Street, Bath, BA1 2QH
	B-KM3A	Percy Community Centre, New King Street, Bath, BA1 2BN
	B-KM3B	Percy Community Centre, New King Street, Bath, BA1 2BN

Polling Districts

A submission was received from Cllr Andrew Furse, Kingsmead Ward, on the polling district scheme for Kingsmead, identifying a number of alternative options {Submission Reference No. PDR-31}.

Polling Stations

A submission was received from Cllr Andrew Furse on the polling district scheme for Kingsmead, identifying a number of alternative options {Submission Reference No. PDR-31}.

Following further conversations with Cllrs Sue Craig and Andrew Furse, Kingsmead Ward, on the alternative arrangements both for polling districts and polling stations, it is agreed that the proposed polling district scheme for Kingsmead will remain as on the original plan, but that St Michael's Church in Broad Street will be no longer required as a polling station. It is proposed that the electors allocated to this polling station in the Returning Officer's original plan will vote at Percy Community Centre instead.

Ward Name	Lambridge	
No. of polling districts	4	
No. of polling stations	3	
Location of polling stations	B-LA1A	St Mark's School, Bay Tree Road, Bath, BA1 6ND
	B-LA1B	St Mark's School Community Room, Bay Tree Road, Bath, BA1 6ND
	B-LA2	Swainswick Gardens Community Hall, Lower Swainswick, Bath, BA1 6TL
	B-LA3	New Oriel Hall, Brookleaze Buildings, Larkhall, Bath, BA1 6RA

Polling Districts

No submissions were received on the polling district scheme for Lambridge Ward.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllr Rob Appleyard, Lambridge Ward, had suggested the use of the new McCarthy and Stone retired living complex in Gloucester Road as an alternative to Swainswick Gardens {Submission Reference No. PDR-33}. The Returning Officer made enquiries and established that the venue is not available for hire.

No suitable alternatives to Swainswick Gardens have been identified for polling district B-LA2.

Ward Name	Lansdown	
No. of polling districts	5	
No. of polling stations	4	
Location of polling stations	B-LN1	St Mary's Parish Centre, Burlington Street, Bath, BA1 2SA
	B-LN2A	St Stephen's Church, Lansdown Road, Bath, BA1 5SX
	B-LN2B	St Stephen's Church, Lansdown Road, Bath, BA1 5SX
	B-LN3	Abbot Alphege Academy, Beckford Drive, Lansdown, Bath, BA1 9AU
	B-LN4	Christ Church, Julian Road, Bath, BA1 2RH

Polling Districts

No submissions were received on the polling district scheme for Lansdown Ward.

Polling Stations

No submissions were received on the polling station plan for Lansdown Ward.

Ward Name	Mendip		
No. of polling districts	4		
No. of polling stations	4		
Location of polling stations	N-ME1	East Harptree	The Pavilion, East Harptree Playing Fields, East Harptree, BS40 6BH
	N-ME2	Hinton Blewett	Hinton Blewett Village Hall, Litton Lane, Hinton Blewett, Bristol, BS39 5AY
	N-ME3	Temple Cloud with Cameley	Temple Cloud Village Hall, Meadway, Temple Cloud, BS39 5BD
	N-ME4	West Harptree	West Harptree Memorial Hall, Compton Road, West Harptree, BS40 6EG

Polling Districts

No submissions were received on the polling district scheme for Mendip Ward.

Polling Stations

A submission was received from Temple Cloud with Cameley Parish Council {Submission Reference No. PDR-34}, which supported the Returning Officer's original plan for the Parish of Temple Cloud with Cameley.

Ward Name	Midsomer Norton North	
No. of polling districts	4	
No. of polling stations	3	
Location of polling stations	N-MN1A	Welton Rovers Football Club, West Clewes, North Road, BA3 3QD
	N-MN1B	Welton Rovers Football Club, West Clewes, North Road, BA3 3QD
	N-MN2	Welton Baptist Church, West Road, Welton, Midsomer Norton, BA3 2TP
	N-MN3	Welton Vale Community Room, 9 Welton Vale, Midsomer Norton, BA3 2BG

Polling Districts

No submissions were received on the polling district scheme for Midsomer Norton North.

Polling Stations

No submissions were received on the polling station plan for Midsomer Norton North.

Ward Name	Midsomer Norton Redfield	
No. of polling districts	5	
No. of polling stations	3	
Location of polling stations	N-MR1	Council Chamber, The Hollies, High Street, Midsomer Norton, BA3 2DP
	N-MR2	Norton Hill School, Charlton Road, Midsomer Norton, BA3 4AD
	N-MR3A	Longvernal Primary School, Longvernal, Midsomer Norton, BA3 2LP
	N-MR3B	Longvernal Primary School, Longvernal, Midsomer Norton, BA3 2LP
	N-MR3C	Longvernal Primary School, Longvernal, Midsomer Norton, BA3 2LP

Polling Districts

No submissions were received on the polling district scheme for Midsomer Norton Redfield.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllr Chris Watt, Midsomer Norton Redfield Ward, had advised that in the past he had had 'complaints from voters who refuse to enter the Masonic Lodge in Midsomer Norton Redfield' {Submission Reference No. PDR-35}.

The Masonic Lodge is not one of the proposed polling stations in Midsomer Norton Redfield.

Ward Name	Moorlands	
No. of polling districts	3	
No. of polling stations	1	
Location of polling stations	B-MO1A	Moorlands Infant School, Moorfields Road, Bath, BA2 2DQ
	B-MO1B	Moorlands Infant School, Moorfields Road, Bath, BA2 2DQ
	B-MO1C	Moorlands Infant School, Moorfields Road, Bath, BA2 2DQ

Polling Districts

No submissions were received on the polling district scheme for Moorlands Ward.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllr Will Sandry, Oldfield Ward, had suggested the use of either Baskervilles Gym or The Orangery in Englishcombe Lane {Submission Reference No. PDR-36}.

Baskervilles Gym was deemed not to be a suitable venue. The Returning Officer had already made enquiries about The Orangery in the past and established that the venue is not available for hire.

Ward Name	Newbridge	
No. of polling districts	6	
No. of polling stations	4	
Location of polling stations	B-NB1A	Weston Methodist Church Hall, Kennington Road, Bath, BA1 3PR
	B-NB1B	Weston Methodist Church Hall, Kennington Road, Bath, BA1 3PR
	B-NB2	Emmanuel Church, Apsley Road, Bath, BA1 3LP
	B-NB3	Weston Childrens Centre, Penn Hill Road, Bath, BA1 4EH
	B-NB4A	Kelston Village Hall, Church Lane, Kelston, Bath, BA1 9AG
	B-NB4B	Kelston Village Hall, Church Lane, Kelston, Bath, BA1 9AG

Polling Districts

No submissions were received on the polling district scheme for Newbridge Ward.

Polling Stations

A submission was received from North Stoke Parish Meeting in relation to the distance to the polling station (Kelston Village Hall) for electors living in Brockham End {Submission Reference No. PDR-37}.

Although the Returning Officer recognises the distance involved, no alternative venues have been identified.

Ward Name	Odd Down	
No. of polling districts	5	
No. of polling stations	5	
Location of polling stations	B-OD1	Sladebrook Evangelical Church, 239 Englishcombe Lane, Bath, BA2 2ER
	B-OD2	Odd Down Sports Ground, Chelwood Drive, Bath, BA2 2PR
	B-OD3	St Martin's Garden Primary, Lympsham Green, Bath, BA2 2UN
	B-OD4	St Gregory's School, Combe Hay Lane, Bath, BA2 8PA
	B-OD5	Odd Down Community Centre, Odins Road, Bath, BA2 2TL

Polling Districts

No submissions were received on the polling district scheme for Odd Down Ward.

Polling Stations

No submissions were received on the polling station plan for Odd Down Ward. Culverhay Leisure Centre, which was proposed in the Returning Officer's original plan, has been replaced with Sladebrook Evangelical Church, which is a more suitable venue.

Ward Name	Oldfield Park	
No. of polling districts	2	
No. of polling stations	2	
Location of polling stations	B-OP1	Hayesfield School, Upper Oldfield Park, Bath, BA2 3LA
	B-OP2	St Bartholomew's Church Centre, 1 King Edward Road, Bath, BA2 3PB

Polling Districts

A submission was received from Cllr Shaun Stephenson McGall, Oldfield Ward on the polling district scheme for Oldfield Park Ward {Submission Reference No. PDR-38}.

Further discussions were held with Cllr Shaun Stephenson McGall, during which it was agreed that the polling district boundary should be re-defined, with Nos. 5-14 and Nos. 32A-37 Oldfield Road being moved from polling district B-OP1 to polling district B-OP2.

Polling Stations

A submission was received from Cllr Shaun Stephenson McGall supporting the use of the proposed polling stations in Oldfield Park Ward {Submission Reference No. PDR-39}.

Two submissions were received from Hayesfield School, requesting the use of Lower Hayesfield School (Submission Reference Nos. PDR-40 and PDR-41). Having considered their comments, the Upper School has significant advantages in terms of accessibility and central location within the polling district, and is therefore the preferred option.

Ward Name	Paulton	
No. of polling districts	5	
No. of polling stations	2	
Location of polling stations	N-PA1A	Wesley Hall, Park Road, Paulton, Bristol, BS39 7QQ
	N-PA1B	Wesley Hall, Park Road, Paulton, Bristol, BS39 7QQ
	N-PA1C	Wesley Hall, Park Road, Paulton, Bristol, BS39 7QQ
	N-PA3A	Paulton Rovers, Winterfield Road, Paulton, Bristol, BS39 7RF
	N-PA3B	Paulton Rovers, Winterfield Road, Paulton, Bristol, BS39 7RF

Polling Districts

No submissions were received on the polling district scheme for Paulton Ward.

Polling Stations

A submission was received from Cllrs John Bull and Liz Harman, Paulton Ward {Submission Reference No. PDR-42}, advising against the use of the Paulton Village Hall in Farrington Road, as proposed in the original Returning Officer's plan for polling districts N-PA1A and N-PA1B, and recommending the use of Wesley Hall as at previous elections. It is agreed that Wesley Hall should be used for polling districts N-PA1A and N-PA1B, as well as for polling district N-PA1C.

Cllrs John Bull and Liz Harman supported the use of Paulton Rovers for polling districts N-PA2A and N-PA2B, as proposed in the original Returning Officer's Plan.

Ward Name	Peasedown St John		
No. of polling districts	5		
No. of polling stations	4		
Location of polling stations	N-PS1A	Beacon Hall, French Close, Peasedown St John, BA2 8SN	
	N-PS1B	Beacon Hall, French Close, Peasedown St John, BA2 8SN	
	N-PS2	Peasedown Youth Centre, Bath Road, Peasedown St John, BA2 8DH	
	N-PS3	Peasedown Methodist Church, Bath Road, Peasedown St John, BA2 8DN	
	N-PS4	St John's Church Hall, Church Road, Peasedown St John, BA2 8AA	

Polling Districts

No submissions were received on the polling district scheme for Peasedown St John.

Polling Stations

The electorate in Peasedown St John has increased significantly over the last 10 years, making it advisable to introduce additional polling stations.

Submissions were received from Cllrs Sarah Bevan and Karen Walker, Peasedown Ward, supporting the use of the venues proposed in the Returning Officer's original plan {Submission Reference Nos. PDR-43 and PDR-44}.

A submission was also received from Peasedown St John Parish Council {Submission Reference No. PDR-45}, advising against the use of any additional polling stations proposed in the Returning Officer's original plan, and recommending to continue with the traditional use of just two polling stations (Beacon Hall in French Close and Peasedown Youth Centre in Bath Road) for the whole area.

The Returning Officer proposes to further discuss with Ward Councillors and Parish Council the number and location of polling stations in this ward, in order to design a polling station plan which is convenient and accessible for the whole community.

Ward Name	Publow & Whitchurch		
No. of polling districts	2		
No. of polling stations	2		
Location of polling stations	N-PW1	Publow with Pensford	Pensford Memorial Hall, Publow Lane, Pensford, BS39 4HW
	N-PW2	Whitchurch	Whitchurch Village Community Hall, Bristol Road, Whitchurch, BS14 0PT

Polling Districts

No submissions were received on the polling district scheme for Publow & Whitchurch Ward.

Polling Stations

No submissions were received on the polling station plan for Publow & Whitchurch Ward.

Ward Name	Radstock	
No. of polling districts	5	
No. of polling stations	5	
Location of polling stations	N-RA1	Writhlington Village Hall, Manor Road, Writhlington
	N-RA2	Whisty Community Centre, Walnut Buildings, Tynning, Radstock, BA3 3JL
	N-RA3	Victoria Hall, Church Street, Radstock, BA3 3QG
	N-RA4	The Lamb Inn. Chapel Road, Clandown, Radstock, BA3 3BP
	N-RA5	Haydon Que Club, Kilmersdon Road, Hayon, Radstock, BA3 3QR

Polling Districts

No submissions were received on the polling district scheme for Radstock Ward.

Polling Stations

A submission was received from Radstock Town Council {Submission Reference No. PDR-46}, supporting the use of all polling stations proposed in the Returning Officer's original plan.

Ward Name	Saltford		
No. of polling districts	7		
No. of polling stations	6		
Location of polling stations	N-SA1	Compton Dando	Compton Dando Village Hall, Court Hill, Compton Dando, BS39 4JZ
	N-SA2	Corston	Corston Village Hall, Wells Road, Corston, BA2 9AZ
	N-SA3A	Newton St Loe	Newton St Loe Village Hall, Newton St Loe, BA2 9BT
	N-SA3B	Newton St Loe	Bath Spa University, Newton Park Campus, Newton St Loe, BA2 9BM
	N-SA4	Saltford	Saltford Hall, Wansdyke Room, Wedmore Road, Saltford, BS31 3BY
	N-SA5A	Saltford	Saltford Primary School, Claverton Road, Saltford, BS31 3DW
	N-SA5B	Saltford	Saltford Primary School, Claverton Road, Saltford, BS31 3DW

Polling Districts

No submissions were received on the polling district scheme for Saltford.

Polling Stations

A submission was received from Corston Parish Council {Submission Reference No. PDR-47}, supporting the use of Corston Village Hall as proposed in the original Returning Officer's plan for the Parish of Corston.

Ward Name	Southdown	
No. of polling districts	5	
No. of polling stations	2	
Location of polling stations	B-SD1A	St Barnabas Church, Mount View, Bath, BA2 1JX
	B-SD1B	St Barnabas Church, Mount View, Bath, BA2 1JX
	B-SD2A	Oldfield Park Junior School, Lymore Terrace, Bath, BA2 2JL
	B-SD2B	Oldfield Park Junior School, Lymore Terrace, Bath, BA2 2JL
	B-SD2C	Oldfield Park Junior School, Lymore Terrace, Bath, BA2 2JL

Polling Districts

No submissions were received on the polling district scheme for Southdown Ward.

Polling Stations

Submissions were received from Cllrs Paul Crossley and Dine Romero, Southdown Ward, in relation to alternative polling stations for Southdown Ward {Submission Reference Nos. PDR-48 and PDR-49}. Following further discussions with both Councillors it was agreed that St Barnabas Church will be used instead of Roundhill Primary School, which had been proposed in the Returning Officer's original plan, and that either Oldfield Park Junior School or the Ascension Church Hall in Claude Avenue (if sufficiently spacious) will be the other polling station for Southdown Ward.

Ward Name	Timsbury	
No. of polling districts	2	
No. of polling stations	2	
Location of polling stations	N-TI1	The Methodist Church, South Road, Timsbury, BA2 0ES
	N-TI2	Conygre Hall Trust, North Road, Timsbury, BA2 0JQ

Polling Districts

No submissions were received on the polling district scheme for Timsbury Ward.

Polling Stations

A submission was received from Timsbury Parish Council {Submission Reference PDR-50}, advising against the introduction of an additional polling station in Timsbury Ward, as proposed in the Returning Officer's original plan, and recommending the use of Conygre Hall Trust as the only polling station in the Ward.

The Returning Officer proposes to further discuss with the Ward Councillor and Parish Council the number and location of polling stations in this ward, in order to design a polling station plan which is convenient and accessible for the whole community.

Ward Name	Twerton	
No. of polling districts	4	
No. of polling stations	3	
Location of polling stations	B-TW1	St Michael's Church of England Junior, Newton Road, Bath, BA2 1RW
	B-TW2	Twerton Millennium Village Hall, Landseer Road, Bath, BA2 1DX
	B-TW3A	Southside Youth Centre, Kelston View, Bath, BA2 1NR
	B-TW3B	Southside Youth Centre, Kelston View, Bath, BA2 1NR

Polling Districts

No submissions were received on the polling district scheme for Twerton Ward.

Polling Stations

No submissions were received on the polling station plan for Twerton Ward.

Ward Name	Walcot	
No. of polling districts	4	
No. of polling stations	3	
Location of polling stations	B-WA1	Claremont Methodist Centre, Eastbourne Avenue, Bath, BA1 6EN
	B-WA2A	The Gateway Centre, Snow Hill, Bath, BA1 6DH
	B-WA2B	The Gateway Centre, Snow Hill, Bath, BA1 6DH
	B-WA3	St Swithin's Church, The Paragon, Bath, BA1 5LY

Polling Districts

No submissions were received on the polling district scheme for Walcot Ward.

Polling Stations

Prior to the official start of the consultation on polling districts, Cllr Richard Samuel, Walcot Ward, suggested that the existing stations at Claremont Methodist and the Gateway Centre were still suitable, and for the new part of the ward recommended considering the use of St Swithin's Church on The Paragon, Nexus Chapel in London Road or The Museum of Bath Architecture on the Paragon {Submission Reference No. PDR-51}.

Cllr Patrick Anketell-Jones commented that residents in Camden who have been taken out of Lansdown Ward and moved into Walcot Ward should be able to use the Claremont Methodist Church polling station {Submission Reference No. PDR-52}. To accommodate these electors (involving approximately 200 residents) would involve re-designing all polling district boundaries within this ward, and would mean that a portion of the electors who have traditionally voted at Claremont Methodist Church would be moved to The Gateway Centre, and that a portion of the electors who have traditionally voted at The Gateway Centre would be moved to St Swithin's Church (involving approximately 600 residents). In order to minimise the number of electors allocated to new polling stations and to keep a similar number of electors per polling district, it is proposed that the residents in Camden affected by the boundary change in Lansdown Ward vote at St Swithin's Church.

Ward Name	Westfield	
No. of polling districts	6	
No. of polling stations	4	
Location of polling stations	N-WF1A	Westfield Sports & Community Centre, West Hill Road, Westfield, BA3 3TE
	N-WF1B	Westfield Sports & Community Centre, West Hill Road, Westfield, BA3 3TE
	N-WF2A	St Peter's Church Hall, Longfellow Road, Westfield, BA3 3YZ
	N-WF2B	St Peter's Church Hall, Longfellow Road, Westfield, BA3 3YZ
	N-WF3	Trinity Methodist Church, Wells Road, Radstock, BA3 3US
	N-WF4	Westfield Sports & Community Centre, West Hill Road, Westfield, BA3 3TE

Polling Districts

No submissions were received on the polling district scheme for Westfield Ward.

Polling Stations

A submission was received from Westfield Parish Council {Submission Reference No. PDR-53}, querying the use of Trinity Methodist Church for polling district N-WF3, as proposed on the Returning Officer's original plan, on the basis that electors in that district could vote at Westfield Sports & Community Centre instead.

The Returning Officer proposes to further discuss with Ward Councillors and Parish Council the number and location of polling stations in this ward, in order to design a polling station plan which is convenient and accessible for the whole community.

Ward Name	Westmoreland	
No. of polling districts	4	
No. of polling stations	2	
Location of polling stations	B-WM1A	Oldfield Park Baptist Church, The Triangle, Oldfield Park, Bath, BA2 3JD
	B-WM1B	Oldfield Park Baptist Church, The Triangle, Oldfield Park, Bath, BA2 3JD
	B-WM2A	Oldfield Park Infant School, Dorset Close, Bath, BA2 3RF
	B-WM2B	Oldfield Park Infant School, Dorset Close, Bath, BA2 3RF

Polling Districts

No submissions were received on the polling district scheme for Westmoreland Ward.

Polling Stations

A submission was received from Cllr June Player suggesting the use of the Golden Fleece Pub in Lower Bristol Road {Submission Reference No. PDR-54}. This option has been investigated but has not been found a suitable venue.

Ward Name	Weston	
No. of polling districts	4	
No. of polling stations	2	
Location of polling stations	B-WN1A	All Saints Church Centre, Courtyard Room, High Street, Bath, BA1 4BX
	B-WN1B	All Saints Church Centre, Courtyard Room, High Street, Bath, BA1 4BX
	B-WN2A	Weston Free Church, High Street, Bath, BA1 4DB
	B-WN2B	Weston Free Church, High Street, Bath, BA1 4DB

Polling Districts

No submissions were received on the polling district scheme for Weston Ward.

Polling Stations

No submissions were received on the polling station scheme for Weston Ward.

Ward Name	Widcombe & Lyncombe	
No. of polling districts	5	
No. of polling stations	5	
Location of polling stations	B-WO1	Widcombe Social Club, Widcombe Wharf, Widcombe Hill, Bath, BA2 6AA
	B-WO2	Claverton Down Community Hall, Claverton Down Road, Bath, BA2 6DT
	B-WO3	St Mark's Community Centre, St Mark's Road, Widcombe, Bath, BA2 4PA
	B-WO4	St Luke's Church, Hatfield Road, Bath, BA2 2BD
	B-WO5	Beechen Cliff Methodist Church Hall, Bruton Avenue, Bath, BA2 4RF

Polling Districts

No submissions were received on the polling district scheme for Widcombe & Lyncombe Ward.

Polling Stations

No submissions were received on the polling station scheme for Widcombe & Lyncombe Ward.

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Review of Polling Districts, Polling Places and Polling Stations 2018

APPENDIX B

List of Submissions

Reference No. PDR-01

Bathavon North

Organisation Name: Bathampton Parish Council

Comment Text: The Methodist Church in Holcombe Lane, Bathampton, has been used before and the Parish Council can see no reason to change it.

Reference No. PDR-02

Bathavon North

Organisation Name: Batheaston Parish Council

Comment Text: The Batheaston Parish Council accepts that the Batheaston Youth Club Hall will continue to be this Village's Polling Station.

Reference No. PDR-03

Bathavon South

Organisation Name: Camerton Parish Council

Comment Text: Camerton Parish Council would just like to respond by stating that we are happy with the existing polling station arrangements and would like to see these continue.

Bathavon South

Organisation Name: Dunkerton & Tunley Parish Council

Comment Text: With reference to the review of polling districts Dunkerton & Tunley Parish Council would like the existing arrangements for elections to continue i.e. Tunley Recreation Centre and Dunkerton Parish Hall being used as polling stations.

Bathavon South

Organisation Name: Englishcombe Parish Council

Comment Text: In response to the polling district review Englishcombe Parish Council would like to see the existing polling arrangement remain, i.e. the Old School to be used as a polling station.

Bathwick

Name: Alex Hansen

Organisation Name: Woodland Grove Community Group

Comment Text: Due to the boundary commission changes the Claverton Down Community Hall is now in Widcombe Ward.

A similar number of voters can be expected as the previous elections. Are there any rules that would stop the Hall being used by Widcombe and Bathwick Wards to vote? If it was deemed necessary the Hall has more than one entrance, and the Hall is very long, if a divided, again if deemed necessary. Many local residents are elderly and can walk to the Hall where as the University with its limited parking is difficult.

Bathwick

Name: Cllr Matt Cochrane

Organisation Name: Bath & North East Somerset Council, Bathwick Ward

Comment Text: I attach some comments and a resident who has looked into the Electoral Commission terms.

There is a feeling from his group (Woodland Grove Group) as well as the Beech Avenue Residents Association that they should continue to use Claverton Down Community Centre. Although this will now be in Widcome Ward rather than Bathwick, would it still be possible to use it for this community? It is right next door to all the houses that are affected?

Your advice would be gratefully received.

“Dear Matt

I copied a couple of comments for you.

(1) “With regard to the polling station. I feel, perhaps rather churlishly, that as our address is Claverton Down I feel I would really like to poll there.”

(2) “Proposals have my support, but I don’t quite understand why we still can’t use Claverton Community Centre; it does not matter to me where I vote!!”

(3) “Proposals are fine with us.”

(4) “Voting; we do not see any need to change our polling station; why travel further than necessary? Accessibility for those of limited mobility is also a possible issue.”

(5) “Just to let you know I am quite happy with the polling station relocating to the Uni (although, like you, find it ludicrous that the Community Centre is no longer deemed to be in Claverton Down).”

(6) “I am beginning to think so. I need to write to our MP in the strongest possible terms!!”

Have you asked the question, is there a law that says two wards cannot share a building? The Community Hall has several entrance doors, it would be possible, if needed, to section the large space into two, with different Wards using two doors. I would appreciate knowing if there is a regulation against such a measure please. I get the feeling that there appears little other alternative to the University if not, but this situation is not of the residents making, many Bathwick Ward residents are elderly, and I am heading that way, why can we not be accommodated?”

Bathwick

Name: Cllr Matt Cochrane

Organisation Name: Bath & North East Somerset Council, Bathwick Ward

Comment Text: Further to my emails about the residents in Bathwick B-BK2 voting at Claverton Down Community Hall at the next election, I have an update that mentions that the University Library is not an easy place to get to for those with mobility issues, no way of parking close and it's a difficult building to reach in a wheelchair. I know that the residents groups are very keen to keep Claverton Down Community Hall available for both sets of voters (Bathwick and Widcome & Lyncombe). I also know they will be asking to submit a formal complaint if it is not make possible.

Could I confirm this Hall will be available to my residents in Claverton Down?

Bathwick

Name: Cllr Peter Turner

Organisation Name: Bath & North East Somerset Council, Abbey Ward

Comment Text: Currently I am the Councillor for Abbey Ward and as yet no decision in which ward I will stand, Kingsmead or Bathwick? Both though I agree.

Bathwick

Name:

[REDACTED]

Comment Text:

Having reviewed the documents showing the new ward boundaries and polling stations I have two comments, as a resident of Claverton Down.

First the detail of the proposed boundary makes little sense; the community of Claverton Down is cut in half so that our community hall is no longer in Claverton Down/Bathwick ward but is in Widcombe & Lyncombe. There is no logical connection or affinity that places our community hall and many residents in the Widcombe and Lyncombe ward.

Second the polling station allocated to the part of Claverton Down in the Bathwick ward is the University library rather than the Claverton Down community hall. The University library location presents real accessibility challenges. Access for the general public requires climbing a significant number of steps and a steep ramp with no free public parking close to the proposed polling station. Our current polling station is of course the Claverton Down community hall which is accessible on foot without steps or steep ramps and with parking available for people of very limited mobility.

I suggest that the Claverton Down community hall be used as a single venue for the Bathwick and Widcombe & Lyncombe wards. If it is possible to redraw the ward boundaries around Claverton Down so that common sense prevails and Claverton Down remains an integrated entity in the polling sense just as it is in the real world. The division of our community in two wards significantly reduces the impact of our voice in either ward and reduces our access to democracy.

PS: the map used to illustrate the new boundaries is rather out of date [REDACTED].

Bathwick

Name:

[REDACTED]

Comment Text:

I would like to confirm that historically those people living in Claverton Down have used the Claverton Down Community Hall as their polling station. It would be my preference to continue to do so, even if it means sharing it with those residents of Widcombe at the

same time. Although I would have thought that Widcombe ward could offer a far more accessible polling station, other than one at the very top of Widcombe Hill.

Reference No. PDR-12

Bathwick

Name:

██████████

Comment Text:

We'd like to express our concern that the Community Hall at Claverton Down will no longer be used as the polling station for the majority of the residents. We realise that new boundaries are coming into being, but for some of the elderly residents in the neighbourhood, the Community hall is by far the easier option over the University. Please take this into consideration when making the final decision.

Reference No. PDR-13

Bathwick

Name:

██████████

Comment Text:

I am writing to express my concern that the new boundary changes will mean that I will no longer be able to vote at the Claverton Down Community Hall. I live ██████████ and the hall has been my polling station for the last 27 years. It is a central focal point for the local community as well as being easy to access, especially for older residents. The boundary changes mean that it is now part of the Widcombe Ward. We have been advised that our polling station will be based at the university. This is much less convenient and accessible for the local community. I understand that there has been a suggestion that the hall could be designated as a shared polling station. This would seem to be a very sensible solution which would enable people to vote more easily. I hope that you will consider this option.

Bathwick

Name:



Comment Text:

The facility at Claverton Down Community Hall is large enough to accommodate both Widcombe ward and Bathwick ward without having an additional polling station at Bath University. The Community Hall is more suitable for local people, particularly those who are less mobile.

Bathwick

Name:



Comment Text:

I understand that the Council ward boundaries are changing. Rather bizarrely, it seems that the above streets will remain in the ward of Bathwick, while Claverton Down Road and Copseland will change to Widcombe & Lyncombe ward. It seems that as a consequence of this split, residents in Beech Avenue etc. will lose the facility of voting at the Claverton Down Community Hall and, instead, will have to vote at the University Library. I wish to record my objection to this change for the reasons stated below.

Firstly, the University Library is not nearly as convenient in terms of distance, parking facilities etc. Parking at the Community Hall is free, whereas at the University one would have to pay for the privilege, even assuming one is lucky enough to find a space in which to park. Having recently attempted to park in the University East car park, I note that the majority of bays are for permit holders only, and not available to local residents. The parking that is available for paying customers is over in the far corner of the site adjacent to the external clay tennis courts. This is a considerable distance from the main Parade where the Library is located.

Secondly, the access to the University Library is not at all suitable for elderly or less mobile residents, given the various flights of steps that would have to be negotiated, regardless of the direction of one's approach.

If it is actually legally necessary to separate residents of the two new wards in this way, and the Community Hall is really no longer an option, then an alternative polling station will have to be nominated that is a close level walk from Beech Avenue, Woodland Grove etc.,

and/or with free parking facilities for those who have to travel by car. However the current Community Hall is clearly the preferred option.

Reference No. PDR-16

Bathwick

Name:

[REDACTED]

Comment Text:

I am extremely concerned re the proposal to move our polling station from Claverton Down Community Hall to the Library at the University.

There are a majority of elderly residents in Beech Avenue who will not be able to manage to climb the considerable number of steps between Beech Avenue and the Library. The walk from Beech Avenue to the Community Hall is level and much more manageable. Also residents can drive to the Community Hall but cannot access the University Library by car as there is no road or parking nearby.

Reference No. PDR-17

Bathwick

Name:

[REDACTED]

Comment Text:

I am appalled to see that most residents living in the Claverton Down area, who continue to be part of the Bathwick Ward, will no longer be able to vote in ward elections at their Community Hall here in the centre of this residential area. The alternative being offered, the University Library, is totally unsuitable. It is quite some distance from the residential area of Claverton Down, parking anywhere near it is nearly impossible, and it is in any case up several flights of stairs from the nearest car park. The many elderly and infirm residents who live around here will no longer be able to vote.

The Community Hall should permit voting in both wards, the Widcombe & Lyncombe ward for some and the Bathwick ward for others. It is not our fault that our community here in Claverton Down is being split in two by the peculiar boundary changes being imposed upon us.

Bathwick

Name:



Comment Text:

According to the information provided on your web page my polling station has been moved from Claverton Village Hall to the University. I can see no possible justification for this change simply because the boundaries have been changed. Claverton Village Hall is easily assessable to residents whereas the University has charged parking and is extremely busy and therefore difficult to access for older people. Please use some common sense and maintain Claverton Village Hall as the “local” polling station.

Bathwick

Name:

Chris Beezley

Organisation Name:

Beech Avenue Residents' Association

Comment Text:

I must object strongly to the proposals for revised polling stations in Bathwick Ward.

Noting that the B&NES website on this subject ('Council wants your views on proposed polling stations' – posted 10/10/18) states that the proposed new ward arrangements render it necessary to 'identify polling stations within easy reach of all electors', I strongly object to the proposed arrangements affecting electors in the Claverton Down portion of the revised Bathwick Ward. Electors in Oakley, Woodland Grove, Beech Avenue and The Avenue have traditionally cast their vote in nearby Claverton Down Community Hall – an easy, short level walk or drive away – with easy parking.

Because of the bizarre way in which ward boundaries have been redrawn in this area (see map attached), the Community Hall (circled red), with its generous free parking area, now finds itself located in Widcombe & Lyncombe ward, and is now proposed to serve that ward only at election time.

The Hall has ample space to set up two totally separate voting areas, and even contains a Committee Room with its dedicated access point. Why is it not possible to share this facility between both wards?

I note from the B&NES website that five polling stations have been nominated for the new Bathwick Ward. The only one serving

Claverton Down is the 'University Library'. This would be totally unsuitable for less-mobile residents, not only because of the considerable extra distance involved but also due to the fact that access involves climbing a flight of steep steps to the Parade. Neither would there be easy access even if an elderly or infirm resident was provided with a lift by car.

The Community Hall really is the only sensible venue for residents of Beech Avenue, Woodland Grove, Oakley, The Avenue and the top of North Road & Bathwick Hill. Only if it can be clearly explained why sharing a polling station is not permissible, B&NES should negotiate with the University to provide a polling station no further away from residential area than South Building or the new Milner Centre, i.e. a short level walk from the University's pedestrian access at the junction of Woodland Grove/The Avenue.

In summary, the familiar Community Hall would be very much the preferred and sensible solution.

I am also dubious about the assumed numbers of electors at the University Library (625). I understand that the University polling station would serve over 1,800 registered student voters plus local residents. Similarly, Claverton Down Community Hall has a much larger capacity than to serve the estimated 334 electors from Widcombe & Lyncombe.

Reference No. PDR-20

Bathwick

Name:



Comment Text:

I am responding to your consultation about your proposals for revised polling stations. In the revised Bathwick Ward, you are proposing to split the ward into 5 polling districts. Polling stations should be within easy reach of all electors, and this should take into account aspects such as nearby parking provision, steps into the polling station, access for disabled people etc. I live in the Claverton Down area of Bathwick ward, and electors in Oakley, Woodland Grove, Beech Avenue and The Avenue have traditionally cast their vote in the nearby Claverton Down Community Hall. This location is a short level walk or drive away – with easy parking.

Following the ward boundary review, the Community Hall itself is located in the revised Widcombe & Lyncombe ward, and is proposed to be a polling station for the relatively small number of electors in

that ward who live nearby – ie at the top of Widcombe Hill. Meanwhile electors in the Bathwick ward area of Claverton Down are now expected to go to the university library, which has previously been used as the polling station only for university students living on the campus. This is unsuitable for less-mobile residents, not only because of the considerable extra distance involved but also due to the fact that access involves climbing a flight of steep steps to the university Parade. Neither would there be easy access even if an elderly or infirm resident was provided with a lift by car. In addition, there is no free car parking available on the university campus.

It would be perfectly possible for the Community Hall to accommodate two totally separate polling stations, either both to be in the main hall itself, or to place one polling station in the rear Committee Room with its dedicated access point. Why is it not possible to share this facility between both wards?

I suggest that the Community Hall really is the only sensible venue for electors in the Claverton Down area of Bathwick ward (Oakley, Woodland Grove, Beech Avenue, The Avenue and those living nearly the top of North Road & Bathwick Hill); and to retain the use of the Community Hall for those nearby electors in Widcombe & Lyncombe ward. The University library can continue to be used for the student electors in Bathwick ward who are living on the campus.

Reference No. PDR-21

Bathwick

Name: Alex Hansen

Organisation Name: Woodland Grove Community Group

Comment Text: You will see that I have already made a comment regarding the polling station at Claverton Down Hall. I run Woodland Grove Community Group and had sent a note around the area giving information regarding the consultation and links to make Comments. Not everyone is able to grasp links etc. on computers, exactly the voters that are difficult to contact and a problem for them to express their views.

I received this note today from one of the Woodland Grove Group and as requested I am forwarding the whole text to you. If you are able to send a note that you have received [REDACTED] comments I will ensure [REDACTED] receives it.

“Alex Can you forward this to the correct Dept.

I find the decision to stop me voting at Elections at the Claverton Down Com Hall absolutely ludicrous. I have lived on [REDACTED] [REDACTED] for over 40 years and now it seems I am expected at my age to walk to the University to vote. Have you realised, that it costs to park there and the paying car parks are some way away from the main campus. At Claverton Down Com Hall parking is free and just outside the door.”

It is the case that there are several residents with limited mobility, each yard to walk would be an effort.

Reference No. PDR-22

Bathwick

Name:

[REDACTED]

Comment Text:

The proposal to change the Polling Station for residents of Beech Avenue and surrounding area from our Community Hall to the University Library is most unwelcome. Many of the residents living here are elderly and becoming increasingly less mobile, making the difficulty of access to the University Library extremely daunting.

If it is necessary to be so “nasty nice” in the drawing up of ward boundaries, as appears to be the case locally, I cannot understand why it is impracticable to serve more than one ward from a single polling station.

It is requested that this proposal be given serious reconsideration for residents living locally. This would make the likely increase in Postal Votes, with the associated individual inconvenience, unnecessary.

Reference No. PDR-23

Bathwick

Name:

[REDACTED]

Comment Text:

There is a proposal to relocate our polling station from the community building on Oakley in Claverton Down. We understand this is being allocated to Widcombe. Why can't the same building simply be used for both wards, this makes practical sense and, aside from some initial thought to organisation, should save cost in the longer term. If there are no rules against it, please do not make this change of venue.

Chew Valley

Organisation Name: Compton Martin Parish Council

Comment Text: Many thanks for your email. We agree with you that Compton Martin Village Hall is the venue in Compton Martin offering ease of parking and the space for a polling station.

High Littleton

Name: Cllr Les Kew

Organisation Name: Bath & North East Somerset Council, High Littleton Ward

Comment Text: The proposed use for High Littleton of the Recreational Hall is I feel in the wrong place, the means of access is via Butlass Close a small cul de sac with very limited turning space due to parked cars and also mainly occupied by the elderly or via Timsbury Road and then across the grass area of the playing field. A long distance for people to travel from one end of the village to the other and a very inconvenient access. Can we not use the Methodist Church which is more central and has been used for many years or if not the Church Village Hall adjacent to the village school. I trust that you will consider these alternatives.

Keynsham East

Organisation Name: Keynsham Town Council

Comment Text: The Town Council considered the proposals at its meeting on Tuesday 16th October. Although appreciative of the ward boundary changes, concern was expressed that very few historical polling stations had been selected. In addition the Council was concerned at the level of disruption that would be caused to teachers/children and parents alike by focusing just on the local schools as venues.

The Town Council have asked me to pass on the following comments approved by a resolution:

1. That every effort should be made to find alternative venues to schools
2. That Curo community rooms and Church halls should be investigated as the preferred options and that the Key Centre should definitely continue to be a polling station
3. That the proposed changes in virtually all polling stations will lead to a reduction in turnout
4. That polling cards should be conspicuously marked if a polling station had changed

I hope you will take these comments on board and consider alternative polling stations to those that you have suggested.

Reference No. PDR-27

Keynsham North

Name: Cllr Charles Gerrish
Organisation Name: Bath & North East Somerset Council, Keynsham East Ward
Comment Text: With the boundary review for Keynsham North we have a bit of a problem: the old polling station at Queens Road Methodist Church now falls fully within Keynsham South. I am of the opinion that in view of the size of the development we should look to create a polling station within the Somerdale site – this would then leave the Key Centre as a sensible continuation apart from the fact that the distance from the top of Charlton Road is in my opinion too far from a polling station. This would mean we probably will need 3 polling stations – could I suggest you potentially look at the meeting room at St Margaret’s Close.

Reference No. PDR-28

Keynsham North

Name: Cllr Brian Simmons
Organisation Name: Bath & North East Somerset Council, Keynsham East Ward
Comment Text: I agree with Councillor Gerrish that we need to replace the Queens Road Methodist Church which will be in Keynsham South with a station on Somerdale because there will about 2000 new voters on the site by the next election.

Keynsham North

Name: Cllr Charles Gerrish
Organisation Name: Bath & North East Somerset Council, Keynsham East Ward
Comment Text: Thanks – having reviewed this [the proposed polling district scheme] – the main dilemma will be the location of a polling station that can serve N-KN1.

Keynsham South

Name: Cllr Alan Hale and Cllr Lisa O'Brien
Organisation Name: Bath & North East Somerset Council, Keynsham South Ward
Comment Text: In view of the revised spread of the ward, Cllr Hale and I suggest that there should be a polling Station at Castle Primary School (at The Brambles – to accommodate Bilbie Green and The Meadows) as well as retaining the station at St Francis Church (Warwick Road) and the Elim Church (off Park Road). We realise this is an increase of one polling station but feel it is appropriate since there are above average older and less advantaged residents in the ward, for whom, getting to the polling station may be more difficult.

Kingsmead

Name: Cllr Andrew Furse
Organisation Name: Bath & North East Somerset Council
Comment Text: I do not think the new ward boundary warrants 4 polling stations considering the cost, organisation and the numbers of electors. We need to remember that Percy in KM2 today has around 2300 electors and manages well enough. Therefore to get the best fit the polling districts would need to be 're-jigged' a bit from the map you have issued. I think it needs to be considered from this direction, not the fact that polling districts have been drawn already. In my view the new Kingsmead Ward would give the following options:
1. Considering 2 polling stations (my preferred number) could be located at:

- 1a. TA Centre - serving Lower Weston and Norfolk Crescent/New King Street as far as Charles Street, including Marlborough Bldgs 1b. & RC. This is pretty central to these communities.
St Michael's Church (or Guildhall) serving Bath centre to Circus area.
- 2. Considering 3 polling stations (has the least change for current electors)
 - 2a. St John's Church (but this has very few electors - today KM1 has less than 1500 electors and will be approx half of this under the new boundary)
 - 2b. Percy Community Centre (serving central Bath)
 - 2c. Assembly Rooms (serving the RC/Marlborough Bldgs/Circus area)
- 3. A variation on this 3 polling stations is; (not my preferred but seems to fit the best)
 - 3a. TA Centre, (serving Lower Weston & Marlborough Bldgs to Charles Street)
 - 3b. Assembly Rooms (serving north of George Street or Quiet Street or Upper Borough Walls)
 - 3c. Pump Room (serving central area to north boundary George Street or Quiet Street or Upper Borough Walls and west boundary Charles Street)

Option 1 is the least costly and considering many residents now choose to use a postal vote this would be the most efficient. It does however result in the TA Centre and St Michael's Church being new polling stations.

Option 2 brings the least change and both Percy and Assembly Rooms are disability access without any special equipment. They are both easy to find locations in the centre of Bath. St John's however would be a very small polling station. St John's only needs a ramp to make it disable access as it does today. It is well known by the local community. All 3 are polling stations today.

Option 3 appears to be the geographical 'best fit' although the TA centre and St Michael's would be new. St Michael's is disabled accessible, TA centre I am not so sure.

I would welcome the chance to talk these through you before any decision is made.

Kingsmead

Name: Cllr Peter Turner
Organisation Name: Bath & North East Somerset Council
Comment Text: Currently I am the Councillor for Abbey Ward and as yet no decision in which ward I will stand, Kingsmead or Bathwick? Both though I agree.

Lambridge

Name: Cllr Rob Appleyard
Organisation Name: Bath & North East Somerset Council, Lambridge Ward
Comment Text: McCarthy and Stone have a new retired living complex on the Gloucester Rd, opposite Alice Park, would this be a more suitable location than Swainswick Gardens... if available.

Mendip

Organisation Name: Temple Cloud with Cameley Parish Council
Comment Text: I have checked the review of polling stations and Temple Cloud Village Hall is still a suitable location for a polling station. Please note, the area has changed and the parish council name has now changed officially to Temple Cloud with Cameley Parish Council from Cameley Parish Council.

Midsomer Norton Redfield

Name: Cllr Chris Watt
Organisation Name: Bath & North East Somerset Council, Midsomer N. Redfield Ward
Comment Text: I know you have asked for places that could be used. Could you please note that in the past we have had complaints from voters who refuse to enter the Masonic lodge in Midsomer Norton Redfield?

Moorlands

Name: Cllr Will Sandry
Organisation Name: Bath & North East Somerset Council, Oldfield Ward
Comment Text: My suggestions for the new Moorlands Ward would be it would be worth a conversation with (They have an annex room that could possibly be used). Similarly, it could also be worth asking The Orangery care home on Englishcombe Lane if they could host.

Newbridge

Organisation Name: North Stoke Parish Meeting
Comment Text: I received from Aurora Loi the details of the new ward arrangements that will come into place at the next local government elections in May 2019, and details of the polling stations which the Returning Officer is proposing to use at the district and parish council elections in May 2019.

The proposal is that the electors of North Stoke should continue to use the polling station at Kelston Village Hall which is close and convenient for those of us living in North Stoke village itself. However, there are 14 voters on the North Stoke parish electoral register (of a total of 77) who live in Brockham End (postcode BA1 9BZ) whose only entry and exit to their homes is via Lansdown, and face a 5.2 mile drive to Kelston to vote, down Lansdown Lane through upper Weston and along the A431. This is a 10 mile, half-hour round trip, and surely must be the longest electoral challenge faced in BANES.

It may well be that this accounts for the high number of postal votes designated for North Stoke in the spreadsheet, and that is the consequence that voters accept for living in Brockham End. However I should be grateful for your acknowledgement of this e-mail, and confirmation that BANES recognises this situation, and that allocating these voters to a distant polling station does not in any way contribute to their disenfranchisement.

Reference No. PDR-38

Oldfield Park

Name: Cllr Shaun Stephenson McGall
Organisation Name: Bath & North East Somerset Council, Oldfield Ward
Comment Text: Please find below my response to the Review of Polling District Boundaries for the new Oldfield Park Ward.

I have outlined two options, firstly one which amends the current two district proposal if numbers allow, and a second which creates three Polling Districts (but with only two Polling Stations).

Option 1: Move all of Junction Road and Oldfield Road (properties current in Widcombe Ward) together with Bloomfield Avenue, Maple Road, Maple Grove and the top few properties on Wells Rd (Lyncombe Ward roads) into the 'current' Oldfield Ward Polling District (see picture attached below).

I believe that this will enable easier pedestrian and car access to the current Polling Station on King Edward Road. It is also much closer than the existing Widcombe Ward Polling Station at Hayesfield School on Brougham Hayes.

Polling District A could keep using the current Polling Station on King Edwards Road. The Upper Oldfield Park site of Hayesfield School would be a more accessible and central location for a Polling Station in District B.

Option 2: If the numbers in the two Proposed Polling Districts above do not meet the Government Guidance then I would propose three Polling Districts (see picture attached below).

The current Oldfield Ward Polling District (labelled A) would remain the same bar the moving of a few properties on Oldfield Road into C. The current Lyncombe Ward area would also be joined by Upper Oldfield Park and Hayden Close and Highview.

Polling District A could keep using the current Polling Station on King Edwards Road. Districts B and C could have separate Polling Stations but both located within the Upper Oldfield Park Site of Hayesfield School. The Brougham Hayes site of the School is no longer central to the majority of residents of B and C now.

Reference No. PDR-39

Oldfield Park

Name: Cllr Stephenson-McGall
Organisation Name: Bath & North East Somerset Council, Oldfield Ward
Comment Text: Dear colleagues, I'm happy with the proposed polling stations in the new Oldfield Park Ward.

Reference No. PDR-40

Oldfield Park

Name: Ross Purcell
Organisation Name: Hayesfield Girls' School
Comment Text: May I request that Oldfield Park ward's polling station remains at Hayesfield's Brougham Hayes campus (postcode BA2 3QU) once the new ward boundaries are confirmed?

Reference No. PDR-41

Oldfield Park

Name: Ross Purcell
Organisation Name: Hayesfield Girls' School
Comment Text: Thank you for acknowledging the request. The School prefers its Brougham Hayes campus as:

1. The School's operations can be isolated and separated from Polling operations and public access managed satisfactorily during polling;
2. There is ease of access to the current location whether on foot, by vehicle, in daylight or darkness, for both able-bodied or semi-ambulant visitors.

Paulton

Name: Cllr John Bull and Cllr Liz Harman

Organisation Name: Bath & North East Somerset Council, Paulton Ward

Comment Text: Thank you for giving us the opportunity to comment on Electoral Services' proposals for polling stations. For Paulton you are proposing three polling stations as opposed to the present one (in the Wesley Hall). While we understand that the increase in the electorate in Paulton, due to new housing developments, makes it wise to consider increasing the number of polling stations to reduce pressure at busy times, particularly in General Elections, we believe that three polling stations is one too many. Having multiple polling stations in a tightly-knit community like Paulton is likely to cause confusion. Although traditionally the appropriate polling station is notified on the polling card people do not always refer to these, old habits die hard and there will be cases where adjacent streets and even houses vote at different places. As a result we think that there will be a number of people who turn up at the wrong station and need to be redirected and this could cause as much pressure as the existing situation. Two of the proposed stations, Wesley Hall and the Village Hall are quite close together in the centre of the village. We would suggest using only one of these but adding Paulton Rovers as this would be more convenient for those at the Midsomer Norton end of the village who at present face quite a long journey, at least on foot, of about a kilometre to the village hall. We feel this would get the best value from the additional expenditure at a time of limited resources. Please get in touch if you need further clarification.

Reference No. PDR-43

Peasedown

Name: Cllr Sarah Bevan

Organisation Name: Bath & North East Somerset Council, Peasedown Ward

Comment Text: Thank you for the spreadsheet showing existing and proposed new polling stations for the new electoral zones in Peasedown. I note that of the two new stations, St John's Church Hall (N-PS4) is yet to be confirmed and still awaiting a response from the church – could you let us know if this is confirmed in due course? Also, is the Methodist Church, Bath Road (N-PS3) confirmed as a new polling station? (There's no tick mark in the column).

Reference No. PDR-44

Peasedown

Name: Cllr Karen Walker

Organisation Name: Bath & North East Somerset Council, Peasedown Ward

Comment Text: Thank you for sending the proposed polling stations for Peasedown St John. If St John's Church does not confirm they are happy to have the polling station, could you include St John's Community Hall just off Albert Avenue, it's a Curo-run building. The building is used by many community groups.

Reference No. PDR-45

Peasedown

Organisation Name: Peasedown St John Parish Council

Comment Text: Further to our email chain below, I write to confirm that the Parish Council reviewed the proposals for the changes to the polling stations in Peasedown St John and their response was minuted as follows:
Councillors discussed the proposals from B&NES Council regarding the changes to the polling stations in Peasedown St John and although the advice provided was that it would be cheaper to have smaller polling stations with fewer staff, they were concerned that the locations of the suggested polling stations were not equally spread across the village with three being located in the older parts of the village and one in the newer Orchard Way estate. They were also not convinced that it would be more cost effective as they believed that staff numbers would remain the same to cover the four polling stations but with additional venues there would be extra hire charges. It was therefore resolved not to support the proposals and comment that the two existing polling stations at the Youth Hub and Beacon Hall should remain as they are at present.
I trust you will take our comments into consideration when making your decisions.

Radstock

Organisation Name: Radstock Town Council

Comment Text: Thank you for the information relating to proposed polling stations, which was considered at a meeting of the Town Council held on Monday 15th October. The Town Council is content with the proposals for the polling stations in Radstock.

Saltford

Organisation Name: Corston Parish Council

Comment Text: As requested by the latest council email distribution regarding the B&NES current review of potential polling stations for the 2019 elections of Ward and Parish Councillors, it is proposed that Corston Village Hall is designated as one of the Polling Station in the new Saltford Ward.

Southdown

Name: Cllr Dine Romero

Organisation Name: Bath & North East Somerset Council, Southdown Ward

Comment Text: I note the suggested polling stations but wonder if it you would reconsider the re-inclusion of Southdown Methodist Church, The Hollow? Perhaps sharing with the new Twerton, as this is the polling station previously used by many living in the Whiteway area of the ward previously within Southdown, this may help with confusion over the ward changes. Rather than use Roundhill and Oldfield schools, and so have to close them for the day, have you considered using Ascension Church, Claude Avenue, and also St Barnabas' Church, Mount View? The latter is currently used as the polling station for the current SD2. And again could save confusion.

Southdown

Name: Cllr Paul Crossley

Organisation Name: Bath & North East Somerset Council, Southdown Ward

Comment Text: I would like to put some other thoughts into the mix. I think that we already have the principal of two wards sharing one polling station and this forms the basis of my suggestion.

1. Southdown Methodist to service both the top end of Southdown (Hollow area) and the Whiteway part of Twerton.
2. Sladebrook Evangelical serving Kingsway from Odd Down and the top end of Southdown going down Southdown Road and Sladebrook Avenue.
3. Ascension Church serving that area of Westmorland Ward and the old Westmorland area coming into Southdown and also the lower part of Southdown Road.
4. Twerton Village Hall serving the South Twerton area of new Southdown and the Lower part of the Hollow and the High Street end of Twerton.

I would be happy to come in and draw lines on a map to show you how this would work.

And could consideration be given to calling the new ward Southdown and South Twerton?

Timsbury

Organisation Name: Timsbury Parish Council

Comment Text: The Parish Council notes your plans to add a polling station. This would not be our preferred option, as the Conygre Hall works very well for voters, especially for those who need to drive or access in a wheel chair. As a result the South Road Methodist Church will need parking cones outside.

Walcot

Name: Cllr Richard Samuel
Organisation Name: Bath & North East Somerset Council, Walcot Ward
Comment Text: The existing stations at Claremont Methodist and the Gateway Centre are still suitable. For the new part of the ward could I suggest you investigate the following:
St Swithin's Church there is a ground level cafe and meeting room.
Nexus Chapel on London Road
Museum of Bath Architecture on the Paragon.

Each of the above is in the right location for the polling district. I cannot vouch for disabled access in any however.

Walcot

Name: Cllr Patrick Anketell-Jones
Organisation Name: Bath & North East Somerset Council, Lansdown Ward
Comment Text: Please could you ensure that residents in Camden who have been taken out of Lansdown Ward and moved into Walcot Ward will be able to use the Claremont Methodist Church polling station. St Swithin's may appear to be closer but it's at the bottom of a very steep hill and elderly residents would be at a disadvantage.

Westfield

Organisation Name: Westfield Parish Council
Comment Text: The only observation on this review that I have been asked to report back is that the Parish Council queried whether a third polling station at Trinity Methodist Church was necessary given its proximity to the other Polling Station at Westhill Road.

Westmoreland

Name: Cllr June Player

Organisation Name: Bath & North East Somerset Council, Westmoreland Ward

Comment Text: Suggestion for Westmoreland Ward is the Golden Fleece Pub along Lower Bristol Road near Lidl. This will give a station on that side of the Ward.

Polling District Review

1. The Liberal Democrats are entirely supportive of the Council's policy of coinciding polling districts in North East Somerset with parish or parish ward boundaries.
2. However, we note with concern the proposal to introduce relatively small polling districts in the unparished part of B&NES, i.e. the city of Bath. We are concerned that this will significantly increase the cost of holding an election and make it harder for political parties to staff polling stations with "tellers" which in turn helps to improve turnout.
3. Similar sized unitary authorities (York, Swindon) have at least 3,000 voters per polling district and sometimes rather more (up to 5,000). Given how compact most of the Bath wards are we would have expected approximately the same number of polling districts as there are councillors, i.e. two in a two-member ward and just one the single-member wards of Oldfield Park or Moorlands. Four or five polling districts in a compact two-member urban ward appears to be excessive and unnecessarily expensive.
4. In a low turnout election such as the West of England Metro Mayor (2017) or the Police and Crime Commissioner (2016), where no other poll has been held on the same day, the turnout in B&NES has been as low as 15% of "on the day" voters. Given that up to 20% of voters have permanent postal votes a polling district of 1000 electors could see just 120 voters turning out in a 15-hour period, which seems very inefficient and extremely tedious for polling station clerks.
5. We look forward to working with the Elections team in whatever scheme of polling districts is proposed for the 2019 local elections.

Chris Twells
Head of Campaigns, Bath and North East Somerset Liberal Democrats

22 October 2018

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	8 November 2018
TITLE:	Review of the Council's Statement of Principles under the Gambling Act 2005
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A: Copy of responses received from the consultation exercise, including officer comments and recommendations</p> <p>Appendix B: Copy of proposed Statement of Principles showing the proposed changes from the consultation document in bold italics (page 21)</p>	

1 THE ISSUE

1.1 The Gambling Act 2005 (The Act) requires that licensing authorities review their Statement of Principles with regard to gambling every three years. Following the completion of a consultation exercise, and a recommendation from the Licensing Committee, Council is asked to consider the responses received and the officer recommendations, before adopting the proposed Statement of Principles provided in Appendix B.

2 RECOMMENDATION

2.1 The Council adopts the Statement of Principles provided in Appendix B, having had regard to the responses received following the public consultation exercise, as recommended by the Licensing Committee.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The review of the Council's existing policy has been carried out by officers from Licensing and Legal Services. The majority of costs are taken by officer time and all costs are managed within existing budgets through full cost recovery from licensing fees.

3.2 The Council has a legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years dating from January 2007. The fees charged for the licence fees under the Act cover all activities associated with the prescribed duties including the provision and review of the Statement of Principles.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), this built on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transferred to local authority responsibilities which previously lay with local licensing justices.
- 4.2 The new Act came fully into force in September 2007. In preparation, each licensing authority was required to develop, consult on and publish a statement of principles, setting out those principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 4.3 To assist in this process, the Gambling Commission issued Guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and the principles to be applied by them, in exercising those functions. Licensing authorities are required to take account of all such Guidance when formulating a statement of principles.
- 4.4 The Guidance stated that the statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The current Statement of Principles is due to be reviewed this year so that a revised version can be in place for the 31st January 2019. This will be the fourth revision since the Act came into force in 2007.

5 THE REPORT

- 5.1 A public consultation was carried out which lasted for 12 weeks from 20 April to 12 July 2018. The groups specified in Section 8 of this report were either emailed or written to and were asked to comment on the draft policy and asked if they had any suggestion for changes. Reminders were sent on the 8 June and 2 July 2018 respectively. In addition, an online questionnaire was made available via the consultation portal on the Council's website. A copy of the responses received from the consultation exercise, together with officer comments and recommendations is provided in Appendix A.
- 5.2 The Licensing Committee has agreed the officer recommendations and their inclusion in the revised Statement of Principles.
- 5.3 The Licensing Committee has recommended that the Statement of Principles attached at Appendix B is presented to Council for adoption.
- 5.4 Council is asked to agree to and adopt the revised Statement of Principles in Appendix B.
- 5.5 The Statement of Principles will be reviewed again in 2021 so that it is in place for 31st January 2022.

6 RATIONALE

- 6.1 The rationale for this report stems from a statutory duty on the Council to review its Statement of Principles every three years.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

8.2 The Licensing Committee has had opportunity to review these documents and have recommended presentation to Council for adoption.

8.3 The draft statement was circulated to various organisations and interested parties including:

- Bath Chamber of Commerce
- Business West
- Bath BID
- Chief Constable of Avon and Somerset Police
- Avon Fire and Rescue
- Gambling Commission
- Her Majesty’s Revenue and Customs
- Local Safeguarding Children’s Board
- Resident’s Associations
- Bingo Association
- British Casino Association

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.

9.2 An equalities impact assessment has been completed in relation to the Statement of Principles. This identified that the policy has a positive impact in that premises are required to take steps to protect persons who maybe young (i.e. students) or elderly and who are vulnerable to financial exploitation. An action from the impact assessment is to further promote awareness of gambling issues with bodies such as the B&NES Student Community Partnership and Age UK.

Contact person	<i>Cathryn Brown, 01225 477645</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Appendix A- Responses to public consultation on the Review of the Council's Statement of Principles under the Gambling Act 2005

Comment	Officer response
<p>We are broadly supportive of the proposed principles.</p> <p>One specific issue which has been raised by residents which does not seem to be explicitly addressed is displays visible outside the premises which are not directly advertising gambling but are likely to attract young people to the premises an example being TV screens showing major sporting events.</p> <p>We are also not clear how the enforcement regime will be modified to address the challenge of policing a casino operating over much longer hours than traditional Bath gambling establishments.</p> <p>Page 111</p>	<p>After consultation with the Gambling Commission, whilst there is advice about the advertising of gambling activities, the guidance is silent on other attractions, like TV screens showing major events, which may encourage young people to visit premises.</p> <p>Officers consider this to be a valid point and will consider on a case by case basis during the routine inspection of gambling premises.</p> <p>The Gambling Commission has licenced the operator of Bath's casino (Century Casinos) and will check compliance with the terms of their operators licence. An inspection has already been carried out since the opening of the casino in May 2018.</p> <p>The Casino will also be subject to unannounced visits from the Licensing Enforcement Group which will typically take place late evening/early hours of the morning.</p>
<p>What's the rationale for asking premises "to assess staffing levels when a local college closes and students begin to vacate the grounds" (page 21)? Are college students more likely to gamble than university students or other member of the population?</p>	<p>Advice has been sought from the Gambling Commission regarding this comment. It is relevant to say that all students, college or university, are vulnerable to gambling addiction when they are required to take responsibility for managing their own personal budgets for the first time. The recommendation is that this bullet point on page 21 is revised to take account of all students:</p> <p><i>"Assessing staffing levels when all students (college or university) maybe more vulnerable to gambling addiction, i.e. at the start of a new term."</i></p>

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Bath & North East
Somerset Council

Gambling Act 2005

Statement of Principles

January 2019

CONTENTS	PAGE No
Background Information	1
Glossary of Terms	3
Part A: Introduction	5
1 General Information	5
2 Declaration	6
3 Gambling Act 2005	6
4 The Licensing Objectives	7
5 Responsible Authorities	8
6 Interested Parties	8
7 Exchange of Information	10
8 Enforcement	10
9 Licensing Authority Functions	12
10 Gambling Commission Functions	12
11 Legislation	13
Part B: Premises Licences - General	14
12 Premises Licences	14
13 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	15
14 Ensuring that gambling is conducted in a fair and open way	16
15 Protecting children and other vulnerable persons from being harmed or exploited by gambling	16
16 Licence Conditions	17
17 Door Supervision	18
18 Provisional Statements	18
Part C: Premises Licences - Specific	21
19 Best Practice	21
20 Adult Gaming Centres	22
21 (Licensed) Family Entertainment Centres	22
22 Casinos	23
23 Bingo Premises	24
24 Betting Premises	25
25 Tracks	25
26 Travelling Fairs	27
27 Small Society and Local Authority Lotteries	27
28 Exempt Gaming (Alcohol Licensed Premises)	28
29 Bingo in Clubs and Alcohol Licensed Premises	29

Part D: Permits, Temporary and Occasional Use Notice	31
30 Gaming Permits – General	31
31 Unlicensed Family Entertainment Centre Gaming Machine Permits	31
32 Alcohol Licensed Premises - Gaming Machine Permits	32
33 Prize Gaming and Prize Gaming Permits	34
34 Club Gaming and Club Machines Permits	34
35 Fixed Odds Betting Terminals (FOBTs)	35
36 Temporary Use Notices	36
37 Occasional Use Notices	36
Part E: Decision Making, Reviews and Complaints	37
38 Licensing Committee Terms of Reference	37
39 Allocation of Decision Making responsibilities	37
40 Complaints Against Licensed Premises	37
41 Reviews	37
42 Further Information	39
Appendix A: Map of Bath and North East Somerset	
Appendix B: Table of Delegations of Licensing Functions	

BACKGROUND INFORMATION

Bath & North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Gambling Act 2005 (the Act). This means that the Council has responsibility for granting premises licences and various permits with respect to gambling activities in the area and is responsible for processing Temporary and Occasional Use Notices.

The Act created a new system of licensing and regulation for commercial gambling. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases, such as gaming machine arcades, those built on existing responsibilities. In other major areas, including betting, casino gaming and bingo, they transferred to local authorities responsibilities which previously lay with local Licensing Justices.

Under the Act, each Licensing Authority is required to develop, consult on and publish a statement of its licensing principles before each successive period of three years. The statement must set out the principles, which the Authority proposes to apply in exercising its licensing functions under the Act.

The Gambling Commission has issued Guidance to all Licensing Authorities on the manner by which they are to exercise their functions under the Act and the principles to be applied when exercising those functions. The principles are set out in Parts A – E of this document and have been developed in accordance with the requirements of the Guidance.

The Act requires that Licensing Authorities carry out consultation of their proposed principles and that all of the following parties are consulted:

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act, for example Residents Associations.

Section 157 of the Act requires the Licensing Authority to designate a competent body to advise them regarding the protection of children from harm. The Authority designates the Local Safeguarding Children's Board as this body.

In addition to the above, the following have also been consulted: a wide range of organisations including voluntary and community organisations working with children and young people; organisations including those that work with people who are problem gamblers such as GamCare; NHS B&NES (formerly PCT) and advocacy organisations such as the Citizen's Advice Bureau.

There has also been consultation with other local government service areas such as planning, economic development, environmental health and local businesses which are, or will be, holders of premises licences under the Act.

The list of persons who have been consulted is deliberately wide. This has enabled the Licensing Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the licensing policy statement.

Copies of this Statement of Principles can be found on the Council's web site at www.bathnes.gov.uk/gambling. If you would like us to send you a hard copy then please write to us at:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Or email us at licensing@bathnes.gov.uk.

If you require further information please telephone us on 01225 477531.

This document can be made available in a range of languages, large print, Braille, audio, electronic and other accessible formats. Please use the above contact details if you would like any further information.

GLOSSARY OF TERMS

Within this Statement of Principles, the following words and terms are defined as stated:

Act:	The Gambling Act 2005.
Better Regulation Executive:	The Better Regulation Executive (BRE) is a unit within the Department for Business, Energy & Industrial Strategy
Betting Machine:	This is a machine which has been designed or adapted for use to bet on future real events, such as horse racing and used as a substitute for placing a bet over the counter.
CCTV:	Closed Circuit Television.
Code of Practice:	Means any relevant code of practice under Section 24 of the Gambling Act 2005.
Council:	Bath & North East Somerset Council.
Council Area:	The area of Bath and North East Somerset administered by Bath & North East Somerset Council (Map appended at Appendix A).
DCMS:	Department for Culture, Media and Sport.
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Bath & North East Somerset Council.
FEC	(Unlicensed) Family Entertainment Centre.
FOBT	Fixed Odds Betting Terminal.
GamCare:	This is a registered charity that has a commitment to promote responsible attitudes to gambling and to work for the provision of proper care for those who have been harmed by gambling dependency.
Gaming Machine:	As defined by S172 Gambling Act 2005.
Guidance:	Guidance issued to Licensing Authorities by the Gambling Commission as required by Section 25 of the Gambling Act 2005, dated September 2012.
Licensing Authority:	Bath & North East Somerset Council.
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence.

Notifications:	Means notification of Temporary and Occasional Use Notices.
Premises:	Any place, including a vehicle, vessel or moveable structure.
PSIA:	Private Security Industry Act 2001.
Regulations:	Regulations made by the Secretary of State under the Gambling Act 2005.
Regulators Code:	A statutory code that local authorities must have regard to when carrying out enforcement duties - issued by the Better Regulation Delivery Office.
Responsible Authority:	<p>With regard to the Act and the Gambling Commission's guidance, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none">▪ The Licensing Authority in whose area the premises are wholly or mainly situated ("Bath & North East Somerset Council");▪ The Gambling Commission;▪ Avon & Somerset Constabulary;▪ Avon Fire and Rescue Service;▪ Bath & North East Somerset Council;▪ Development Control Manager, Planning Department;▪ Environmental Protection Manager;▪ A body designated by the local authority to advise about the protection of children from harm (Local Safeguarding Children Board);▪ HM Revenue and Customs.

PART A: INTRODUCTION

1 General Information

- 1.1 Bath & North East Somerset Council (the Council) is situated in North East Somerset, covering an area from the outskirts of Bristol, south into the Mendips and east to the Southern Cotswolds and Wiltshire border. Its 220 square miles, two thirds of which is green belt, combine Areas of Outstanding Natural Beauty with some of the most significant historical treasures found anywhere in Europe.
- 1.2 Approximately half the population lives in the City of Bath, the largest settlement and a UNESCO World Heritage Site famed for its Georgian splendour and its Roman antiquities. Bath and North East Somerset is also home to vibrant high technology and multi-media business sectors. Keynsham is the largest town in North East Somerset, and occupies a key position in this respect. It represents an important commercial and cultural centre, including a number of strategic industrial sites.
- 1.3 There are also important residential and commercial centres at Midsomer Norton and Radstock in the south. This area also boasts its own unique industrial heritage, being the site of the former Somerset coalfield.
- 1.4 The Council is responsible for serving the needs of this unique area and its 170,000 population, and as a Unitary Authority, is charged with the delivery of all Local Authority services – from highways maintenance to parks, from planning to social services, from libraries to school transport.
- 1.5 A map of the Council area is shown at Appendix A.
- 1.6 Licensing Authorities are required, by the Gambling Act 2005, to publish a statement of the principles which they propose to apply when exercising their functions.
Under the Act, each Licensing Authority is required to develop, consult on and publish a statement of its licensing principles before each successive period of three years. The statement must set out the principles, which the Authority proposes to apply in exercising its licensing functions under the Act.
- 1.7 The Council has consulted widely before finalising and publishing this Statement of Principles.
- 1.8 The Act requires that the following parties are consulted by Licensing Authorities:
 - The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, for example Resident's Associations;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

2 Declaration

2.1 In producing its final Statement of Principles, the Licensing Authority declares that it will have had regard to the licensing objectives of the Act, the Guidance issued by the Gambling Commission, any relevant Codes of Practice and any responses from those consulted on the policy statement.

3 Gambling Act 2005

3.1 "Gambling" is defined in the Act as either gaming, betting or taking part in a lottery.

- Gaming means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition or any other event; the likelihood of anything occurring or not occurring or whether anything is true or not.
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

3.2 The Act provides for three categories of licence:

- Operating Licence
- Personal Licence
- Premises Licence

3.3 The Licensing Authority will be responsible for issuing premises licences. The main functions of the Authority are to:

- Licence premises for gambling activities;
- Grant permits for gaming and gaming machines in clubs;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider notices given for the temporary use of premises for gaming;
- Consider occasional use notices for betting at tracks; and
- Register small society lotteries.

3.4 It should be noted that:

- Spread betting is regulated by The Financial Services Authority;
- Remote (on line) gambling is dealt with by the Gambling Commission; and
- The National Lottery is regulated by the National Lottery Commission.

3.5 This document sets out the policies that the Licensing Authority will apply when making decisions on applications or notifications for:

- Premises Licences;
- Temporary and Occasional Use Notices;
- Permits as required under the Act; and
- Regulations under the Act.

3.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary Use Notices
- Registration of small society lotteries

4 The Licensing Objectives

4.1 In exercising most of their functions under the Act, the Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

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

4.2 The Licensing Authority will, when making decisions about premises licences and Temporary Use Notices, aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission and/or DCMS;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Council's Statement of Principles

5 Responsible Authorities

5.1 Responsible Authorities are public bodies that must be notified of all applications and are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives. Section 157 of the Act defines those as:

- a licensing authority in whose area the premises is situated;
- the Gambling Commission;
- The Police;
- The Fire Service;
- The Local Planning Authority;
- The Environmental Protection Team;
- A body designated by the local authority to advise about the protection of children from harm (Local Safeguarding Children Board); and
- HM Revenue and Customs.

The Licensing Authority will apply the following principles when designating in writing a body which is competent to advise the Authority about the protection of children from harm:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

5.2 In accordance with the Gambling Commission's Guidance, this Authority designates the Local Safeguarding Children's Board for this purpose.

Although Public Health is not listed as a responsible authority under the Act, the Licensing Authority will consult with them on any revision to its Statement of Principles as they are well placed to offer expert advice which may be relevant.

5.3 Section 211 (4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of Section 221 of the Water Resources Act 1991 that have functions in relation to the waters where the vessel is usually moored or berthed or in any waters where it is proposed to be navigated at a time when it is used for licensable activities.

5.4 The contact details of all the Responsible Authorities under the Act are available via the Council's website at: www.bathnes.gov.uk/gambling.

6 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined as someone who, in the opinion of the Licensing Authority:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).

6.2 In determining whether someone lives sufficiently close to a particular premise so as to be affected, the licensing authority will take into account, among other things:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the person making the representation; and
- The potential impact of the premises.

6.3 In determining whether a person has a business interest which could be affected the licensing authority will consider, amongst other things:

- The size of the premises;
- The catchment area of the premises; and
- Whether the person making the representations has business interests in the catchment area that might be affected.

6.4 Business interests will be given a wide interpretation and could include, for example, partnerships, faith groups and medical practices.

6.5 Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance. Larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities.

6.6 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, trade unions and residents' associations. This Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Act, e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

6.7 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these persons, this Authority will generally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter/email from one of these persons, requesting the representation, is sufficient.

6.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Licensing Services via e-mail at licensing@bathnes.gov.uk, or by telephone on 01225 477531.

6.9 Details of those persons making representations will be made available to applicants. In the event of a hearing being held such details will form part of a public document, unless it can be shown by the persons making representations that they are in fear of reprisals from the applicant.

7 Exchange of Information

7.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information between itself and the Gambling Commission, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State.

8 Enforcement

8.1 In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.

8.2 The Gambling Commission is the enforcement body for the Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. The Gambling Commission will be responsible for compliance as regards unlicensed premises.

8.3 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licences and other permissions, which it authorises.

8.4 The Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities and it will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and the costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be "joined up" and implemented fairly;
- Transparent: regulators should be open: regulations should be kept simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

8.5 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

- 8.6 The Licensing Authority will also adopt a risk-based inspection programme. This would include targeting high-risk premises that require greater attention so that resources are more effectively concentrated on problem premises.
- 8.7 The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities. The website for the Better Regulation Executive can be viewed at:
- <https://www.gov.uk/government/groups/better-regulation-executive>
- 8.8 The Licensing Authority will have regard to the Regulators Code and will take account of any guidance issued by the Better Regulation Delivery Office (BRDO), and its own enforcement policy, which proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a formal caution or a referral for prosecution.
- 8.9 The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the area for unlicensed premises.
- 8.10 The Licensing Authority will seek to work actively with the police in enforcing licensing legislation and intends to establish protocols with the Avon and Somerset Constabulary, the Avon Fire and Rescue Service, and other Council bodies such as Environmental Health, Trading Standards and Child Protection on enforcement issues to ensure an efficient deployment of officers.
- 8.11 According to the principle of transparency, this Licensing Authority's enforcement policy will be available upon request from:

Licensing Services
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Tel: 01225 477531

Email: licensing@bathnes.gov.uk

9 Licensing Authority Functions

9.1 The Licensing Authorities' functions under the Act are to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see Section 6 above "Exchange of Information");
- Maintain registers of the permits and licences that are issued under these functions.

9.2 The Council will comply with all requirements set out in the Gambling Act 2005 (Proceedings of Licensing Committees (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 with regard to hearings to be held under the Act.

9.3 It should be noted that the Local Licensing Authority will not be involved in licensing remote gambling (i.e. online gambling) at all. This will fall to the Gambling Commission via Operator Licences.

10 Gambling Commission Functions

10.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable people.

10.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

10.3 The Commission has issued Guidance under Section 25 of the Act regarding the manner in which Local Authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

11 Legislation

11.1 In undertaking its licensing function under the Act, the Council is also bound by other legislation including:

- s.17 of the Crime and Disorder Act 1988
- Human Rights Act 1998
- Health and Safety at Work etc., Act 1974
- Environmental Protection Act 1990
- The Anti-social Behaviour, Crime and Policing Act 2014
- The Equality Act 2010

11.2 However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on operators and employers.

PART B: PREMISES LICENCES – GENERAL

12 Premises Licences

- 12.1 Premises Licences will be subject to the permissions/restrictions set out in the Act and Regulations, as well as specific mandatory and default conditions. Licensing Authorities are able to exclude default conditions, and also attach others, where it is believed to be appropriate to achieve the licensing objectives.
- 12.2 The Licensing Authority is aware that, in making decisions about premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Consistent with the licensing objectives (subject to the above); and
 - In accordance with the Authority's Statement of Principles (subject to the above).
- 12.3 "Premises" is defined in the Act as "any place" but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can genuinely be regarded as different premises.
- 12.4 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Gambling Act (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each different type of premises.
- 12.5 This Licensing Authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 12.6 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any concerns raised can be overcome.

12.7 The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This Licensing Authority will listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

The previous requirement that the grant of certain gambling permissions should take account of whether there was unfulfilled demand is no longer of relevance. Therefore each application will be considered on its merits without regard to demand (part 6.37 of the Gambling Commission's Guidance document).

12.8 Premises licences which are granted by the Council must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Local authorities.

13 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

13.1 The Council places considerable importance on the prevention of crime and disorder, and will fulfil its duty under s.17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the area. A high standard of control is therefore expected to be exercised over licensed premises.

13.2 The Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

13.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Avon and Somerset Constabulary before making a formal application.

13.4 In considering licence applications, the Local Authority will particularly take into account the following:

- The location of the premises;
- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

14 Ensuring that gambling is conducted in a fair and open way

- 14.1 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.
- 14.2 Betting tracks operators do not need a separate licence from the Commission, so the local authority may, in certain circumstances, consider whether the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

15 Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 15.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.
- 15.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to gambling or being attracted to take part in gambling, such as may be caused by advertising.
- 15.3 The Licensing Authority will pay particular attention to the Code of Practice issued by the Gambling Commission as regards this licensing objective in relation to specific premises such as casinos. The Code provides that licensees of casinos must:
- Put into place policies and practices for the prevention of under age gambling and monitor these.
 - Designate a supervisor at each entrance to the premises.
 - A supervisor must check the age of customers who appear to be under age and refuse entry to those who cannot provide satisfactory documentation as to their age.
 - Take action to remove from the premises any person who is under age.
 - Ensure that any under aged persons accompanying adults are not permitted entry.
 - Ensure that gambling is not promoted in such a way as to appeal to children and young persons, i.e. by being linked to youth culture.
- 15.4 The Act does not define the term “vulnerable people” but the local authority considers that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling perhaps due to a learning disability, mental health issues, alcohol or drugs.

16 Licence Conditions

16.1 There are three types of conditions that may be attached to premises licences:

- Mandatory – Conditions prescribed in regulations which are made by the Secretary of State and must be attached
- Default - Conditions prescribed in regulations which are made by the Secretary of State which will be attached unless specifically excluded by the local authority
- Conditions imposed by the Licensing Authority

16.2 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- enforceable; and
- reasonable in all other respects

16.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

16.4 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences. These are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes.

16.5 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence, which has not yet been determined.

16.6 Applications for the grant, transfer or variation of a licence are not required to be accompanied by an operating schedule. However, the Licensing Authority would expect an applicant to provide a written statement,

demonstrating how the licensing objectives would not be undermined by the operation of the premises, where appropriate and relevant.

- 16.7 The level of detail should be proportionate to the scale and nature of the application made.
- 16.8 Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in the Glossary of Terms.
- 16.9 This Licensing Authority, in determining whether to grant a premises licence, will not have regard to the expected demand for the facilities which it is proposed to provide.
- 16.10 Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, CCTV may be appropriate in certain premises.

17 Door Supervision

- 17.1 Whilst considering whether or not to impose a condition relating to door supervision the Licensing Authority will take account of the content of Section 178 Gambling Act 2005 and have regard to Statutory Guidance. Accordingly, conditions will not impose the same or similar duties as other legislation and will only be imposed if it appears to the Licensing Authority that it is necessary and or appropriate to impose a responsibility to guard the premises against unauthorised access or occupation or against the outbreak of disorder or against damage.
- 17.2 This Licensing Authority considers that it is good practice for door supervisors working at licensed premises to be SIA trained and to undergo a Disclosure and Barring Service check every three years. This is in recognition of the nature of the work in terms of potential under age customers, searching individuals and dealing with potentially aggressive persons, etc. However, each case will be determined on its merits.

18 Provisional Statements

- 18.1 An applicant may apply for a provisional statement in respect of any premises expected to be constructed, altered or acquired.
- 18.2 Applications will be dealt with in a similar manner to applications for Premises Licences
- 18.3 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) Which could not have been raised by objectors at the provisional licence stage; or
- b) Which in the Authority's opinion reflect a change in the operator's circumstances.

18.4 Multiple activity premises – layout and access

The Licensing Authority will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning legislation or building regulation.

With the exception of bingo clubs, tracks on race-days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

The Licensing Authority will take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling.
- Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

In determining whether two or more proposed premises are truly separate, the Licensing Authority will consider factors which could assist them in making their decision, including:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Where a building consists of a number of areas which hold separate premises licences, each individual licence (with the exception of tracks) must not exceed its permitted gaming machine entitlement.

The proper application of s.152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

Single and combined licences

Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

PART C: PREMISES LICENCES - SPECIFIC

19 Best Practice

19.1 Risk assessments sharing

Premises license holders are advised to observe and follow all recognised best practice initiatives. These include; undertaking regular risk assessments and self-checks, under age sale checks by third parties, identifying people who may have gambling issues and the steps to protect vulnerable people from harm. The Authority also encourages the sharing of any information gathered as a result.

19.2 From 6 April 2016 all non-remote casino, adult gaming centres, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. Licensees must review and update their local risk assessments as necessary and share those risk assessments with the Authority when applying for a premises licence, on application for a variation or on request.

Where concerns do exist, a Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.

Although the Council does not have a specific Local Risk Assessment based on gambling in general, it does expect operators to take into account the following as a minimum when developing their own risk assessments. These include:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather.
- The demographics of the area in relation to vulnerable groups.
- Whether the premises is an area subject to high levels of crime and/or disorder.
- Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- ***Assessing staffing levels when all students (college or university) maybe more vulnerable to gambling addiction, i.e. at the start of a new term.***
- Proximity of gambling machines to the entrance door.
- Age verification policies including 'Think 21' and 'Think 25'.
- Consideration of line of sight from the counter to gambling machines.

Premises risk assessments must be kept on the premises and be readily available for inspection.

Local staff must be familiar with their own premises risk assessment and receive appropriate training to ensure its implementation.

20 Adult Gaming Centres

20.1 Adult Gaming Centres (AGCs) are a new category of premises introduced by the Act. No one under the age of 18 is permitted to enter an AGC and the persons operating an AGC must hold a gaming machines general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority. They will be able to make category B3, B4, C and D gaming machines available to their customers.

20.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- Door Supervisors
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Measures for training staff etc.

This list is not exhaustive and is merely for example.

20.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

21 (Licensed) Family Entertainment Centres:

21.1 The Act creates two classes of family entertainment centre (FEC). Licensed FECs provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

21.2 Children and young persons are permitted to enter an FEC and may play on the category D machines. They are not permitted to play on the category C machines and there must be a clear segregation between the two types of machine, so that children do not have access to category C machines.

21.3 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- Door Supervisors
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Measures for training staff etc.

This list is not exhaustive and is merely for example.

21.4 With regard to the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

22 Casinos

22.1 Following Council and Executive resolutions a proposal was submitted to the Casino Advisory Panel to enable the Council to license a small casino in Bath.

22.2 On 16 October 2015 the Council issued a premises licence in relation to small casino activities.

22.3 The concept for Bath envisages a small, high quality casino with an emphasis on gaming tables. It seeks to take forward the 'Future for Bath Vision' by:

- Broadening the Bath visitor offer.
- Developing a 'mature' evening economy.
- Re-establishing Bath's gaming tradition.
- Drawing on the European model of spa towns and casino provision.
- Acting as a catalyst for wider regeneration and community benefit.
- Provision of a financial injection to the local economy.

22.4 The intention is to create a venue to add to the unique Bath experience and which will complement the city's leisure offer for both visitors and local residents alike. While significant social impacts are not anticipated, this is nonetheless regarded as an important issue to be monitored and managed as an integral part of the project.

22.5 Casino games offer the chance for multiple participants to take part in a game competing against the house, or back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

22.6 The Gambling Commission has provided Guidance for local Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The section referring to casinos can be viewed via the following link:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Codes-of-practice.aspx>

22.7 With regard to casino operation and the protection of vulnerable persons, the Licensing Authority encourages the use of self-barring schemes and the free provision of information leaflets and helpline numbers for organisations such as GamCare, (whose website can be found at www.gamcare.org.uk), Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

23 Bingo Premises

23.1 Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won; and
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

23.2 It is important that if children are allowed to enter premises licensed for bingo they do not participate in gambling, other than the category D gaming machines. The holder of a bingo premises licence may make available for use up to eight category B machines; any number of category C machines; and any number of category D machines. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines. Where category C or above machines are available in premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

23.3 The Licensing Authority will take into account any new Guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

24 Betting Premises

24.1 Betting premises is where off-course betting takes place; i.e. betting that takes place other than at a Track in what is currently known as a licensed betting office. Under the Act Licensing Authorities are responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons will not be able to enter premises with a betting Premises Licence, although special rules apply to Tracks.

24.2 The holder of a betting Premises Licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

24.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, will take into account the following:

- the size of the premises,
- the number of counter positions available for person-to-person transactions,
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons

24.4 Section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement, or receive any payment in connection with the machines. However, the provision of credit by gambling operators and the use of credit cards are separate matters that are managed through operating licence conditions and codes of practice issued by the Commission.

25 Tracks

25.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on Tracks, both in the form of pool betting (often known as the totalisator or tote), and also general betting, often known as “fixed-odds” betting.

25.2 Tracks are different from other premises in that they may be more than one premises licence in effect and that the Track operator may not be required to hold an operator licence as there may be several premises licence holders at the Track, each of whom will need to hold their own operator licences.

25.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling by way of track betting and this Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter Track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

25.4 Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines
- Measures for training staff etc

This list is not exhaustive and is merely for example.

25.5 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes and the provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

25.6 A betting Premises Licence in respect of a Track does not give any automatic entitlement to use gaming machines. However, by virtue of Section 172(9) of the Act, if the Track operator who holds the premises licence also holds a pool betting operating licence, then up to four gaming machines may be sited on the Track (of categories B2 to D). The Commission recommends that Track premises licence holders familiarise themselves with the social responsibility policies of betting operators, who will be offering betting facilities on their tracks.

25.7 The Licensing Authority will take into account any Guidance related to where gaming machines can be located on tracks and any special considerations that should apply, e.g. the supervision of such machines and preventing children from playing with them.

25.8 Licensing Authorities have a power under the Act to restrict the number of betting machines and the nature and circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of machines by vulnerable people when determining the number of machines permitted. The potential space for such machines at a Track may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of Track staff to supervise them if they are scattered around the Track and the ability of the Track operator to comply with the law and prevent children betting on the machine. This Licensing Authority will therefore consider restricting the number and location of betting machines where necessary and appropriate.

25.9 This Licensing Authority considers that would be preferable for all self-contained premises operated by off-course betting operators on Track to be the subject of separate Premises Licences. This would ensure that there is clarity between the respective responsibilities of the Track operator and the off-course betting operator running a self-contained unit on the premises.

25.10 The Licensing Authority will consider attaching a condition to Track premises licences requiring the Track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the Track office.

26 Travelling Fairs

26.1 A travelling fair is defined as comprising wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year. The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and will work with its neighbouring Authorities to ensure that land, which may cross local authority boundaries, is monitored so that the statutory limits are not exceeded.

26.2 Category D gaming machines and equal chance gaming may be provided without a permit provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

27 Small Society and Local Authority Lotteries

27.1 The Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies, which are:

- For charitable purposes;
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than private gain;

and the proceeds of any such lottery must be devoted for those purposes

27.2 The total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of the tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

27.3 An application may be refused on the following grounds:

- An operating licence held by an applicant for registration has been revoked or an application for an operating licence made by the applicant has been refused within the last five years
- The Society in question cannot be deemed to be non-commercial
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

27.4 Registrations run for an unlimited period unless cancelled or revoked.

27.5 Licensing Authorities may, if they so choose, promote a lottery for the benefit of their community if they obtain an operating licence from the Commission.

28 Exempt Gaming (Alcohol Licensed Premises)

28.1 Exempt gaming is equal chance gaming generally permissible in any club or alcohol licensed premises. Such gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

28.2 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

28.3 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different, higher stakes and prizes are allowed for exempt gaming in clubs than in alcohol-licensed premises.

28.4 Exempt gaming should be supervised by a nominated gaming supervisor and comply with any code of practice issued by the Commission under Section 24 of the Act.

28.5 A fee may not be levied for participation in the equal chance gaming offered by a club or alcohol-licensed premises under the exempt gaming rules. A compulsory charge, such as charging for a meal, may constitute a participation fee, depending on the particular circumstances.

28.6 In order to qualify as exempt gaming, clubs and alcohol-licensed premises may not charge a rake on games or levy or deduct an amount from stakes or winnings.

28.7 Members' clubs may only be established wholly or mainly for the purposes of the provision of facilities for gaming if the gaming is of a prescribed kind. The Secretary of State has decided that bridge and whist should be the only prescribed kinds of gaming. So long as it does not provide facilities for other types of non-machine gaming, a bridge or whist club may apply for a club gaming permit. If gaming is the principal reason for attendance at a club (other than a dedicated whist or bridge club), then it is not exempt gaming under Section 269 of the Gambling Act 2005. This would include poker clubs and the like established primarily for the purpose of providing poker or other gaming. Such clubs require Operating and Premises Licences

29 Bingo in Clubs and Alcohol Licensed Premises

29.1 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.

29.2 In addition, new rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes (see above). Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

29.3 The threshold is that if the bingo played during any seven-day period exceeds the limit set by the Gambling Commission (either in money taken or prizes awarded), all further games of bingo played on those premises for the next 12 months will require an Operating Licence in order to be legal. This only applies to future games which are over the threshold set by the Gambling Commission. If, after a single incidence of 'high turnover' bingo, all further games are below the threshold, no Operating Licence is needed. There is a legal duty on the licensee or club to inform the Commission if they offer high turnover bingo in any seven day period. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the need to obtain a bingo Operating Licence, if required. Where bingo is played in a genuine members club, under a bingo Operating Licence, no Premises Licence will be required.

29.4 If it comes to the attention of the Licensing Authority that alcohol-licensed premises, or clubs, or institutes, are playing bingo during the course of a week which involves significant stakes and prizes that makes it possible that the threshold limit in seven days is being exceeded, the Licensing

Authority will inform the Gambling Commission. To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has developed a statutory code of practice which is available on the Commission website.

PART D: PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

30 Gaming Permits – General

30.1 The Act does not allow applications for new gaming machine permits from premises where children will have free access to such machines. In view of this, and in order to promote the licensing objectives, this Licensing Authority will therefore not accept any applications for new gaming machine permits or applications for the renewal of existing gaming machine permits from existing gaming machine permit holders in relation to such places. This will include the following:

Accommodation Agencies, Art Galleries, Assembly Rooms, Bus Stations, Railway Stations, Cafes, Canteens, Cinemas, Theatres, Schools and Colleges, Youth Clubs, Swimming Pools, Off Licences, Loan Offices, Church Halls, Village Halls, Banks, Car Hire Premises, Employment Agencies, Garden Centres, Hospitals, Museums, Nurseries, Sales Rooms, Showrooms, Surgeries, Hotels, Registered Homes, Garages and Service Stations, Retail Shops and Warehouses, Video Hire/Sale Premises, Shopping Arcades/Centres, Dance Halls/Discotheques, Salons/Hairdressing Premises, Snooker/Billiards and Pool Halls, Taxi and Private Hire Offices and Ranks, Waiting Rooms and Reception Areas, Leisure/Health/Sports/ Community Centres, Restaurants, Take-away Food Premises.

30.2 This is not an exhaustive list and the Licensing Authority reserves the right to refuse applications where the licensing objectives are likely to be undermined.

31 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

31.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

31.2 An FEC can form part of larger premises provided it is separate and identifiable.

31.3 In exercising its functions in respect of FEC permits, the Licensing Authority need not, but may have regard to, the licensing objectives and must have regard to any Guidance issued by the Gambling Commission under the Act.

31.4 A Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. However, the Authority will consider the following matters in determining the suitability of an applicant for a permit:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that employees are trained to have a full understanding of the maximum stakes and prizes.

31.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm e.g. appropriate measures and staff training in:

- Suspected truant school children on the premises
- Unsupervised young children on the premises
- Children causing problems in or around premises

31.6 Applicants will be required to demonstrate that they have no relevant convictions as set out in Section 7 of the Act.

31.7 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability such as any convictions that they may have that would make them unsuitable to operate a FEC and the suitability of the premises in relation to their location and issues about disorder.

31.8 The Act provides that Licensing Authorities may adopt a statement of principles with respect to determining the suitability of an applicant (this should not be confused with this Statement of Principles, which is concerned with licensing overall). This Licensing Authority has not currently adopted such a statement of principles. Should it decide to do so, it will be made available from the Licensing Services upon request.

31.9 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

32 Alcohol Licensed Premises - Gaming Machine Permits

32.1 Premises licensed to sell alcohol and which contain a bar where alcohol is served without a requirement that it be served only with food are automatically entitled to have two gaming machines of categories C or D. Such premises must notify the licensing authority of its intention to take up its entitlement by completing the requisite application form and pay the prescribed fee. The applicant must also comply with any relevant Code of Practice issued by the Gambling Commission under Section 282 of the Act.

32.2 The Licensing Authority may remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

32.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

32.4 The Licensing Authority must consider an application based upon the licensing objectives and any Guidance issued by the Gambling Commission issued under Section 25 of the Act.

32.5 The Licensing Authority may also consider such matters as it thinks relevant. Such matters may be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines.

32.6 Applicants will be expected to show that there will be no access for children to such machines and that all adult gaming machines are within sight of the bar, and/or in the sight of staff, who will monitor that the machines are not being used by those under 18. Such measures may include notice and signage. As regards the protection of vulnerable persons is concerned, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, whose website can be found at www.gamcare.org.uk, Gamblers Anonymous, National Debtline, Citizen's Advice Bureaux and independent advice agencies.

32.7 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached.

32.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

32.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a FEC or Adult Gaming Centre Premises Licence.

33 Prize Gaming and Prize Gaming Permits

- 33.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Certain prize gaming requires a permit and other prize gaming may be offered without a permit.
- 33.2 In making its decision on an application for a permit the Licensing Authority does not need to, but may, have regard to the licensing objectives, but must have regard to any Gambling Commission Guidance.
- 33.3 There are conditions in the Act with which the permit holder must comply, but the Licensing Authority cannot attach conditions of its own. The conditions set out in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises in which the gaming is taking place and on one day;
 - The game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - Participation in the gaming must not entitle the player to take part in any other gambling.

34 Club Gaming and Club Machines Permits

- 34.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit.
- 34.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance in accordance with Regulations under the Act (currently pontoon and chemin de fer).
- 34.3 A Club Gaming Machine Permit will enable Members Clubs and Miners' Welfare Institutions to provide three machines of categories B3A, B4, C or D. Commercial Clubs may apply for a Club Gaming Machine Permit which will enable the premises to provide three machines of categories B4, C or D.

Members clubs must:

- have at least 25 members;
- be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations (currently bridge and whist);
- be permanent in nature;
- not established to make commercial profit; and
- be controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

34.4 The Licensing Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

34.5 The Licensing Authority may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' club, commercial club or miners' welfare institute, and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police

34.6 There is also a 'fast-track' procedure available for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 Paragraph 10 of the Act).

34.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an Authority can refuse a permit are reduced.

34.8 The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming of a prescribed kind (currently bridge and whist)
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

35 Fixed Odds Betting Terminals (FOBTs)

35.1 The Gambling Act 2005 classified FOBTs as B2 gaming machines and as currently drafted the Gambling Act 2005 allows up to four machines to be sited on betting premises. They are normally an electromechanical device that allows players to bet on the outcome of various games and events with fixed odds.

In certain licensed premises as currently drafted the Gambling Act 2005 allows a maximum of 20 B2 machines; or any combination of categories B to D machines, or any number of C or D machines are allowed.

Further information can be found on the Gambling Commission's website at:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/B2-gaming-machines.aspx>

36 Temporary Use Notices

- 36.1 A Temporary Use Notice may only be given by the holder of an operators licence.
- 36.2 A set of premises may not be the subject of temporary use notices for more that 21 days within a 12 month period.
- 36.3 The definition of "a set of premises" in relation to such notices will be a question of fact in the particular circumstances of each notice that is given. In determining whether a place falls within the definition of a "set of premises" the licensing authority will take into consideration the ownership/occupation and control of the premises.
- 36.4 A set of premises will be the subject of a temporary use notice if any part of the premises is the subject of a notice. Operators therefore cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.

37 Occasional Use Notices

- 37.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full Premises Licence.
- 37.2 A Track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include a track on agricultural land upon which a point to point takes place. The track does not need to be a permanent fixture.
- 37.3 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'Track' and whether the applicant is permitted to avail him/herself of the notice.

PART E: DECISION MAKING, REVIEWS AND COMPLAINTS

38 Licensing Committee Terms of Reference

38.1 The Committee's Terms of Reference will be set out in the Council's Constitution. The Terms of Reference have been guided by Regulations issued under the Act.

39 Allocation of Decision Making Responsibilities

39.1 These responsibilities will be set out in the Council's Constitution. The table in Appendix B indicates how the delegation of functions is allocated.

40 Complaints in respect of Licensed Premises

40.1 The Council will investigate complaints against licensed premises with regard to the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

40.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

40.3 This process will not override the right of any interested party to ask that the Licensing sub-Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

40.4 When dealing with a complaint about a licensed premises the Licensing Authority will have due regard to the Public Protection and Health Improvement Service Enforcement Policy:

<http://www.bathnes.gov.uk/services/environment/policies-and-strategies/public-protection-enforcement-policy>

41 Reviews

41.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or will not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

A request for a review will be deemed relevant if it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;

- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Authority's statement of Gambling Policy.

41.2 Representations may include issues relating to the following use of licensed premises:

1. for the sale and distribution of class A drugs and/or the laundering of the proceeds of drug crime;
2. for the sale and distribution of illegal firearms;
3. for prostitution or the sale of unlawful pornography;
4. as a base for organised crime activity;
5. for the organisation of racist, homophobic or sexual attacks or abuse;
6. for the sale of smuggled tobacco or goods;
7. for the sale of stolen goods;
8. where children and/or vulnerable persons may be put at risk.

41.3 Due consideration will be given to all relevant representations unless they fall within the following categories:

- The grounds are vexatious;
- The grounds are frivolous;
- They would not influence the Authority's determination of the application.

41.4 The Licensing Authority may also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

42 Further Information

42.1 Further information about the Act, this Statement of Licensing Policy or the application process can be obtained from:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Tel: 01225 477531
Email: licensing@bathnes.gov.uk
Website: www.bathnes.gov.uk/gambling

Information is also available from:

The Home Office
<http://www.homeoffice.gov.uk/>

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

The Gambling Act 2005 can be viewed online at:

<http://www.gamblingcommission.gov.uk/Client/detail.asp?ContentId=222>

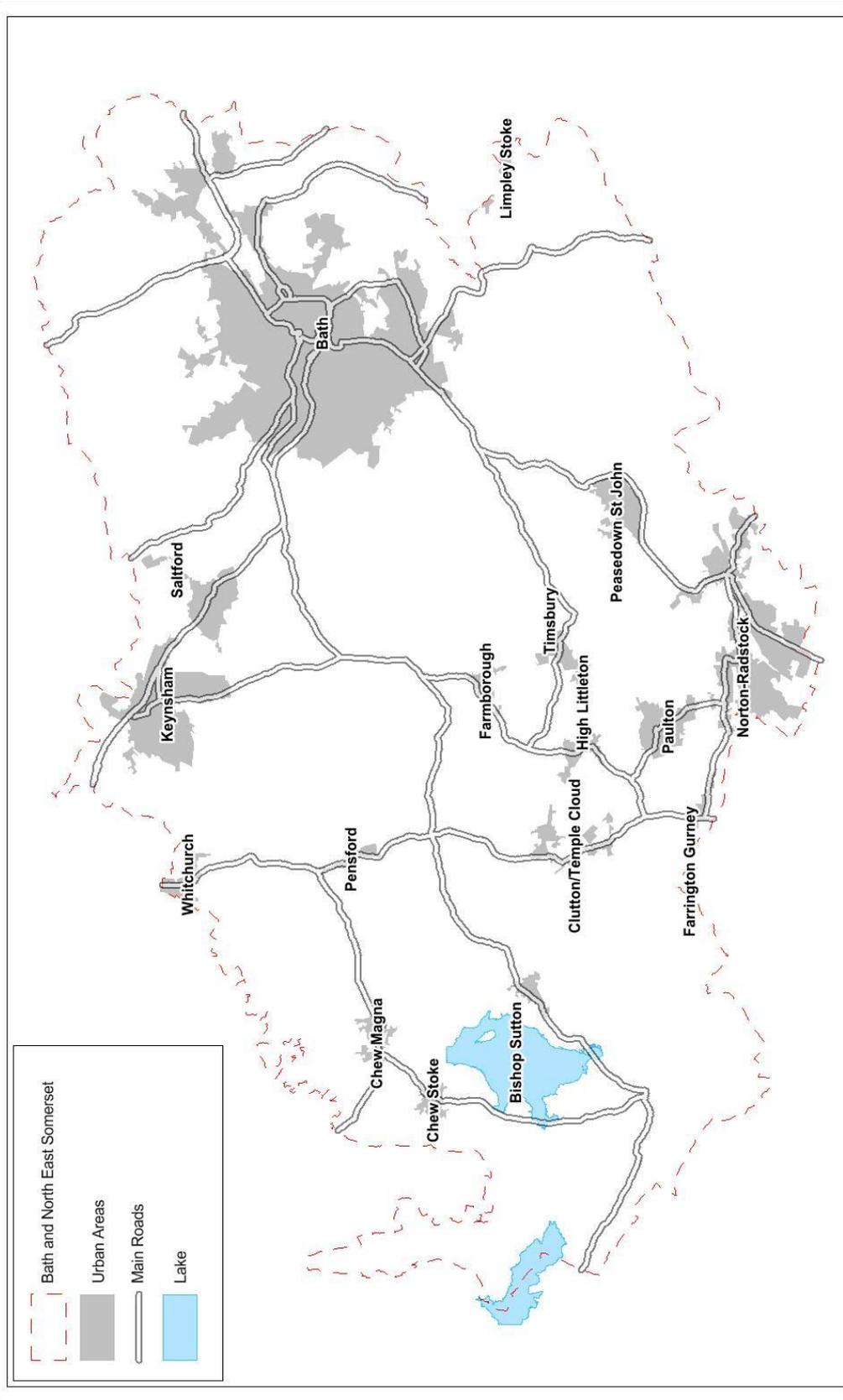
Gamcare: www.gamcare.org.uk

Bath and North East Somerset

Bath & North East Somerset Council
 Riverside
 Temple Street
 Keynsham
 Bristol BS31 1LA
 Tel: 01225 477000



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APPENDIX B

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee	Sub Committee	Officers
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting - when appropriate				X
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

APPENDIX B

Matter to be dealt with	Full Council	Licensing Committee	Sub Committee	Officers
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of license premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X
Decision to initiate criminal proceedings.				X
Power to make Orders disapplying exempt gaming and the automatic entitlement to gaming machines in relation to specified premises.				X
Functions relating to the registration and regulation of small society lotteries.				X
To appoint an advisory panel		X		
Stage 1 of an application for a casino licence			X	
Stage 2 of an application for a casino licence		X		
Consideration of vexatious/frivolous/repetitive representations.				X

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	November 2018
TITLE:	Protocol on Council Company Governance
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A – Proposed changes to the Protocol</p> <p>Appendix B – Precedent Shareholder Agreement</p> <p>Appendix C – Ethical Walls Policy</p> <p>Appendix D – Protocol for Scrutiny arrangements</p> <p>Appendix E – Group Leaders Briefing Meeting - Terms of Reference</p> <p>Appendix F – Constitutional amendments</p>	

1 THE ISSUE

This report sets out the progress made on implementing the decisions of Council on 14th September 2017 relating to the governance arrangements for local authority trading companies.

2 RECOMMENDATION

The Council is asked to approve the proposed amendments to the Protocol for governance arrangements of local authority trading companies and the consequent Constitution changes, as set out in this report, , in detail and in summary in 5.2.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

There are no direct resource implications.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

The Localism Act 2011 requires that all trading by Councils must be undertaken through the creation of a company. The Protocol adopted by Council on 14th September 2017, together with the adoption of the processes recommended in this report ensures a consistent approach to the creation, subsequent governance and effective scrutiny of all Council trading companies.

5 THE REPORT

Background

5.1 On 14th September 2017 Council resolved to agree the principles, structure and required streamlining set out in the proposed protocol for the governance of local authority companies. Council also requested Cabinet to incorporate recommendations by the Resources PDS Panel to the proposed governance structure as follows:

- that regular performance reports be brought to the relevant scrutiny panel or committee on a 6 monthly basis on all commercial activity;
- that the principle of a clear distinction between the role of Cabinet and the role of the board/company be established within a reasonable period of time; and
- that legal advice as to how and when a greater scrutiny mechanism can be achieved for decisions made by, or in consultation with, the Leader in his or her role as shareholder is obtained.

5.2 This report sets out the approach and actions necessary to comply with the Council resolution. Amendments are suggested to the Protocol to incorporate these changes and these are highlighted in Appendix C. The proposed amendments of significance are:

- Specific Reserved Matters that are considered to be significant decisions of the shareholder will be made at meetings of the Cabinet.
- The Specific Reserved Matters are set out in schedule 4 of Appendix B to this report
- All other shareholders decisions which are not Specific Reserved Matters are made by the Leader on advice following recommendations by the Shareholder Group
- Companies will report their performance on a 6 monthly basis to resources PDS
- Group Leaders will have access to the same confidential information that the Cabinet have access to, in their briefing meetings.
- The Group Leader Briefing Meeting will have terms of reference which are set out at Appendix F to this report.
- Any conflict of interest between the Council and the companies will be managed by the Monitoring Officer applying the Ethical Walls Policy Appendix C to this report.

- Constitutional changes to ensure the companies can operate with commercial freedom once shareholder decisions are made, are set out at Appendix F to this report.

Performance reports to be brought to Scrutiny Panel

5.3 The Protocol for the governance of local authority companies has been amended to ensure that all local authority companies report to the relevant scrutiny panel on a six monthly basis. The precedent shareholder agreement will legally require the local authority companies to provide these reports to the relevant scrutiny panel. The Resources PDS received performance reports from ADL / ACL and Bath Tourism Plus in September 2018.

Clear distinction between the role of Cabinet and the role of the board/company

5.4 The shareholder group has been formed and advised the Shareholder on a decision. Given the rapid change in council structures the proposal is to operate the shadow hold company arrangements for a period of 18 months while the shareholder agreements, which deal with reserved matters, are embedded prior to finalising the hold company arrangements in the summer of 2019. The intention is to gain experience of operating hold company arrangements in shadow form to ensure the Council has the appropriate governance control arrangements in place before finalising these. Cabinet members currently sitting on the boards of local authority companies will be required to resign their board roles from May 2019. These arrangements will be reviewed and Council updated on progress in November 2019.

Legal advice on scrutiny of decisions made by the Leader as shareholder

5.5 External legal advice on the role of Council and the shareholder is that:

- Council decisions made on matter such as the transfer of assets and making of loans to the companies or the provision of guarantees on behalf of the companies, will require a Single Member Decision. Those decisions will be placed on the forward plan and are subject to scrutiny in the usual way.
- Shareholder decisions which are reserved matters are detailed in the Shareholder Agreement - Appendix B. These decisions are taken by the Cabinet, Leader or by the holding company (in either shadow or actual holding company form) and are also subject to scrutiny in the usual way. However, given the commercially sensitive nature of these decisions, which may need to be taken quickly, it is proposed that decisions taken in relation to these matters will be subject to a separate procedure incorporated into the Protocol.
- External legal advice recommended that a protocol for scrutiny be incorporated into the Council's corporate governance protocol. The scrutiny protocol is attached as Appendix D.

5.6 Councillors will be able to access information in relation to local authority companies in a number of ways. The methods by which members are able to access information is depicted and described in the flowchart which is appended to the protocol in Appendix D. The terms of reference of the Group Leaders Briefing Meeting are set out in Appendix E.

5.7 Scrutiny arrangements will be implemented immediately with the required Constitutional changes set out in Appendix F. The Commercial Director will report on companies by providing annual accounts in September to Audit and Council with a six month update to Resources PDS in March each year.

Ethical walls

5.8 To ensure conflicts of interest between Council as shareholder and officers acting for the local authority companies are properly addressed, the protocol for governance of local authority companies will be updated to include the ethical walls procedures attached at Appendix C.

6 RATIONALE

The separation of roles and scrutiny arrangements proposed in this report will provide the necessary transparency and democratic oversight of arrangements for the Council's local authority trading companies, whilst ensuring that the Council's decision making as Local Authority and shareholder is efficient and effective.

7 OTHER OPTIONS CONSIDERED

None

8 CONSULTATION

The Council's S.151 Officer, Commercial Director and Monitoring Officer have each been consulted upon the arrangements proposed

9 RISK MANAGEMENT

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

Contact person	Michael Hewitt, Legal Services Manager, telephone 01225 395125
Background papers	
Please contact the report author if you need to access this report in an alternative format	

BATH & NORTH EAST SOMERSET COUNCIL

**PROTOCOL FOR GOVERNANCE ARRANGEMENTS OF LOCAL
AUTHORITY TRADING COMPANIES**

Contents

1.	Introduction	1
2.	Background	1
	(a) local authority trading	
	(b) the local authority company	
	(c) other local authority entities	
3.	Guidance	4
4.	Principles of Governance of Council Companies	5
	I. Appropriate controls and freedoms	
	II. Appropriate relationships, integrity and accountability	
	III. Understanding of roles of the Council and the commercial entity	
5.	Ownership and Control of the Company	7
6.	Shareholder Group	8
7.	Scrutiny	9
8.	Investment and Finance	11
9.	Companies Structure	11
10.	The Company's Board	13
11.	Conflicts of Interest	14
12.	Managed Services, Support Arrangements and Employees	15
	Appendices	
A1.	Shareholder Group Terms of Reference	18
A2.	Precedent Shareholder Agreement Outline	22
A3.	Director's Duties Briefing Note	23
A4.	Ethical Walls Policy	

A5. Scrutiny Guidance

A6. Group Leaders Briefing Meeting Terms of Reference

1. Introduction

- 1.1 The Council may charge for discretionary services and may also trade for profit. If it decides to trade it is required to undertake this through a company. In deciding whether and how to exercise the trading power, the Council must have regard to its own procedures; Wednesbury principles of reasonableness; proper purposes and fiduciary duty. A business case and risk analysis for all commercial entities will be required in all cases and this Protocol adhered to.
- 1.2 The purpose of this Protocol is to provide a reference point to Members and Officers to understand the requirements of the Council in setting up a local authority company, and in particular a local authority trading company (LATCo), and how the governance of that company will work once set up.
- 1.3 This Protocol sets out how the Council will normally go about managing the relationship between the Council and the LATCo to ensure that a company will go on to deliver the objectives established for it by the Council. It also briefly explains and makes reference to the law and basic requirements placed upon a local authority in establishing or owning companies.
- 1.4 The Protocol is set out as:
 - an explanatory background;
 - a set of guiding principles; and then
 - a set of working expectations.
- 1.5 The attached appendices A.1-A.6 are the key documents used in this process.

2. Background

(a) Local authority trading and the local authority trading company ¹

- 2.1 There are long-established powers allowing councils to trade. Among the most important is the Local Authorities (Goods and Services) Act 1970, which authorises councils to enter into agreements with other local authorities and other designated public bodies. These agreements are not limited to cost recovery. While the 1970 Act is the basis of trading within the public sector and there is substantial experience of its operation, the Act is limited in scope. For example, it does not allow trading with the private sector or the public at large. Other established trading powers are specific in nature, eg the Local Government (Miscellaneous Provisions) Act 1976, which enables councils to enter into agreements with anyone for the use of spare computer capacity.
- 2.2 The Local Government Act 2003 added new possibilities to charge for services, to both provide extra services at cost and to trade with the private sector. Under the 2003 Act, the Government authorised trading by means of a trading order. The

¹ Source: Local Government Association Briefing

Trading Order currently in force was made in 2009², which permits all councils in England to trade or "to do for a commercial purpose", anything which they are authorised to do for the purpose of carrying on their ordinary functions, which includes use of the general power of competence set out in the Localism Act 2011.

- 2.3 Under the 2003 Act and Trading Order, as augmented by the 2011 Act, if a local authority wishes to exercise the power to do things for a commercial purpose (which the authority couldn't otherwise do), then it must be done through a company. Councils are thus enabled to establish a company by which they can trade with the private sector for a profit, i.e. to enter into commercial contracts. The profits may then go back to the council through dividends or service charges.
- 2.4 The reason given for this legislative requirement is that:
"local authorities and their trading arms have to be on a level playing field with the private and commercial sector in both a positive and negative way. They should not be at a disadvantage, but they should not have an outstanding advantage. Taxation is a particular issue. It is right to carry forward the requirement that such bodies should be companies and trading as such."
- 2.5 To exercise the power to establish a company and trade, a local authority must first approve a business case ('a comprehensive statement') covering:
- a. the objectives of the business;
 - b. the investment and other resources required to achieve those objectives;
 - c. any risks the business might face and how significant these risks are; and
 - d. the expected financial results of the business, together with any other relevant outcomes that the business is expected to achieve.
- 2.6 The original business case is then implemented and refreshed by way of an annual business plan, which must be submitted for approval, to guide the company in carrying out its continuing activities.
- 2.7 The local authority must also recover the costs of any accommodation; goods; services; staff and anything else they supply to the company under any agreement or arrangement. This is an absolute requirement and distinct from the various rules on procurement or providing state aid.
- 2.8 Other important legal, commercial and financial considerations for setting up a trading company include company law issues; the cost of bidding for contracts; tax liability (corporation tax and VAT); procurement law and state aid rules and employment law (TUPE and pensions).

(b) The Local Authority Company

- 2.9 The kind of company the Council can set up to trade in this way is defined in Part V of the Local Government and Housing Act 1989 ('LGHA 89'). This lists:

² *The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009*

- a. a company limited by shares;
- b. a company limited by guarantee and not having a share capital;
- c. a company limited by guarantee and having a share capital;
- d. an unlimited company;
- e. a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965.

- 2.10 The LGHA 89, and the current Order³ made under it, places local authority companies into one of three categories:
- a. being controlled or
 - b. influenced by the local authority (a regulated company) or
 - c. a company in which the local authority has a minority interest.

It then goes on to set out a number of additional restrictions and requirements to which the local authority and the companies must adhere.

- 2.11 A regulated local authority company and any subsidiary of it, for example, is required to state on all correspondence that it is “**a local authority controlled company**” or “**a local authority influenced company**” (as the case may be) and name the relevant authority or authorities and is subject to rules concerning access by the Council’s auditors and for delivery of information to the authority and its members.

(c) Other Local Authority Entities

- 2.12 If a Local Authority does not want to trade, it is free to involve itself in any one of a number of different forms of sole and joint ventures to best assist it in achieving its goals and aims, which may or may not involve establishing an entity that has a separate legal personality. These may also be as above, companies as defined by the Companies Act and which can include an industrial or provident society or a community interest company. They may alternatively be established as a distinct trust, with the council or appointees as trustee. They may be embodied as limited liability partnerships. They may also exist simply as unincorporated partnerships, with other public bodies or private persons (that can often act as if they were a distinct entity), such as the Local Enterprise Partnership.
- 2.13 Whilst this Protocol will apply to all companies in which the Council has an interest, it may not be as appropriate for the governance of the Council’s relationship with other entities which it is connected to, is a member of or has an interest in. In these instances, regard will be had to this Protocol and its principles but its application will be determined on a case by case basis.

3. Guidance

- 3.1 In exercising the power to establish a local authority trading company (LATCo), local authorities were obliged under the 2003 Act to have regard to statutory guidance -The “*General Power for Local Authorities to Trade in Function Related*

³ *The Local Authorities (Companies) Order 1995*

Activities Through a Company".⁴

- 3.2 The Statutory Guidance is now out of date and was withdrawn from 17th June 2014. Whilst new guidance is awaited, the withdrawn guidance nevertheless remains useful and largely very relevant. Where it is still relevant, this Protocol has had regard to it.
- 3.3 All listed companies are subject to the *UK Corporate Governance Code*⁵. The Council will expect all of its companies and their subsidiaries, and indeed any company with which it is associated, to adopt the "comply or explain" approach of the UK Corporate Governance Protocol as a demonstration of best practice in corporate governance.
- 3.4 The *Corporate Governance Guidance and Principles for Unlisted Companies in the UK*⁶ and also the *Corporate Governance Handbook*⁷ have additionally been utilised in the compiling of this Protocol.

4. Principles of Governance of Council Companies

- 4.1 In setting out the governance relationship between the Council and its companies, group of companies and organisations it has invested in, this Protocol has three key underpinning principles.

I. Appropriate Controls and Freedoms

- 4.2 It is recognised that, whilst appreciating this should not be unfettered, a trading company needs to be given commercial freedoms to enable it to succeed.
- 4.3 Accordingly, governance arrangements will seek to ensure that:
- the company will be provided with sufficient freedoms to achieve its objectives; and
 - the Council will retain sufficient controls to ensure that its investment is protected; that appropriate social and financial returns on investment can be obtained and that the trading activities of the companies are conducted in accordance with the values of the Council.

II. Appropriate Relationships, Integrity and Accountability

- 4.4 It is recognised that, whilst appreciating its procedures operate in a way that protects the company's commercial interests, those procedures should ensure that the Council can carry out its functions as an investor, as a trustee of public funds and a local authority committed to due responsibility for the exercise of its functions.

⁴ First published: 29 July 2004: UK Govt Archive

⁵ September 2014: Financial Reporting Council

⁶ First edition: November 2010: Institute of Directors (IoD) and European Confederation of Directors' Associations (ecoDa)

⁷ Third edition 2013: Institute of Chartered Secretaries and Administrators (ICSA)

- 4.5 Accordingly, governance arrangements will seek to ensure that:
- the executive can make investment decisions based upon complete and accurate consideration of business cases and business plans;
 - the executive can evaluate social and financial benefits and returns on investment; and
 - the Council's PDSP committees are able to exercise their powers in relation to the executive's decision making

in a manner that ensures the companies can provide full and frank financial and business reporting against their business plans and be open to an appropriate level of scrutiny without fear of commercial confidentiality being breached.

III. Understanding of roles of the Council and the commercial entity

4.6 It is recognised that, as company ventures have a separate legal personality to the local authority, the success and good governance of the company venture depends upon those involved understanding their role and responsibilities collectively and individually.

4.7 Accordingly, governance arrangements will seek to ensure that there is sufficient induction, training and other materials in place so that:

- a. their legal duties;
- b. stewardship of assets;
- c. the provisions of the governing documents;
- d. the external environment; and
- e. the total structure of the organizations and the venture

are appropriately understood by councillors in their role as part of the executive or of Policy Development & Scrutiny Panels (PDSP); by officers of the Council associated with these duties and by the directors of the companies.

5. Ownership and control of the company

5.1 Bath & North East Somerset Council (BaNES), the local authority as a corporate body, will be a member of the company. The membership will be as guarantor if a company limited by guarantee or, if a LATCo, the holder of shares (perhaps the only share) in a company limited by shares.

5.2 The rights and duties as a member of the company will, however, almost always fall to be exercised as an executive responsibility. The proposed structure for BaNES means that decisions to be taken as a shareholder fall to be decided by the Leader. In the normal way, therefore, these functions may be delegated by the Cabinet to an Executive member or an officer and will be subject to **key decisions specific reserved matters** and access to information rules, call-in and review by PDSP committee.

- 5.3 For ease of use, where decisions are to be taken by the local authority as a shareholder, those decisions are referred to in this Protocol as being taken by 'the executive'.
- 5.4 The authority of the shareholder is exercised where decisions of the company are reserved for approval of the executive before they can be implemented, but also directly in the form of a shareholder's written resolution or at the general meetings of the company.
- 5.5 At the company general meetings, the executive will be present and voting as a member of the company, where this presence and voting will be in the form of a single person, known as the 'shareholder representative'.
- 5.6 Decisions to be made by the executive, rather than left to the company itself, are known as 'reserved matters'. Reserved matters cover such things as the approval of the company's annual business plan or mid-year amendments to it; the appointment of directors; certain key financing decisions etc. These are established either through agreement with the company, known as a Shareholders Agreement, or as set out in the company's governing Articles of Association.
- 5.7 The relationship between the local authority and the companies it is a member of, is governed by the following key documents that are required to establish a local authority company, and in particular a trading company. In establishing the local authority's company and then in governing the relationship with what is now a separate legal personality, the executive will need to put in place the following documents:
- a. The **business case** which assesses the risk involved in the proposed trading enterprise and decides whether or not it should be established and proceed to trade. It starts the process of business planning.
 - b. The **articles of association**, or the memorandum and articles of association as it used to be called, which is the constitution of the company. This is the legal document required to set up a limited company and give details of its name, aims and authorised share capital, conduct of meetings, appointment of directors and registered office.
 - c. The **shareholders agreement**, or management agreement, which sets out the rights of the Council as the sole or co-shareholder and how it can exercise those rights. It details the powers of the board of the company and how and when the shareholder might influence those powers. It is important to note that the shareholder agreement is capable of being developed and added to as the company develops.
 - d. The **financial agreements** which are the commercial agreements that set out what assistance is to be provided and on what terms. This may be purely financial, such as a direct loan or a facility such as a parental guarantee, and made on commercial terms. It may also be in the form of goods, services or staff to be provided and set out in a resourcing agreement or a service level agreement, which is likely to be on a service charge or cost recovery basis. The agreements may require regular and detailed access to information and financial

reporting to the Council and/or holding company.

- e. The **business plan** which sets out the objectives of the business, how they are to be achieved and standards met adjusted in the light of experience and changing circumstances. It is a comprehensive analysis of the business situation at a particular point in time. It is often referred to as the annual business plan because it is expected to be submitted for shareholder approval annually.

- 5.8 A model shareholder agreement for use with the holding company, setting out the principal decisions reserved for the executive's approval, including subsidiaries of the company as a group, is outlined at Appendix 2.

6. Shareholder Group

- 6.1 The structure described above creates a governance process whereby, so far as appropriate under this Code's Principles, the company is left to get on with its business. Following the UK Corporate Governance Code, the companies will utilise a unified board, with appropriate non-executive directors providing outside expert help and with board committees (such as an audit committee) to provide oversight and ensure delivery.
- 6.2 The Cabinet, in turn, will seek to inform the executive decisions and holding the company to account utilising a reflection of the company board structure in the form of a Shareholder Group, including external expertise and sub-groups. The role of this group is to provide the necessary oversight from a shareholder's perspective that the parameters, policies and boundaries that the executive as the shareholder has established for the company are being adhered to. In it, the Cabinet (or its appointee) remains the decision maker but the Group act as advisors in the making of those executive decisions.
- 6.3 Such a Shareholder Group is considered to be an effective means of governance of the companies. This is because it allows for decision making and discussion in an informed atmosphere, which also provides the executive with:
 - a mechanism to communicate the shareholders' views to the company; and
 - a means to evaluate the effectiveness of the company board and the delivery of the company performance against strategic objectives.
- 6.4 It is intended that the Cabinet (or its appointee) will make most decisions concerning the executive's role in respect of company interests at meetings of the Shareholder Group. It is envisaged that ~~key decisions~~ **specific reserved matters** concerning the companies will, however, still normally be made at meetings of the Cabinet, eg the setting up of new companies.
- 6.5 The Terms of Reference for the Shareholder Group are set out at Appendix 1. **The specific reserved matters are set out in Schedule 4 of the Precedent Shareholder Agreement at Appendix 2.**

7. **Scrutiny**

7.1 The PDS Panels have a role to play to ensure that the company is able, and the executive has properly required the company, to make sufficient returns for the investment to be worthwhile and, indeed, ensure that the social objects set for it are not lost in the drive towards the overriding and essential requirement for the company to be economically successful. **The companies will report their performance on a six monthly basis to the Resources PDS.**

7.2 It is the executive, which is responsible for approving the business case to establish a company, of setting the right balance between the economic, social and environmental objects of a company when it is established and of subsequently exercising the Council's powers as shareholder.

7.3 The Group Leaders will also have access to the confidential information that the executive have access to in their briefing meeting. In this way the Council can ensure continuity of decision making in the event of a change in administration

7.4 The Terms of Reference for the Group Leaders Briefing Meeting are set out at Appendix 6.

7.5 Once established, the company must then get on with the business of delivering the objectives with which it has been tasked, within the parameters set for it. It must be otherwise free, however, to operate in its own best interests and to compete on an even basis with its competitors in the marketplace. It is the executive, either generally or when considering reserved matters, to whom the company must answer and by whom it is held to account for its success, or failure, in achieving the objectives set for it.

7.6 The key role of PDSP is then to advise the executive and hold it to account on behalf of the wider public interest and its role within the Council.

7.7 This creates a flow of information and accountability, in which

- the company needs to get on with the business of delivery;
- the executive needs to make the company decisions reserved to it and to hold the company to account for performing against them; and
- Members as part of PDSP need to advise on or scrutinise the decisions of the executive.

This needs to be done in a trading environment that requires them all to make speedy and reactive commercial decisions and to handle often highly valuable and commercially sensitive information.

7.8 PDSP, to fulfil its role, requires a means of access to the sensitive information and debate that inform the Shareholder Group and the executive's decision making, without either oppressing that process or endangering its own strictly non-executive role.

7.9 To this end, the legal framework for local authority companies includes an express

requirement concerning the provision of information to Members of the Council, which reflects the similar provision in relation to local authorities generally. This states that a local authority regulated company “*shall provide to a Member of the Council such information about the affairs of the company as the member reasonably requires for the proper discharge of his duties.*”⁸

- 7.10 The exception here is that the company cannot be required to provide information in breach of any enactment, or of an obligation owed to any person.
- 7.11 It is also worth noting that, where a Member or an officer has become a member or director of a local authority company, the local authority must make arrangements for them to be open to questioning about the company’s activities by Members of the Council at a meeting of the authority, or a committee or sub-committee, or by cabinet members in the course of proceedings of the cabinet or a committee of the cabinet. Importantly, the Member or officer is not required to disclose confidential information about the company.

8. Investment and Finance

- 8.1 The balance of how each company venture may be financed will be assessed and set out in the business case, required at the very beginning of the venture and the incorporation of the company as described above, and in business plans as made or amended and agreed by the executive. Each decision will take into account state aid implications and such matters as where legislative and regulatory requirements demand full cost recovery or standard commercial terms to be applied.
- 8.2 Where the purpose of a company is to better utilise assets owned by the Council, for example, the principal investment in the company is likely to be those assets. The assets may then be made use of by the company through their being transferred in their entirety from the Council to the company or by being provided to the company by the Council under a lease, loan or use agreement.
- 8.3 Investment at the initial stage of a trading company will normally be by way of purchase of share capital, either directly in the company or, more likely, via the BANES holding company, often together with a loan or loan facility on commercial terms. This is to fund those costs which arise at the start of the company or company joint venture, including the holding company and its subsidiaries, to cover initial set up costs, working capital costs and collateral costs. For purchased company interests, share value should reflect the fair value of the going concern.
- 8.4 Direct investment may well also be by various other forms of agreement. This may be for the supply of monies, directly as a loan or under a parental guarantee, credit agreement, facility and so forth, which should be on standard commercial terms. It may also be for the supply of goods, property or staff, as described above and at section 12 below.

⁸ Article 7, *Local Authorities (Companies) Order 1995*

9. Companies Structure

- 9.1 The principal means by which the local authority will normally own and hold interests in its trading and other forms of company will be through a single holding company. Wherever practically feasible and advantageous to the authority, each of the individual company ventures will then be a subsidiary of the single holding company and they will operate together as part of the BaNES Holding Limited's group of companies.
- 9.2 The primary objective of a group structure is that the holding company is able to provide a single forum for strategic decision-making across the group. Its board of directors will set the overall strategy in relation to the activities of its subsidiaries.
- 9.3 In doing so, the board of BaNES holding company will also sign off all business plans and hold its subsidiaries to account. The executive, supported by the Shareholder Group, will approve any decisions that would have an effect on the shareholder's rights and hold the group of companies to account as a whole.
- 9.4 The subsidiary companies will, therefore, be expected to adopt a common 'group' approach. This will involve the group companies using existing Council policies and strategies where appropriate. In particular, the Council will require the holding company and its subsidiaries, wherever practicable, to adopt a common approach across the group on branding and its finance, ethics and procurement policies and practices. For example, the Council will require the holding company to approve the procurement and authorisation of spend levels set by each company for its directors and staff.
- 9.5 More detailed matters will also be set as a common approach for itself and its subsidiaries by the holding company, where it considers that that will increase effectiveness, efficiency and engender common understanding. This is likely to include such things as group financial procedure rules, fraud and whistle-blowing policies; decision making levels and procedures; capability and disciplinary procedures; health and safety practices and so forth.
- 9.6 The holding company similarly provides a natural home and conduit for support and control roles that will be common across the group, such as company secretarial services, procurement, finance and human resources. These fall into two groups: the first is those services that would be better employed directly by the holding company, such as financial and payroll systems for example. The other are those provided as managed services to the companies by the Council, under a resourcing agreement (or service level agreement), because this is more cost effective, appropriate or is a demand of the shareholder, such as HR or company secretarial and legal services. (This is described further at section 12 below).
- 9.7 The secondary objective of the group structure is financial, in that group companies can share VAT registration where appropriate and can be treated as holding group accounts. The latter means that reporting is as one set of accounts and that profit and loss can be distributed across the group, setting one off against another, as might be desired to meet the aims and values set for the group.

9.8 The executive will approve the appointment of auditors for the group and its accounts will appear as part of the Council's financial statements.

10. The Company's Board

10.1 The Government Guidance advised that a local authority company will be run by its board of directors answerable to the shareholders, in accordance with the articles of association, and goes on to suggest that a board of between 3 and 8 directors is most likely to be practical (although this will be dependent on the circumstances of each company). The participating Local Authority should be represented on the board of its company.

10.2 The representatives who are appointed directors by the executive will participate directly in the activities of the company and are answerable to the company and have the powers and duties of company directors whilst they do so. Accordingly, the Government Guidance goes on to suggest that this requirement in a trading company and the accompanying conflict of interests that may arise means that officers are better placed to fulfil this role.

10.3 As the holding company for the group, the BaNES Holding Limited's board of directors will be formed of:

- The Chief Executive and Strategic Directors and
- other directors, including non-executive, as appropriate.

10.4 The Chair of the board of directors will have a deciding say to be exercised through means of a 'golden vote' procedure on the board. This approach is to ensure that the Council's officers will always be able to out-vote any directly appointed directors on the holding company. Such matters as the quorum requirement for board meetings of the company and the like will reflect that objective.

10.5 BaNES Holding Limited will have two standing committees, which will be as follows:

- The Audit Committee, which will fulfil the same role and function as the Council's Audit Committee, the outputs of which will feed into the holding company board, the company business plans and the Council's own statement of accounts and Annual Governance Statement.
- The Remuneration Committee, which will conduct appointments and remuneration decisions and recommendations to the Council (where an appointment is not wholly reserved to the Council).

10.6 In respect of the individual wholly owned trading companies, non-trading (Teckal) companies and joint ventures, the appointment of directors of the company will be as are considered best to meet the requirements of the subsidiary or venture concerned.

10.7 Where an officer is placed on a company board, they will be provided with an indemnity for their actions in that role. This is provided for under the Local Authorities (Indemnities for Members and Officers) Order 2004. It should be noted,

however, that any such indemnity only covers actions taken honestly and in good faith.

11. Conflicts of interest

11.1 The Government Guidance states that “*Local authority members and officers should be aware of potential conflicts of interest when carrying out their roles for their authorities, or when acting as directors of trading companies.*”

11.2 There will always arise a point where, in matters of reporting, contractual discussion, investment requests or resourcing agreements, there is potential for the same person to be a decision maker or advisor both for the Council and the company.

11.3 This is a reflection of the position of each company as a separate legal entity and that the directors of each company are subject to. As the Corporate Governance Guidance and Principles puts it:

‘An important principle of Company Law is that directors have a duty to promote the success of the company as a whole. They are specifically prohibited from directing the activities of the company in favour of themselves or particular shareholders and/ or stakeholders’.

11.4 Appendix 3 sets out a briefing for directors’ duties.

11.5 An essential element of this in terms of this Protocol is that, whilst changes to the Companies Act and current articles of association allow for appropriate provisions dealing with conflicts of interest and the ability of company directors to authorise them, an officer of the Council or a Councillor can never waive their duty to act in the public interest in exercising their responsibility for functions of the Authority. This will, on occasion therefore, create an inescapable conflict of interest between someone’s role as a Member or, more likely, as an officer of the Council and as a director of a company, of which those involved need to be aware. **In the event of a conflict of interest the Monitoring Officer will operate the ethical walls policy set out in Appendix 4.**

11.6 There are also natural points where it is expected that the Council and one of its trading companies will take a different approach. In this respect, the Government Guidance states that:

“The local authority should consider appointing a ‘contract officer’ and/or ‘contract member’ with primary responsibility for liaison between the company and the authority, and for access to information about it. It might wish to place limitations on these individuals to ensure that they are fully accountable to the authority as a whole and to ensure that the Section 151 Officer/Monitoring Officer countersigns major decisions about the company’s operations.”

11.7 This is the role of the Shareholder Group. In support of that function, the Council will appoint a lead authority and client-side officer to lead on managing contractual arrangements with the companies and in holding of the companies to account.

11.8 Officers placed into any of these roles may find themselves in a position where they are, or are negatively seen to be, acting against the interest of their own authority and also challenging the Council as their employers or senior managers to whom they might normally answer to. As a result of such activities, their performance in the company or actions they feel are required of them by the company, some of those officers may even find themselves in a position where it is no longer felt tenable that they can be appointed by the authority as a director of a company. The Council as an employer wholly recognises these unusual positions in which officers may find themselves. The Council therefore undertakes that no officer will suffer any ill affect to their employment or career with the authority for fulfilling these activities to the best of their ability or in undertaking these actions asked of them.

12. Managed Services, Support Arrangements and Employees

12.1 The authority is required under the 2009 regulations to recover the costs of any accommodation, goods, services, staff or any other thing it supplies to a company in pursuance of any agreement, or arrangement in place. It cannot subsidise the operation of the company in this way.

12.2 The Government Guidance in addition clarifies that

“Because the power to trade is subject to a restriction requiring it to be exercised through a company, it follows that the authority has the requisite power to enter into arrangements with a company in order for the trading power ... to be exercised. It is not necessary therefore, for the company to be expressly designated as a public body under the Local Authorities (Goods and Services) Act 1970, in order for the authority to be able to provide it with staff, goods etc, for the purpose of exercising the power to trade.”

12.3 This means that the authority may enter into an agreement with the companies to provide services at cost or as a surplus service charge and that staff time and resources utilized for company purposes should be carefully accounted for. Where this is done at cost, which shall be the norm, it is helpfully stated in the Guidance that the approach should be in accordance with the CIPFA definition of ‘whole cost’.

12.4 Referred to above as the ‘managed services’, those areas of the authority’s resources so utilized might include project management, initial set-up staff, human resources, audit, business continuity, communications, procurement, legal or finance etc. It is for the company and the executive to agree what is the appropriate level of authority led resource that is appropriate, should or can be delivered to the company in each case. The parameters of those services can be agreed through a Resourcing Agreement or what is known as a Service Level Agreement (SLA).

12.5 The authority as shareholder, however, does need to be assured that there are effective and robust support services in place in certain areas. This is to satisfy itself that sufficient standards of operational governance, legal and company secretarial compliance and effective financial management within the company are adhered to. The authority will reserve to itself the ability under the Shareholder Agreement to insist on supplying these services to a controlled company, at cost, if it feels that

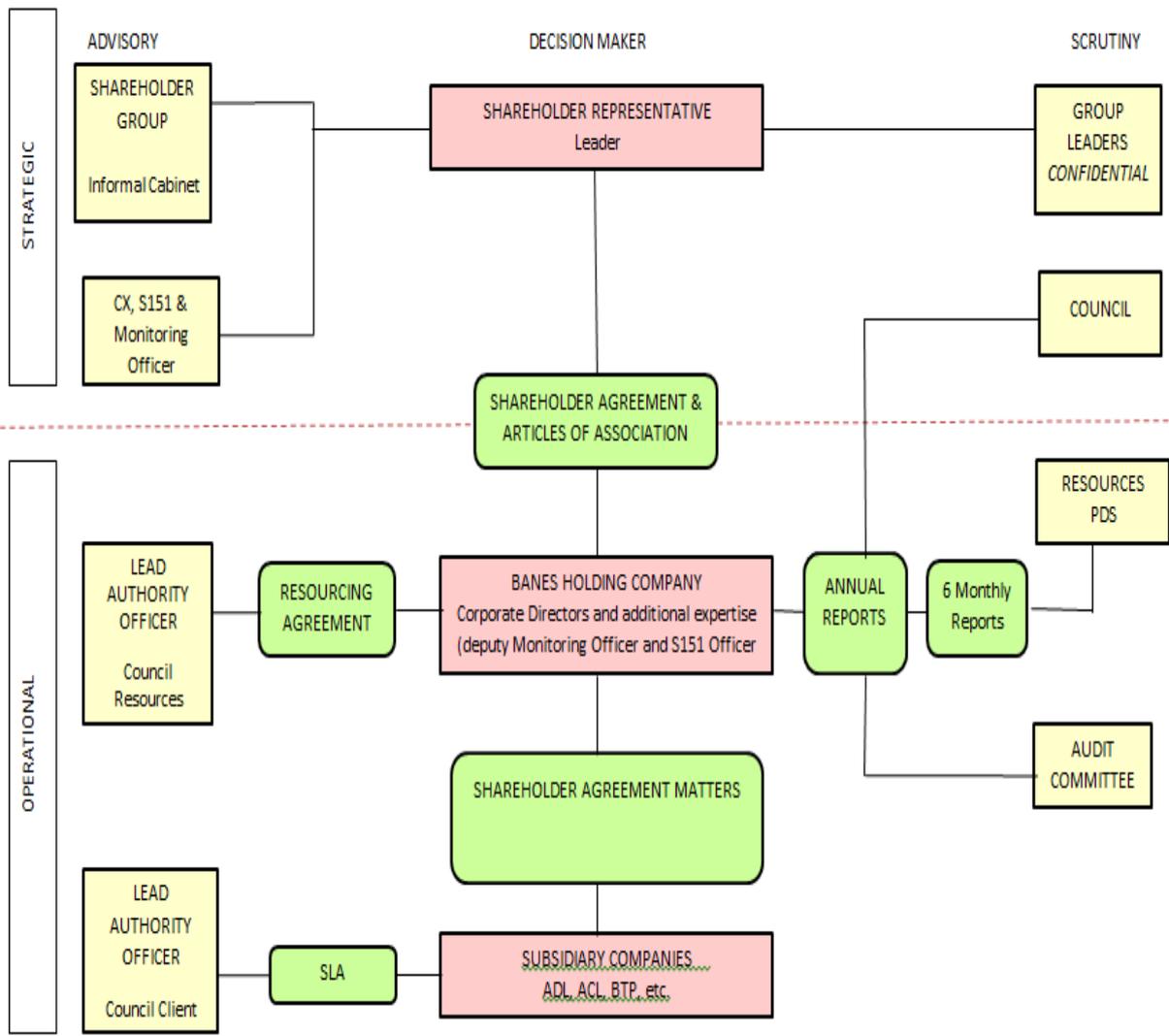
these standards are not otherwise being met or are not in its opinion likely to be met.

- 12.6 In particular, the Company Secretary role should have a consistent approach across all of the companies or group of companies. This is to ensure consistent interpretation of the compliance standards across the companies and of the governance relationship between the companies and between the companies and the Council. In addition, it ensures that appropriate and proper intelligence is shared across the companies and the authority. In relation to all authority controlled companies and their subsidiaries, therefore, the position of company secretary as an officer (not a director) of each company in the group is to be fulfilled by the Council's Deputy Monitoring Officer, being the equivalent corporate governance, assurance and general counsel position for the Council. All company secretarial and general counsel duties for the companies will then be carried out through that office, either directly or through the position of an assistant company secretary, with the exception of where a conflict of interest is identified and is acknowledged by that officer.
- 12.7 In relation to company staffing, it is expected that staff of the local authority trading companies will be directly recruited and employed by the companies themselves, with the exception of those support staff supplied by or seconded from the authority as described above. Where the business case includes that staff are transferred, however, this will be subject to full reporting and then consultation and requirements under TUPE legislation and guidance.

Adopted in accordance with the Council decision of 14th September 2017.

Revised 2018

Company Governance Structure



Appendix B

Dated

2018

**BATH & NORTH EAST SOMERSET COUNCIL
LA TRADING COMPANY**

SHAREHOLDERS' AGREEMENT

Contents

Item		Page
<u>1</u>	<u>DEFINITIONS AND INTERPRETATION</u>	2
<u>2</u>	<u>TERMINATION OF FORMER AGREEMENTS</u>	6
<u>3</u>	<u>BUSINESS AND BUSINESS PLAN</u>	6
<u>4</u>	<u>COUNCIL'S ROLE AS ULTIMATE SHAREHOLDER AND SHAREHOLDER BOARD</u>	7
<u>5</u>	<u>DECISION-MAKING</u>	8
<u>6</u>	<u>BOARDS</u>	9
<u>7</u>	<u>THE COMPANY'S REPRESENTATIVE</u>	10
<u>8</u>	<u>THE COUNCIL'S REPRESENTATIVE</u>	10
<u>9</u>	<u>A COMPANY'S IDENTITY</u>	10
<u>10</u>	<u>FINANCE AND RETURNS</u>	10
<u>11</u>	<u>DEALINGS IN SHARES AND NEW SHAREHOLDERS</u>	11
<u>12</u>	<u>DISPUTE RESOLUTION</u>	11
<u>13</u>	<u>TERMINATION</u>	11
<u>14</u>	<u>PREVENTION OF BRIBERY</u>	12
<u>15</u>	<u>CONFIDENTIALITY</u>	13
<u>16</u>	<u>FREEDOM OF INFORMATION</u>	14
<u>17</u>	<u>DATA PROTECTION</u>	15
<u>18</u>	<u>OTHER LEGISLATION</u>	15
<u>19</u>	<u>UNLAWFUL FETTER ON A COMPANY'S POWERS</u>	15
<u>20</u>	<u>FURTHER ASSURANCE</u>	15
<u>21</u>	<u>ASSIGNMENT AND SUB-CONTRACTING</u>	15
<u>22</u>	<u>WAIVERS AND CONSENTS</u>	15
<u>23</u>	<u>GOOD FAITH</u>	16
<u>24</u>	<u>RIGHTS AND REMEDIES</u>	16
<u>25</u>	<u>SEVERANCE</u>	16
<u>26</u>	<u>COUNTERPARTS</u>	16
<u>27</u>	<u>THIRD PARTY RIGHTS</u>	16
<u>28</u>	<u>NOTICES</u>	16
<u>29</u>	<u>ENTIRE AGREEMENT</u>	17
<u>30</u>	<u>CONFLICT WITH THE ARTICLES</u>	17
<u>31</u>	<u>COSTS AND EXPENSES</u>	17
<u>32</u>	<u>SET-OFF</u>	18
<u>33</u>	<u>NO PARTNERSHIP OR AGENCY</u>	18
<u>34</u>	<u>AGREEMENT REVIEW</u>	18
<u>35</u>	<u>VARIATION OF AGREEMENT</u>	18
<u>36</u>	<u>VALUE ADDED TAX</u>	18
<u>37</u>	<u>LAW</u>	18
	<u>SCHEDULE 1 – COVENANTS BY THE COUNCIL</u>	ERROR! BOOKMARK NOT DEFINED.

<u>SCHEDULE 2 – COVENANTS BY EACH COMPANY</u>	ERROR! BOOKMARK NOT DEFINED.
<u>SCHEDULE 3 – DEED OF ADHERENCE</u>	ERROR! BOOKMARK NOT DEFINED.
<u>SCHEDULE 4 – RESERVED MATTERS</u>	23
<u>SCHEDULE 5 – NOTICE OF APPOINTMENT OF A NOMINATED DIRECTOR</u>	26
<u>SCHEDULE 6 REPORT TO SCRUTINY COMMITTEE</u>	ERROR! BOOKMARK NOT DEFINED.

AGREEMENT DATE:

PARTIES

- (1) **BATH & NORTH EAST SOMERSET COUNCIL** of The Guildhall, High Street, Bath BA1 5AW (the Council)
- (2) **LATCO LIMITED** a company incorporated in England and Wales with company number [number] whose registered office is at

INTRODUCTION

- (A) As at the date of this Agreement, the Council is the sole owner of LATCO is the sole owner of LATCO. It is envisaged that other companies will be incorporated after the date of this Agreement and will become parties to this Agreement by executing a Deed of Adherence.
- (B) The Council wishes to generate additional income through commercial activities. The Council has established the Companies (and may do so in the future) under its powers, including those in Chapter 1 of the Localism Act 2011 and section 95 of the Local Government Act 2003, to assist in achieving that objective.
- (C) The Companies have agreed to work with the Council to achieve that objective.

AGREED TERMS

1 DEFINITIONS AND INTERPRETATION

In this Agreement the following words and phrases shall where the context so admits have the following meanings:

Accounting Reference Date means 31 March

Articles means, in relation to a Company, the articles of association of that Company

Board Director Payment Policy means a policy adopted by a Company, following receipt of the prior written consent of the Council, in relation to the provision of payment for the Company's Directors (or some of them)

Board means, in relation to a Company, the Directors or those of them who are present at a duly convened and quorate meeting of the Directors

Business means the business of a Company as described in clauses 0 and 0

Business Day means a day (other than a Saturday, a Sunday or a public holiday in the United Kingdom) on which banks in the United Kingdom are ordinarily open to effect transactions of the kind contemplated in this Agreement and, if a payment is to be made in euros, on which such payment system as the Council chooses is operating for the transfer of funds for the same day value

Business Plan means the operational business plan and budget of a Company as adopted in accordance with clause 3 from time to time

Companies means those parties to this Agreement other than the Council and any other person which becomes a party to this Agreement by executing a Deed of Adherence, and **Company** means any one of them

CEDR means the Centre for Effective Dispute Resolution

Company's Representative shall have the meaning given in clause 7

Confidential Information means, in relation to a person, all technical, commercial, financial or other information of whatever nature relating to that person's business, products, developments, services, trade secrets, know-how, personnel, supplies or historic current or potential customers, whether or not designated as confidential and whether disclosed orally, pictorially, in writing, by demonstration, by viewing, in machine readable form or by any other means

Council Representative means the person nominated by the Council from time to time to act as its authorised representative for the purposes of receiving all notices and other communications under clause 28, whose identity shall be determined by the Council in accordance with its Constitution from time to time and notified to each Company in writing in accordance with clause 28

Data Protection Legislation includes the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699), the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003, the General Data Protection Regulation (when in force) and all applicable laws relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner

Deed of Adherence means a deed in the form or substantially in the form set out in **Error! Reference source not found.**

Directors means, in relation to a Company, its directors and **Director** means any one of them

EIR means the Environmental Information Regulations 2004 and any subordinate legislation made under the Regulations from time to time, together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation

Encumbrance means:

- a) a mortgage, charge, pledge, lien or other encumbrance securing any obligation of any person; or
- b) any arrangement under which money or claims to, or the benefit of, a bank or other account may be applied, set-off or made subject to a combination of accounts so as to effect payment of sums owed or payable to any person; or
- c) any other type of preferential arrangement (including title transfer and retention arrangements) having a similar effect

Financial Year means each accounting reference period of 12 months ending on the Accounting Reference Date (other than in relation to any Company incorporated after the date of this Agreement, for which the first Financial Year shall run on and from the date of incorporation of the relevant Company to and including the Accounting Reference Date in the following calendar year) or such longer or shorter period as the Council shall from time to time determine

FOIA means the Freedom of Information Act 2000 and any subordinate legislation made under the Act from time to time, together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation

Former Agreements means:

- a) the overarching agreement entered into between LATCO and the Council dated;
- b) the member's agreement between the Council and LATCO Limited;

- c) any other agreement or understanding, whether or not in writing, concerning any Company's relationship with the Council

Holdco means any holding company to be incorporated after the date of this Agreement and wholly-owned by the Council

Intellectual Property means present and future patents, trade marks, service marks, trade names, designs, copyrights, inventions, topographical or similar rights, confidential information and know-how and any interest in any of these rights, whether or not registered, including all applications and rights to apply for registration and all fees, royalties and other rights derived from, or incidental to, these rights

Prohibited Act means any of the following acts:

- a) to directly or indirectly offer, promise or give any person working for or engaged by the Council a financial or other advantage to:
 - 1. induce that person to perform improperly a relevant function or activity; or
 - 2. reward that person for improper performance of a relevant function or activity;
- b) to directly or indirectly request, agree to receive or accept any financial or other advantage as an inducement or a reward for improper performance of a relevant function or activity in connection with this Agreement;
- c) committing any offence:
 - 1. under the Bribery Act 2010;
 - 2. under legislation creating offences concerning fraudulent acts;
 - 3. at common law concerning fraudulent acts relating to this Agreement or any other contract with the Council; or
 - 4. defrauding, attempting to defraud or conspiring to defraud the Council

Property or Properties shall mean any residential property or land owned by a Company from time to time;

Remuneration Policy means a policy adopted by a Company (following receipt of the prior written consent of the Council) in relation to the provision of remuneration (including salary, bonus, the provision of benefits-in-kind or otherwise) for its employees, officers and consultants

Reserved Matters means the matters specified in Schedule 4

In this Agreement:

- 1.1.1 clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement. Unless the context otherwise requires, a reference to a clause or Schedule is to a clause of, or Schedule to, this Agreement and a reference to a paragraph is to a paragraph of the relevant Schedule. The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules;
- 1.1.2 a reference to a **person** shall include a reference to an individual, firm, company, corporation, partnership, unincorporated body of persons, government, state or agency of a state or any association, trust, joint venture or consortium (whether or not having separate legal personality) and that person's personal representatives, successors, permitted assigns and permitted transferees;

- 1.1.3 unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular and a reference to one gender shall include a reference to the other genders;
- 1.1.4 a reference to a **party** or the **parties** are to a party or the parties to this Agreement from time to time and any person who agrees to be bound by the provisions of this Agreement from time to time by executing a Deed of Adherence but, for the avoidance of doubt, shall not refer to any person who has ceased to have any obligations under this Agreement from time to time. A reference to a party shall include that party's successors, permitted assigns and permitted transferees;
- 1.1.5 a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time and shall include all subordinate legislation made from time to time under that statute or statutory provision. A reference to a regulation includes any regulation, rule, official directive, request or guideline (whether or not having the force of law) of any governmental, inter-governmental or supranational body, agency, department or regulatory, self-regulatory or other authority or organisation;
- 1.1.6 a reference to **writing** or **written** excludes email and fax;
- 1.1.7 any requirement upon the Council or a Company to procure a particular matter or thing does or does not occur in relation to another Company shall be deemed to include an obligation to exercise its powers as a member of the latter (so far as the same is lawful and reasonable) to seek to ensure that the particular matter or thing occurs or does not occur (as the case may be). An obligation on a party not to do something includes an obligation not to allow that thing to be done;
- 1.1.8 any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms;
- 1.1.9 a reference to **determines** or **determined** means, unless the contrary is indicated, a determination made at the absolute discretion of the person making it;
- 1.1.10 references to a **month** shall be construed as a reference to a period starting on one day in a calendar month and ending on the day immediately preceding the numerically corresponding day in the next calendar month or, if there is no numerically corresponding day in the next calendar month, the last day in the next calendar month; and
- 1.1.11 the expressions **body corporate, holding company, subsidiary, parent undertaking, subsidiary undertaking** and **parent company** shall have the respective meanings given in the Companies Act 2006, and, for the purposes of sections 1159(1) and 1162(2)(b) and (d) of that Act, a company or undertaking (the **first person**) shall be treated as a member of another company or undertaking if:
- (a) any of the first person's subsidiaries or subsidiary undertakings is a member of that other company or undertaking; or
 - (b) any shares or capital interests in that other company or undertaking are held by a person acting on behalf of the first person or any of its subsidiaries or subsidiary undertakings; or
 - (c) any shares or capital interests in that other company or undertaking are registered in the name of a person (or its nominee) by way of security or in connection with the granting of security over those shares or capital interests by the first person.

In the case of a limited liability partnership which is (or might constitute) a subsidiary or subsidiary undertaking of a company or another limited liability partnership, sections 1159 and 1162 of the Companies Act 2006 shall be amended so that:

- (i) references in sections 1159(1)(a) and (c) and 1162(2)(a) and (d) to "voting rights" are to the members' rights to vote on all or substantially all matters which are decided by a vote of the members of the limited liability partnership; and
- (ii) references in sections 1159(1)(b) and 1162(2)(b) to the "right to appoint or remove a majority of its board of directors" is to the right: (i) to appoint or remove a majority of the directors (or equivalent) of that limited liability partnership; or (ii) if no such directors (or equivalent) exist by virtue of the constitution of that limited liability partnership, members holding a majority of the voting rights,

and unless the context otherwise requires, the application of the definitions of body corporate, holding company, subsidiary, parent undertaking, subsidiary undertaking and parent company shall apply as to the relevant company or undertaking as it is at that time.

2 TERMINATION OF FORMER AGREEMENTS

Any and all Former Agreement(s) is/are terminated with effect from the date of this Agreement.

The parties release each other from all future obligations under the Former Agreements.

Each of the parties releases and discharges each other from all claims and demands, rights and remedies under or in connection with the Former Agreements, including without limitation claims for negligence and fraud, whether arising before, on or after the date of this Agreement, and in each case whether known or unknown to the releasing party.

3 BUSINESS AND BUSINESS PLAN

The business of the Holdco, once incorporated, shall be to act as a holding company of each other Company. The Company designated as Holdco shall state this in its Deed of Adherence and each other Company shall recognise that Company as the Holdco on and from the date of the Deed of Adherence. Holdco shall not exercise any rights it may have as a shareholder of any Company except as directed by the Council in writing.

The business of each other Company shall be to:

- 3.1.1 provide services to the Council and other legal persons controlled by the Council in accordance with its Business Plan then in force and on terms agreed between the Company and the Council;
- 3.1.2 provide services to any person not otherwise covered by clause 3.1.1 in accordance with its Business Plan then in force and on terms agreed between the Company and that person; and
- 3.1.3 provide such other services as the Council may from time to time determine and on terms agreed between the Company and the relevant counterparty/ies.

Holdco shall not be required to prepare a Business Plan.

Each other Company shall prepare in respect of each Financial Year a Business Plan to include such content as the Council may require from time to time and notify to the Company in writing. That Business Plan shall be:

- 3.1.4 prepared by that Company in accordance with the timetable agreed under the relevant governance arrangements of that Company from time to time; and
- 3.1.5 considered and, if though fit, approved by the Council (unless the Council delegates the ability to approve a Company's Business Plan to Holdco).

The parties agree to work both together (and with any third parties where required) in good faith, to procure that each Business Plan is prepared and approved in accordance with this clause 3 and that the Business of each Company is carried out to interface as seamlessly as possible with the operations and services of the Council.

If at any time there is a requirement for a corporate vehicle to be established other than a private company limited by shares, such as a private company limited by guarantee or a limited liability partnership, the Council intends that such vehicle shall be governed as far as possible in the manner in which a Company is governed, subject always to any necessary changes to reflect the law relating to that alternative vehicle.

4 COUNCIL'S ROLE AS ULTIMATE SHAREHOLDER AND SHAREHOLDER BOARD

The Council shall monitor and control the business and operations of each Company.

The Council:

- 4.1.1 shall, upon request, have unlimited, unrestricted and prompt access to any Company information and documents;
- 4.1.2 shall not be a part of any Board;
- 4.1.3 shall not usurp the functions of any Board but shall monitor the activities of each Company to ensure that they are acceptable and accountable to the Council as ultimate owner of each Company; and
- 4.1.4 may, in addition to those matters requiring Council consent pursuant to clause 5 make recommendations from time to time to any Board.

Any notice or other communication to or from the Council shall be sent to or from the Council Representative in accordance with clause 28. Any notice or other communication given to the Council Representative shall be deemed to have been given to the Council.

Where a decision, consent or approval is expressed in this Agreement to be required of the Council, it shall be given or confirmed by the Council Representative, depending on the Council's appropriate decision-making forum or person, for onward transmission to the relevant Company. Where a Council Representative has given or confirmed a decision, consent or approval, he or she shall be deemed to have had delegated authority to do so and any such decision, consent or approval shall bind the Council.

The Council shall use its reasonable endeavours to communicate any such decision, consent or approval (including any decision not to give consent or approval) to the Company via the Council Representative within a period of 30 days from receipt of the relevant request, provided that the Council shall not be deemed to have made a decision or given its consent or approval by virtue of the fact that it has not communicated the same within that time limit. Where the Company requires the Council to make any decision or provide any consent or approval, the Company shall provide such material information to the Council Representative as the Council may require to enable it to consider the decision, consent or approval in question.

Once a consent or approval is given in accordance with clause 0 then, to the extent a special or an ordinary resolution is required pursuant to the Companies Act 2006 or otherwise, the relevant Company shall prepare and circulate to its shareholder/member a draft resolution for consideration and, if thought fit, approval by that shareholder/member. The Company's shareholder/member shall approve any resolution which is in line with a consent or approval of the Council.

Each Company shall ensure that the Board chair and and/or any employees of each Company as requested by the Council shall attend such meetings or parts of meeting(s) of the Council as the Council may require and, subject to any lawful constraints on being able to do so, shall answer questions put by the Council and provide information regarding the activities of each Company as reasonably requested.

The Council may nevertheless establish a group (the **Shareholder Group**) as a means of:

- 4.1.5 governing its relationship with the Companies;
- 4.1.6 communicating its views to each Company; and
- 4.1.7 evaluating the effectiveness of each Board and the delivery of a Company's performance against strategic objectives.

The Council may approve and amend from time to time terms of reference in respect of the Shareholder Group which set out its structure, parameters and rights. Those terms of reference shall be circulated to each Company and each Company shall treat any request from the Shareholder Group as a request of the Council.

Each Company shall report twice a year to the relevant scrutiny committee on their Business Plan accounts in accordance with the format outlined at Schedule 6.

5 DECISION-MAKING

Except as set out in clause 0, insofar as a matter relating to a Company is a Reserved Matter, the Company shall not make any decision in relation to, or undertake, that Reserved Matter except with the prior written consent of the Council.

Clause 0 shall not apply in connection with any decision or action relating to a Reserved Matter:

- 5.1.1 approved in a Business Plan then in force;
- 5.1.2 which has been properly delegated in accordance with this Agreement to a particular Board or person; or
- 5.1.3 to the extent the same decision has been taken by the Council in accordance with an agreement between the Council and the relevant Company.

For the avoidance of doubt, a Board may make any decision in relation to, or undertake, any matter which is not a Reserved Matter where that matter is outside the terms of the relevant Company's Business Plan provided that the matter is only outside the terms of the Business Plan by reason of potential additional expenditure which itself does not exceed any threshold in the Reserved Matters.

Any variation to the list of Reserved Matters must be approved by the Council in writing. The Reserved Matters may be varied and/or replaced in part or entirely by the Council at its absolute discretion. Upon the Council giving notice in writing to the Company/ies concerned that such a variation or replacement has occurred, this Agreement and Schedule 4 shall be deemed modified from the date specified in the varied or replacement schedule.

If any agreement between the Council and a Company is validly varied in accordance with its terms, the relevant sections of its Business Plan shall be deemed amended on and with effect from the date of the variation of the agreement to the extent (but only to the extent) such amendment is necessary

to ensure that the Business Plan is fully consistent, and does not conflict, with the terms of that agreement.

Except as set out in above in this clause 5, a Board shall have full and complete authority, power and discretion to direct, manage and control its Company and the Business, affairs and properties of that Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incidental to the management of the Business.

Each Company agrees that it shall, in a proper and efficient manner:

5.1.4 carry on and conduct its Business and affairs in accordance with:

- (a) this Agreement;
- (b) its Business Plan then in force;
- (c) its Articles;
- (d) all laws relating to companies as amended from time to time;
- (e) sound governance and good business practice; and

use all reasonable endeavours to obtain and, if necessary, maintain in full force and effect all licences (including statutory licences), consents and authorities necessary to own and operate its assets and to carry on its Business properly and effectively and in accordance with the Business Plan then in force.

In consideration of the covenants to be observed and performed by each Company as set out in Schedule 2, the Council hereby covenants with each Company in the terms set out in Schedule 1

In consideration of the covenants to be observed and performed by the Council as set out in Schedule 1, each Company hereby covenants with the Council in the terms set out in. Schedule 2

Each of the covenants in clauses 0 and 0 shall be construed as a separate covenant and shall not be limited or restricted by reference to or inference from the terms of any covenant or any clause of this Agreement.

6 BOARDS

The Board of each Company shall be composed of such persons and shall conduct their dealings in accordance with their Articles and this Agreement provided that the Council may by notice in writing nominate any person as a Director and, if so nominated, the relevant Company shall appoint the nominee as a Director.

On the nomination of a Director to the Board of a Company (whether by the Council or otherwise), the person nominated shall provide a notice of appointment of a nominated Director in the form or substantially in the form contained in Schedule 1.

The Council may from time to time direct a Company by notice in writing to establish one or more committees of the Board of that Company for particular purposes and may also from time to time direct a Company by notice in writing to terminate the existence of such a committee.

7 THE COMPANY'S REPRESENTATIVE

The Company's Representative shall be the person nominated in writing by each Company from time to time to act in the name of the respective Company for the purposes of this Agreement. Any reference to a communication with a Company, in this Agreement, shall be to the respective Company's Representative.

From time to time each Company's Representative may appoint one or more representatives to act for the respective Company generally or for specified purposes or periods. Immediately after any such appointment is made, the Company shall give written notice thereof to the Council.

8 THE COUNCIL'S REPRESENTATIVE

The Council shall appoint the Council's Representative to act in the name of the Council for all purposes connected with this Agreement.

The Council shall on or before the commencement of this Agreement inform the Companies in writing of the identity of the Council's Representative.

In the event that the Council intends to replace the individual acting as the Council's Representative, it shall give each Company's Representative reasonable notice in writing of its intention so to do together with details of a new Council Representative and when the replacement is to take effect.

Any notice, information, instruction or other communication given to the Council's Representative by the Company shall be deemed to have been given to the Council. Any notice, information, instruction or other communication given by the Council's Representative to the Company shall be deemed to have been duly authorised by the Council.

The Council shall ensure that the Council's Representative is available to meet the Company's Representative at all reasonable times and upon reasonable notice.

9 A COMPANY'S IDENTITY

It is hereby acknowledged by the Council that the identity of a Company shall be referred to in all the Council's correspondence and in all documents and stationery produced by the Council when it is for or on behalf of that Company.

10 FINANCE AND RETURNS

If any Company requires debt or grant funding, it shall endeavour to seek and obtain such funding from the Council on such terms as the Company may agree with the Council. The Council may also require security for any funding provided. If the Council is unable or unwilling to provide such funding, then the Company may seek third party funding.

Subject to the terms of the Business Plan relating to a Company, the terms of any contract between the Council or other legal person controlled by the Council (within the meaning of regulation 12 of the Public Contracts Regulations 2015) and a Teckal Company, and law, income and receipts of that Company shall be utilised in the following order of priority:

- 10.1.1 first, in payment of amounts owed to creditors;
- 10.1.2 second, to the extent required, in payment of amounts owed to senior debt providers (if any), including principal, interest accrued thereon and any other associated costs such as interest breakage costs and premature pre-payment fees;
- 10.1.3 third, in repayment of any loans made by the Council and any interest accrued thereon;
- 10.1.4 fourth, by way of retention to the Company's reserves; and

10.1.5 fifth, to the Council by way of distribution of profit.

A distribution of profits to the Council shall require the approval of the Council:

10.1.6 where the distribution of profits is a final dividend, within 10 Business Days of the draft annual accounts for the Financial Year in question being agreed; and

10.1.7 where the distribution of profits is not a final dividend, within 10 Business Days of the Board recommending the same to the Council.

An Approved Distribution is a distribution which has received Council approval within that time period and the date on which that approval is given shall be the **Approval Date**.

The Company shall credit an Approved Distribution to the Council within 10 Business Days of the Approval Date. Payments will be in cash, unless a distribution was expressly approved by the Council in specie.

11 DEALINGS IN SHARES AND NEW SHAREHOLDERS

No Company shall create any Encumbrance over, transfer, or otherwise dispose of or give any person any rights in or over any share in its capital unless it is permitted under this Agreement and its Articles.

Admitting a person as a new shareholder or member of any Company is a Reserved Matter and shall also be subject to such person executing a Deed of Adherence. Should a Company wish to admit a new shareholder or new member, the Board of that Company must procure that a Deed of Adherence is signed and the prior written consent of the Council is obtained, prior to such new shareholder or member being admitted.

The Council shall procure that any new Company shall execute a Deed of Adherence to this Agreement as soon as reasonably practicable following incorporation of that Company and in any event prior to it starting business operations.

12 DISPUTE RESOLUTION

Save as otherwise herein expressly provided in this Agreement, any disputes or differences arising between the parties as to their respective rights duties or obligations or to any other matter or thing in any way arising out of or connected with the subject matter of this Agreement shall be in the first instance dealt with by senior representatives of the parties with authority to settle the dispute, such representatives to meet 14 days after the receipt by the parties of a written request from one party to the others and shall in good faith endeavour to resolve the dispute.

If the dispute is not resolved at the meeting referred to in clause 0, the parties shall attempt to settle it by mediation in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between the parties, the mediator shall be nominated by CEDR. To initiate the mediation a party must give notice in writing (**ADR notice**) to the other parties to the dispute requesting mediation. A copy of the request should be sent to CEDR. The mediation shall start not later than 28 days after the date of the ADR notice. The commencement of mediation shall not prevent the parties commencing or continuing arbitration proceedings.

13 TERMINATION

Subject to clause 0 this Agreement may be terminated by the Council serving no less than six months' written notice on all other parties or, if termination is in respect of one Company only, six months' written notice on that Company.

The Council may terminate this Agreement immediately where required in accordance with any law.

Insofar as any of the rights and powers of any party provided for in this Agreement shall or may be exercised or exercisable after the termination or expiry of this Agreement the provisions of this Agreement conferring such rights and powers shall survive and remain in full force and effect notwithstanding such termination or expiry.

Insofar as any of the obligations of any party provided for in this Agreement remain to be discharged after the termination or expiry of this Agreement the provisions of this Agreement imposing such obligations shall survive and remain in full force and effect notwithstanding such termination or expiry.

Where a Company is to be wound up and its assets distributed, the parties shall endeavour to ensure that:

- 13.1.1 all existing contracts of such company or companies are performed to the extent that there are sufficient resources;
- 13.1.2 the company or companies shall not enter into any new contractual obligations;
- 13.1.3 the company or companies is dissolved and its assets are distributed as soon as practical in accordance with clauses 13.1.4; and
- 13.1.4 any other proprietary information or Intellectual Property Rights belonging to or originating from a party shall be returned to it by the other party or the company or companies and all such proprietary information or Intellectual Property Rights shall be erased from the computer systems (to the extent possible) of the company or companies and the party who is/are returning it.
- 13.1.5 In the event of any Company being wound up, the assets of such company remaining after payment of all debts and liabilities of such company and of all costs, charges and expenses of winding up the same, shall be distributed amongst the current shareholders or members of such company.

14 PREVENTION OF BRIBERY

Each Company:

- 14.1.1 shall not, and shall procure that any Director, officer, employee, adviser or representative of any of them shall not, in connection with this Agreement commit a Prohibited Act;
- 14.1.2 warrants, represents and undertakes that it is not aware of any financial or other advantage being given to any person working for or engaged by the Council, or that an agreement has been reached to that effect, in connection with the execution of this Agreement, excluding any arrangement of which full details have been disclosed in writing to the Council before execution of this Agreement.

Each Company shall:

- 14.1.3 if requested, provide the Council with any reasonable assistance, at the Council's reasonable cost, to enable the Council to perform any activity required by any relevant government or agency in any relevant jurisdiction for the purpose of compliance with the Bribery Act 2010; and
 - (a) within 5 Business Days of the date of this Agreement, and annually thereafter, certify to the Council in writing (such certification to be signed by an officer of such company) compliance with this clause 14 by such company and all persons associated with it or other persons who are supplying goods or services in connection with this Agreement. Such company shall provide such supporting evidence of compliance as the Council may reasonably request.

Each Company shall have an anti-bribery policy (which shall be disclosed to the Council) to prevent any of its Directors, officers, employees, advisers or representatives of the company from committing a Prohibited Act and shall enforce it where appropriate.

If any breach of clause 0 is suspected or known, the party in breach must notify the Council immediately.

If any Company notifies the Council that it suspects or knows that there may be a breach of clause 0, such company must respond promptly to the Council's enquiries, co-operate with any investigation, and allow the Council to audit books, records and any other relevant documentation.

The Council may terminate this Agreement or any other agreement with the Company concerned by written notice with immediate effect if any such Company or Director, officer, employee, adviser or representative of such Company (in all cases whether or not acting with such Company's knowledge) breaches clause 0.

Any notice of termination under clause 0 must specify:

14.1.4 the nature of the Prohibited Act;

14.1.5 the identity of the party whom the Council believes has committed the Prohibited Act; and

14.1.6 the date on which this Agreement shall terminate.

Any dispute relating to:

14.1.7 the interpretation of this clause 14; or

14.1.8 the amount or value of any gift, consideration or commission;

shall be determined by the Council and its decision shall be final and conclusive.

Any termination under clause 0 shall be without prejudice to any right or remedy which has already accrued or subsequently accrues to the Council.

15 CONFIDENTIALITY

Each party undertakes that they shall not at any time hereafter use or disclose (in each case except for the purpose of exercising its rights and fulfilling its obligations under this Agreement) to any person any Confidential Information of any other party which may have or may in future come to its knowledge or possession, provided that any party may share such information:

15.1.1 with its professional advisers or to those of its directors, members, officers, employees, advisers and representatives who are directly concerned with the relevant party or its business;

15.1.2 as may be required by any applicable law or by any supervisory or regulatory body with whose rules it is necessary for that party to comply;

15.1.3 in connection with any proceedings arising out of or in connection with this Agreement; or

15.1.4 once it enters the public domain otherwise than by reason of a breach of this clause 0.

All parties shall use its reasonable endeavours to prevent the use or disclosure of any such Confidential Information otherwise than in accordance with this clause 15.

Each Director shall be entitled to disclose to the Council, all information to which the Council is entitled pursuant to this Agreement from time to time.

The parties shall use their reasonable endeavours to procure that any of their officers, employees, advisers and representatives coming into receipt of such Confidential Information shall be informed upon receipt that such information is confidential and (so far as such party is able to procure the same) shall comply with the provisions of this clause 0 in respect of such Confidential Information as if they were parties.

Where any party is required by any law, regulation or governmental or regulatory authority to retain any information (or copies of such information) of any other party, it shall notify the other party in writing of such retention giving details of the information that it is required to retain.

16 FREEDOM OF INFORMATION

The parties acknowledge that the parties are subject to the requirements of the FOIA and the EIR and the parties shall, where reasonable, assist and co-operate (at their own expense) with the other parties for information to enable the other parties (where required) to comply with their information disclosure obligations.

Subject to clause 0, where a Company receives a request for information under either the FOIA or the EIR which it is holding on behalf of any other party, it shall:

- 16.1.1 transfer the request for information to the relevant party (or such other party as it is otherwise agreed between the parties is the best person to deal with such request) as soon as practicable after receipt and in any event within two Business Days of receiving a request for information;
- 16.1.2 provide the relevant or other party with a copy of all information in its possession or power in the form that the relevant or other party requires within ten Business Days (or such longer period as the relevant or other party may specify) of the relevant or other party requesting that information; and
- 16.1.3 provide all necessary assistance as reasonably requested by the relevant or other party to enable the relevant or other party to respond to a request for information within the time for compliance set out in the FOIA or the EIR.

Where the Council receives a request under FOIA or EIR which relates to the operations of a Company, it shall notify the relevant Company and afford them an opportunity to make any comments or representations in respect of the disclosure of the information sought. The relevant Company shall respond within five Business Days of receipt of this notification. The Council shall take into account any such comments or representations in so doing and shall not respond to the request until the five Business Days response period referred to above has passed.

Each party shall be responsible for determining in its absolute discretion whether any information requested under the FOIA and EIR:

- 16.1.4 is exempt from disclosure; or
- 16.1.5 is to be disclosed in response to a request for information.

Each party acknowledges that the other party may be obliged under the FOIA and EIR to disclose information:

- 16.1.6 without consulting with the other parties where it has not been practicable to achieve such consultation; or
- 16.1.7 following consultation with the other parties and having taken their views into account.

17 DATA PROTECTION

Each party shall (and shall procure that any of its staff involved in the operation of this Agreement) comply with any notification requirements under the Data Protection Legislation, and each party shall duly observe all their obligations under the Data Protection Legislation, which arise in connection with this Agreement.

18 OTHER LEGISLATION

All parties shall comply with their obligations under the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Computer Misuse Act 1990 insofar as the requirements of this Agreement give rise to obligations under those Acts.

The Council shall provide the Companies with such information as the Companies may reasonably require to satisfy itself that the Council is complying with the obligations referred to in clauses 14, 17 and 18.

All parties shall provide each other with all such assistance as they may reasonably require to enable them to comply with the obligations referred to in clauses 14, 17 and 18.

No party shall knowingly do anything which places another party in breach of its obligations under clauses 14, 17 and 18.

19 UNLAWFUL FETTER ON A COMPANY'S POWERS

Notwithstanding any other provision contained in this Agreement, a party which is a corporate body shall not be bound by any provision of this Agreement to the extent that it would constitute an unlawful fetter on any of its statutory powers, but any such provision shall remain valid and binding as regards all other parties to which it is expressed to apply.

20 FURTHER ASSURANCE

Each party shall at its own cost and expense, on being required to do so by another party now or at any time in the future, do or procure the doing of all such acts and things and/or execute or procure the execution of all such deeds and documents in a form satisfactory to such other party which such other party may reasonably consider necessary for giving effect to this Agreement.

21 ASSIGNMENT AND SUB-CONTRACTING

This Agreement is personal to the parties and no party shall assign, transfer, subcontract or deal in any other manner with any of its rights and obligations under this Agreement without the prior written consent of the Council. Each party hereby undertakes and represents to the other parties that it is entering into this Agreement only for its own benefit.

This Agreement shall be binding on and shall endure for the benefit of each party's successors.

22 WAIVERS AND CONSENTS

A waiver of any right or remedy under this Agreement or by law, or any consent given under this Agreement, is only effective if given in writing by the waiving or consenting party and shall not be deemed a waiver of any other breach or default. It only applies in the circumstances for which it is given and shall not prevent the party giving it from subsequently relying on the relevant provision.

A failure or delay by a party to exercise any right or remedy provided under this Agreement or by law shall not constitute a waiver of that or any other right or remedy, prevent or restrict any further exercise of that or any other right or remedy or constitute an election to affirm this Agreement. No single or partial exercise of any right or remedy provided under this Agreement or by law shall prevent or restrict the further exercise of that or any other right or remedy. No election to affirm this Agreement by the Council shall be effective unless it is in writing.

23 GOOD FAITH

The parties agree that any activities or negotiations undertaken between them pursuant to this Agreement shall be undertaken in good faith.

24 RIGHTS AND REMEDIES

The rights and remedies provided under this Agreement are cumulative and are in addition to, and not exclusive of, any rights and remedies provided by law.

25 SEVERANCE

If any provision (or part of a provision) of this Agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision (or part of a provision) shall be deemed deleted. Any modification to or deletion of a provision (or part of a provision) under this clause shall not affect the legality, validity and enforceability of the rest of this Agreement.

26 COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all the counterparts shall together constitute one Agreement.

27 THIRD PARTY RIGHTS

Except as expressly provided elsewhere in this Agreement, a person who is not a party to this Agreement shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce, or enjoy the benefit of, any term of this Agreement. This does not affect any right or remedy of a third party which exists, or is available, apart from that Act.

28 NOTICES

Delivery

Any notice or other communication required to be given to a party under or in connection with this Agreement shall be:

- 28.1.1 in writing;
- 28.1.2 delivered by hand, by pre-paid first-class post or other next working day delivery service or sent by electronic mail; and
- 28.1.3 sent to:
 - (a) the Council at:
Guildhall, High Street, Bath, BA1 5AW
Attention: Council Representative
 - (b) any other party
Guildhall, High Street, Bath, BA1 5AW/9-10 Bath Street, Bath BA1 1SN
Attention: Company Representative

Receipt

Any notice or other communication shall be deemed to have been received:

28.1.4 if delivered by hand, at the time it is left at the relevant address;

28.1.5 if posted by pre-paid first-class post or other next working day delivery service, on the second Business Day after posting; and

28.1.6 if sent by electronic mail, upon receipt by the party to which it is given.

A notice or other communication given as described in clause 28.1.4 or clause 28.1.6 on a day that is not a Business Day, or after normal business hours, in the place it is received, shall be deemed to have been received on the next Business Day.

Any notices served on either of the Parties by hand or facsimile, shall be deemed to be served on the same working day if delivered or transmitted before 17.00 but if after 17.00 then on the next Business Day and if sent by prepaid first class post shall be deemed to have been received by the addressee within 48 hours of posting.

Any party may notify to all other parties in writing from time to time by no less than five Business Days' notice a different address in the United Kingdom or contact name for the giving of notices or communications.

29 ENTIRE AGREEMENT

This Agreement and the documents referred to in it (including the Articles and any Deed of Adherence) constitute the entire agreement between the parties relating to its/their subject matter and supersede all previous agreements between the parties relating to such matters.

Each of the parties acknowledges that in agreeing to enter into this Agreement it has not relied on any representation, warranty, collateral contract or other assurance (except those set out in this Agreement and/or the documents referred to in it) made by or on behalf of any other party before the signature of this Agreement. Each of the parties waives:

29.1.1 all rights and remedies which, but for this clause 0, might otherwise be available to it in respect of any such representation, warranty, collateral contract or other assurance; and

29.1.2 all rights and remedies, other than remedies for breach of contract available in respect of a breach of this Agreement and/or the documents referred to in it, which, but for this clause 0, might otherwise be available to it in respect of the falsity of any representation or warranty set out in this Agreement and/or the documents referred to in it,

provided that nothing in this clause 0 shall limit or exclude any liability for fraud or dishonesty on the part of any party.

30 CONFLICT WITH THE ARTICLES

If any provision of this Agreement is inconsistent with a provision of the Articles of any Company, then the terms of this Agreement shall prevail and the member(s) of such Company agree to procure the making of any amendment to the Company's Articles as soon as reasonably practicable which is required in order to make the Articles consistent with the provisions of this Agreement and the Council hereby consents to any such changes to the Company's Articles.

31 COSTS AND EXPENSES

All costs and expenses in relation to the negotiation, preparation, execution and carrying into effect of this Agreement and all other documents referred to in it shall be borne by the Council, save for any private advice sought by any party which shall be for the cost of that party.

32 SET-OFF

All amounts falling due under this Agreement shall be paid in full without any set-off or counterclaim.

33 NO PARTNERSHIP OR AGENCY

Nothing in this Agreement is intended to or shall operate to create a partnership between the parties or any of them, or to authorise any party to act as agent for any other party, and no party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way.

34 AGREEMENT REVIEW

The Council (including the Council's Representative) and the Company (including the Company's Representative) shall meet at least every twelve months to review the overall operation of this Agreement and in particular the success of the Companies in meeting their objectives more generally and to discuss if and how the Companies might assist the Council with the provision of further housing and other services. Such meetings shall be held at reasonable times.

The Council shall take minutes of the review meetings and a copy of the minutes shall be circulated to the Companies within 10 Business Days of the meeting.

35 VARIATION OF AGREEMENT

The provisions of this Agreement may only be varied at any time by the agreement of all parties, provided that any such variation shall be recorded in writing signed on behalf of all parties and appended hereto.

36 VALUE ADDED TAX

All payments by any party pursuant to this Agreement shall be exclusive of any Value Added Tax chargeable in respect of the supply of goods or services for which the payment is consideration and any such Value Added Tax shall be added to the amount thereof and paid in addition thereto upon production of a proper Value Added Tax invoice.

37 LAW

This Agreement shall be governed and construed according to English law.

Save to the extent that this Agreement otherwise provides, each party irrevocably agrees to submit to the exclusive jurisdiction of the Courts of England and Wales over any claim or matter arising under or in connection with this Agreement.

SCHEDULE 1 – COVENANTS BY THE COUNCIL

The Council, shall to the extent it is permitted to do so under (i) its constitution and (ii) all laws applicable to local authorities:

- 1 provide such advice and assistance as each Company may reasonably request in the selection and appointment of auditors, bankers, solicitors, other consultants and contractors of each Company;
- 2 provide such advice and assistance as each Company may reasonably request in the preparation of a Business Plan, financial budgets, statements and cash flows for each Company;
- 3 consider the Business Plan when requested to do so for the purposes of approval, of each Company; and
- 4 respect the confidentiality of all material negotiations (otherwise than such as is in the public domain) and only disclose information pertaining to each Company with the prior agreement of the relevant Company unless required to do so by law or at the direction of a court with competent jurisdiction.

SCHEDULE 2 – COVENANTS BY EACH COMPANY

Each Company shall:

- 1 comply with all reasonable requests of relevant statutory bodies and agencies;
- 2 so far as reasonably practicable, adopt all best practice recommendations in regard to its market and adopt the Council's policies and procedures in relation to these matters having regard to the local conditions of the operation of the Council;
- 3 provide, and authorise or instruct its auditors to provide, to the person who is for the time being the auditor in relation to the accounts of the Council, such information and explanation about the affairs of the Company as that person may require for the purposes of the audit of the local authority's accounts;
- 4 only appoint contractors and consultants in accordance with the Council's standing orders for procurement provided that the Directors shall have the same status within those as appropriate to equivalent Council officers;
- 5 report to the Council upon its financial and operational functions in such form and at such time as shall be reasonably required by the Council;
- 6 provide all information upon any aspect of its affairs requested from time to time by the Council and to co-operate fully with any investigations with its affairs initiated by the Council from time to time;
- 7 have mentioned on all business letters, notices and other documents of the Company the fact that it is a company controlled by the Council, within the meaning of Part V of the Local Government and Housing Act 1989;
- 8 not pay to a Director who is also a member of the Council, remuneration in excess of the greatest amount which would for the time being be payable by the Council in respect of a comparable duty performed on behalf of the Council, less any amount paid by the Council in respect of that duty to the Director in question, nor to pay any such amounts to Council officers who are Directors of the Company;
- 9 not to pay any remuneration in excess of any remuneration permitted under a Remuneration Policy provided that any Remuneration Policy has had the prior approval of the Council (in its absolute discretion);
- 10 not to pay a Director any sum in excess of any payment permitted under a Board Director Payment Policy provided that any Board Director Payment Policy has had the prior approval of the Council (in its absolute discretion);
- 11 in respect of expenditure on travelling or subsistence in connection with the carrying out of a duty on behalf of the Company, pay to any Director, whether or not he or she is a member of the Council, remuneration in excess of the maximum amount of travelling or subsistence allowance which would for the time being be payable to a director being a member, by the Council, if the relevant duty were an approved duty for the purposes of Section 174 of the Local Government Act 1972;
- 12 not publish any material which the relevant authority would be prohibited from publishing by section 2 of the Local Government Act 1986 (prohibition of political publicity);
- 13 where a Director becomes disqualified for membership of a local authority, otherwise than by being employed by a local authority or a controlled company of that local authority, make such arrangements as may be necessary for a resolution to be moved for his removal in accordance with section 168 of the Companies Act 2006; and

- 14 provide to a member of the Council such information about the affairs of the Company as the member reasonably requires for the proper discharge of his duties, provided that the Company shall not be required to provide information in breach of any enactment, or of an obligation owed to any person.

SCHEDULE 3 – DEED OF ADHERENCE

THIS DEED is made on

BY ● of ● (company number ●) whose registered office is at [Guildhall, High Street, Bath, BA1 5AW] (the **Covenantor**) in favour of the persons whose names are set out in the schedule to this deed and is supplemental to the Shareholder Agreement dated ● made by (1) Bath & North East Somerset Council, (2) LATCO (the **Agreement**)

THIS DEED WITNESSES as follows:

- 1 The Covenantor confirms that it has been given and read a copy of the Agreement and covenants with each person named in the schedule to this deed to perform and be bound by all the terms of the Agreement and to perform the obligations contained in the Agreement which are expressed to be performed by a [HoldCo (as defined in the Agreement)] [shareholder], as if the Covenantor were a party to the Agreement.
- 2 This deed is governed by the laws of England and Wales.

IN WITNESS WHEREOF this deed has been executed by the Covenantor and is intended to be and is hereby delivered on the date first above written.

[Insert correct execution block]

Executed as a deed by)	
●)	
acting by a director and a director/ Secretary)
)	Director
)	
)
)	Director/Secretary

SCHEDULE – List of parties to Shareholder Agreement including those who have executed earlier deeds of adherence

SCHEDULE 4 – RESERVED MATTERS

Version: 01
Date in force: Date of this Agreement

Reference to a "Company" shall be to the relevant Company (as appropriate).

No	Reserved Matter	Special Reserved Matters
	Constitution of the Company	
1.	Varying in any respect the articles or the rights attaching to any of the shares or memberships (as applicable) in the Company	
	Officers and shareholders of the Company	
2.	Appointing any Director other than a Council appointed Director and approving the terms of appointment (including any remuneration terms)	
3.	Removing any Director (including any terms on which a Director is removed from office as Director) other than Council appointed Directors	
4.	Admitting any further shareholders or members to the Company or agreeing any rights or restrictions attaching to any shares or memberships allocated to such new shareholders or members as applicable)	Referral to Cabinet
5.	Appointing or removing of the chair of the Board (except where the chair is absent in which case the Board shall appoint an alternate chair)	
	Future direction and development of the Company	
6.	Forming any subsidiary or acquiring shares in any other company or participating in any partnership or incorporated joint venture vehicle	
7.	Amalgamating or merging with any other company or business undertaking	Referral to Cabinet
8.	Selling or disposing of any part of the business of the Company	
9.	Adopting or amending the Business Plan of each respective Company and any in-year changes	
10.	Undertaking any business or action which is inconsistent with the Business Plan then in force or omitting to undertake any action which is required by that Business Plan	
11.	Passing any resolution for its winding up or presenting any petition for its administration (unless it has become insolvent).	Referral to Cabinet
12.	Agreeing or approving any other material services to be provided by the Company to a third party the total value of which the Board reasonably expects will exceed [£●] but not exceed [£●] per annum	
13.	Agreeing or approving any other material services to be provided by the Company to a third party the total value of which the Board reasonably expects will exceed [£●] per annum	Referral to Cabinet

No	Reserved Matter	Special Reserved Matters
14.	Appoint any agent (not being a subcontractor) to conduct the whole or any part of the business of the Company, other than the appointment of an agent to conduct an area of the business of a Company	
15.	Apply for the listing or trading of any shares in its issued capital or debt securities on any stock exchange or market (where applicable)	
16.	Bidding for or entering into any contract for the delivery of works or services outside the administrative boundary of the Council	
	Management of the business of the Company	
17.	Changing the Company's registered office	
18.	Changing the Company's name	
19.	Creating or agreeing to create a charge, security or Encumbrance over the Company's assets, shares or income	
20.	Approving any matter that is reasonably likely to have an adverse effect on the reputation of the Council	
21.	Changing the nature of the business or commencing any new business which is not ancillary or incidental to the business of the Company	
22.	Agreeing to enter into or entering into any acquisition or disposal of any material assets by the Company the total value of which the Board reasonably expects will exceed [£●] but not exceed [£●] per annum	
23.	Agreeing to enter into or entering into any acquisition or disposal of any material assets by the Company the total value of which the Board reasonably expects will exceed [£●] per annum	Referral to Cabinet
24.	Giving notice of termination of any arrangements, contracts or transactions the total value of which the Board reasonably expects will exceed [£●] but not exceed [£●] per annum or materially varying any such arrangements, contracts or transactions and such termination or variation is likely to have an adverse impact on the financial status of a Company	
25.	Giving notice of termination of any arrangements, contracts or transactions the total value of which the Board reasonably expects will exceed [£●] per annum or materially varying any such arrangements, contracts or transactions and such termination or variation is likely to have an adverse impact on the financial status of a Company	Referral to Cabinet
26.	Granting rights (by licence or otherwise) in or over any intellectual property owned or used by the Company	
27.	Changing the Company's auditors or bankers	
28.	Making any borrowing	
29.	Agreeing to make or making any loan (otherwise than by way of a deposit with a bank or other institution, the normal business of which includes the acceptance of deposits or in the ordinary course of business) or granting any credit (other than in the normal course of trading or the granting of trade credit to a Company which has been approved under the Business Plan) or giving any guarantee or indemnity (other than in the normal course of trading)	

No	Reserved Matter	Special Reserved Matters
30.	Changing the Financial Year of the Company	
31.	Increasing or reducing the amount of its issued share capital, grant any option over or in its share capital, redeeming or purchasing any of its own shares or otherwise altering, or effecting any reorganisation of, its share capital (where applicable)	
32.	Declaring or paying any end of year dividend of the Company (where applicable)	

SCHEDULE 5 – NOTICE OF APPOINTMENT OF A NOMINATED DIRECTOR

To: ● Limited, Guildhall, High Street, Bath BA1 5AW

[Date]

Dear Sirs

● Limited (the Company)

I acknowledge and agree that:

- 1 my appointment as a director of the Company is made pursuant to and is subject to the terms and conditions set in the Shareholder Agreement dated ● (as amended) (**Agreement**) and the Company's articles of association (**Articles**);
- 2 I am expected to and shall attend Board meetings and general meetings (where requested) of the Company;
- 3 I shall not, whether during my appointment or after its termination, except in the proper course of my duties or as required by law, use or disclose, and shall use all reasonable endeavours to prevent the use or disclosure of, any trade or business secrets or any information concerning the business or finances of the Company or of any dealings, transactions or affairs of the Company or any client, customer or supplier of the Company which come to my knowledge during the course of my appointment and shall comply with the provisions of clause 15 (Confidentiality) of the Agreement as if I were a party to the Agreement. I shall, however, be entitled to disclose information to my appointor as permitted under the Agreement;
- 4 my appointment as director shall automatically cease in relation to the Company if article [22] (*Termination of Director's appointment*) of the Articles applies. Without limitation to this, in signing this letter, I acknowledge that my office is subject to the terms of the Agreement and the Articles and may be determined as permitted under the terms of the Agreement and the Articles and that upon such termination, I shall vacate office in relation to the Company forthwith without raising any claim whatsoever against the Company; and
- 5 on termination of my appointment, I shall promptly return to the Company all papers and property of the Company which are in my possession or under my control.

Executed as a deed by)
[● INDIVIDUAL'S NAME])
in the presence of)

Signature:

Name of witness:

Address:

.....

Occupation of witness:

Appendix C

Ethical Walls Policy and Procedure

Introduction

Bath & North East Somerset Council have created companies which are separate organisations to the Councils. This means they are all separate legal entities.

The Council therefore has officers working for or as Directors of these different entities. This has potential for conflict due to the conflicts of interest that could arise in terms of who is acting and representing each entity. An ethical wall helps reduce this conflict. An ethical wall is an information barrier within an organisation erected to prevent communication that could lead to the disclosure of information which is confidential to one organisation or the other. Ethical walls are also known as Chinese walls; cones of silence; screens or firewalls and exist in the financial service sector between those who are privy to confidential information that could affect share values and those who take/influence investment decisions, in the media between journalists and advertising executives and in law firms where different solicitors are acting for different clients on the same matter.

A small number of officers and members, mainly those holding executive, senior management, statutory, legal, financial, regulatory and planning posts, may face situations where they become aware of conflict or potential conflict between the council and a council entity. There is a need for officers and members in these posts to maintain vigilance in identifying these situations.

When are they created?

An ethical wall is put in place when the Monitoring Officer becomes aware or made aware of potential conflict. The Monitoring Officer puts in place an ethical wall through creating an active ethical wall document which is circulated to councillors, the appropriate management team and all those who may be affected by the wall or may come into contact with it in carrying out their role. The document sets out who is on which side of the wall, what their role is and how potential conflict should be avoided.

What should you do when an ethical wall is in place?

People on either side of the wall should treat and behave towards each other as if they were an external organisation when dealing with the issue only. In all other matters they should continue to work and behave towards each other normally. The following points provide helpful guidance of what to do when an ethical wall is put in place:

- **Files and electronic correspondence** - neither party should access information held by the other and appropriate restrictions should be put in place with ICT. You should have and use email signatures for the organisation you are writing on behalf of and make this clear in phone calls and discussions.

- **Officer advice** – officers should only advise members and officers on their side of the wall. Officers may not be able to report to their normal manager on the issue if they are on the other side of the wall and line managers should respect when an ethical wall is in place and that employees may not be able to disclose information they become aware of.
- **Committee reports** – reports to committees must be in the name of and signed off by officers on the correct side of the wall.
- **Meetings** – officers and members should not be present at meetings when they are dealing with the issue on the other side of the wall.

Active ethical walls will be kept updated by the Monitoring Officer and when an issue is concluded, the Monitoring Officer will take down the wall through communicating this to all affected staff.

Ethical Walls Procedure

This procedure is designed to be read alongside the Protocol on Councillor Officers Relations.

It is recognised that there may be rare occasions, most commonly in a regulatory context, or where a council owned/influenced company/organisation context has been established where it is not possible to reconcile the interests of the two parties.

Such conflicts shall be managed by ensuring that relevant officers and councillors working for each side are ring fenced from each other to ensure that due regard is taken of the respective and conflicting duties and interests, and the need for certain matters to remain confidential to the individual council entity.

In all cases officers and members should always err on the side of caution and seek advice, as it is much better to deal with, and plan for potential conflict at an early stage. If there is a delay when actual conflicts are identified, it may be that too many officers and members are already acting for one side or the other and/or the erection of the Ethical Wall may be too late. The creation of an Ethical Wall does require a level of maturity and respect from those on either side of it. For instance, it is not uncommon for a manager to be on one side and a direct report on the other.

If there is a conflict or significant risk of a conflict, between the Council and a council entity, the officer or member must not act for both, except where the council and the council entity are expressly pursuing the same common objective. In all cases of conflict or potential conflict, a decision should be sought immediately from the Monitoring Officer. The Monitoring Officer in deciding whether there is a conflict, or whether the officer or member can act for multiple organisations, will ensure that the overriding consideration is the best interests of the individual organisation, and in particular, whether the benefits of the officer or member acting for all of them outweighs the risk.

If the Monitoring Officer feels that there is a risk of conflict, or that the interest of the organisations is not best served by an officer or member acting for both, they will invoke this procedure.

Procedure

When a conflict or potential conflict is identified, the officer or member should alert the Monitoring Officer or the deputy.

The Monitoring Officer will provide advice to the officer on whether there is a conflict and in all cases alert the Chief Executive. The Monitoring Officer will maintain an audit trail of their actions and any advice given, including a list of active Ethical Walls.

In the case that a conflict or potential conflict is identified, the Monitoring Officer (in consultation with the relevant members/SMT officers) will draw up a list of the officers who will be representing the interests of each party.

The Monitoring Officer will alert those on the list, SMT members, relevant lead members and any external parties to the discussion, that an Ethical Wall has been put in place and who they should deal with.

Once the Ethical Wall has been erected, officers on either side of the wall should treat and behave towards the council entity, and the officers representing it, with full regard to the issue in question, as if they were an external organisation. That is information supplied by the other party should be thoroughly and critically examined, and not taken on trust or face value, and information which is confidential to the interests of the organisation they represent must not be disclosed to the other party.

Whilst this relationship should be respectful and business like, it should be based on auditable correspondence, as opposed to verbal communications; as such documents could later be relied upon in legal action.

It should be agreed where files and electronic correspondence should be held, and neither party should access information held by the other. Appropriate access restrictions will be established by ICT Services for information held electronically.

Officers should only advise members and officers on their side of the wall. Reports to committees must be in the name of and signed off by officers on the correct side of the wall, and officers should not be present at meetings at any time when they are dealing with the issue on the other side of the wall.

The Ethical Wall should only be used for the issue in question, and does not extend to any other areas of work.

When the issue in question has been successfully concluded, the Monitoring Officer should be notified and they will close the issue on the list of active Ethical Walls if they deem it appropriate.

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Appendix D

Protocol for scrutiny of shareholder decision making for B&NES Council Trading Companies

Background

On 14 September 2017 Council agreed the principles and structures set out in the **Protocol For Governance Arrangements of Council Trading Companies**. Council also required that legal advice as to how and when a greater scrutiny mechanism can be achieved for decisions made by, or in consultation with, the Leader in his or her role as shareholder be obtained

The legal advice provided recommends the development of a protocol which provides information to members on a regular basis with the aim of minimising the need to exercise specific call in powers.

This protocol seeks to enable the Council's companies to make decisions swiftly and with certainty in order that they can compete in the marketplace with their private sector peers but also to ensure that members of the Council have sufficient information to be reassured that the companies are being properly governed and public money is safeguarded.

The starting point for scrutiny of all decisions taken by the Council as shareholder whether through the leader, cabinet portfolio holder or officer is that they are always capable of being called in and scrutinised in the usual way unless made pursuant to Rule 15 (General exemption) or Rule 16 (Special Urgency) of the Access to Information Procedure Rules in part 4B of the Council Constitution

This protocol recognises that it is unnecessary to exercise the powers of call in where regular reports are provided to the relevant scrutiny body. **Table 1** provides a flowchart to enable members to understand the routes to access information regarding Council Trading Companies which the Council impose on the Company as shareholder through the Shareholder Agreement.

Regular reports

Regular reports will be provided by Council Trading companies and members will be kept up to date on the progress of Council companies, by having annual reports to Council and Audit Panel and 6 monthly performance reports to the relevant Scrutiny committee.

The Council's Commercial Director will be responsible for this reporting and will agree with the PDS chair, the format of the draft report detailing the matters each council company will be required to report. Included in the regular reports will be a list of all decisions taken by the Council in its capacity as shareholder, which will also be published in the weekly list.

Group Leaders will be informed on a confidential basis of the Council Companies' plans and of Reserved Matters decisions required of the Council in its role as Shareholder. The

terms of reference of that body are set out in Appendix 6 of the Protocol for Governance Arrangements of Council Companies

Finally the company directors will be invited to present the outcomes achieved by the relevant trading company annually to the relevant scrutiny body. This shall be timetabled into the annual programme of work.

Democracy and commercialisation

It should be recognised that the Council companies need the freedom to operate in a competitive environment and commercial confidentiality and swift decision making are important for these companies to succeed.

The benefit to the Council to be derived by these companies generating income and paying dividends does entail an acceptance of commercial risk.

The Council's Shareholder Group, together with oversight of Council decision making as shareholder by the Council's scrutiny bodies via reports and meetings with the company directors should provide the necessary transparency and democratic oversight

The Protocol For Governance Arrangements of Council Companies provides for the Council to regulate the actions of its trading companies via shareholder agreements between the Council and these companies.

A shareholder decision on a reserved matter made by the Leader is an executive decision and will be recorded as a single member decision. A shareholder decision that is a special reserved matter is referred to Cabinet for a decision and therefore subject to the call in process in the usual manner.

Any decision to be taken by the Hold Company (once formed) or by the shadow Hold Company will be an officer decision and recorded in the officer decision register and subject to scrutiny in the usual manner.

Concerns

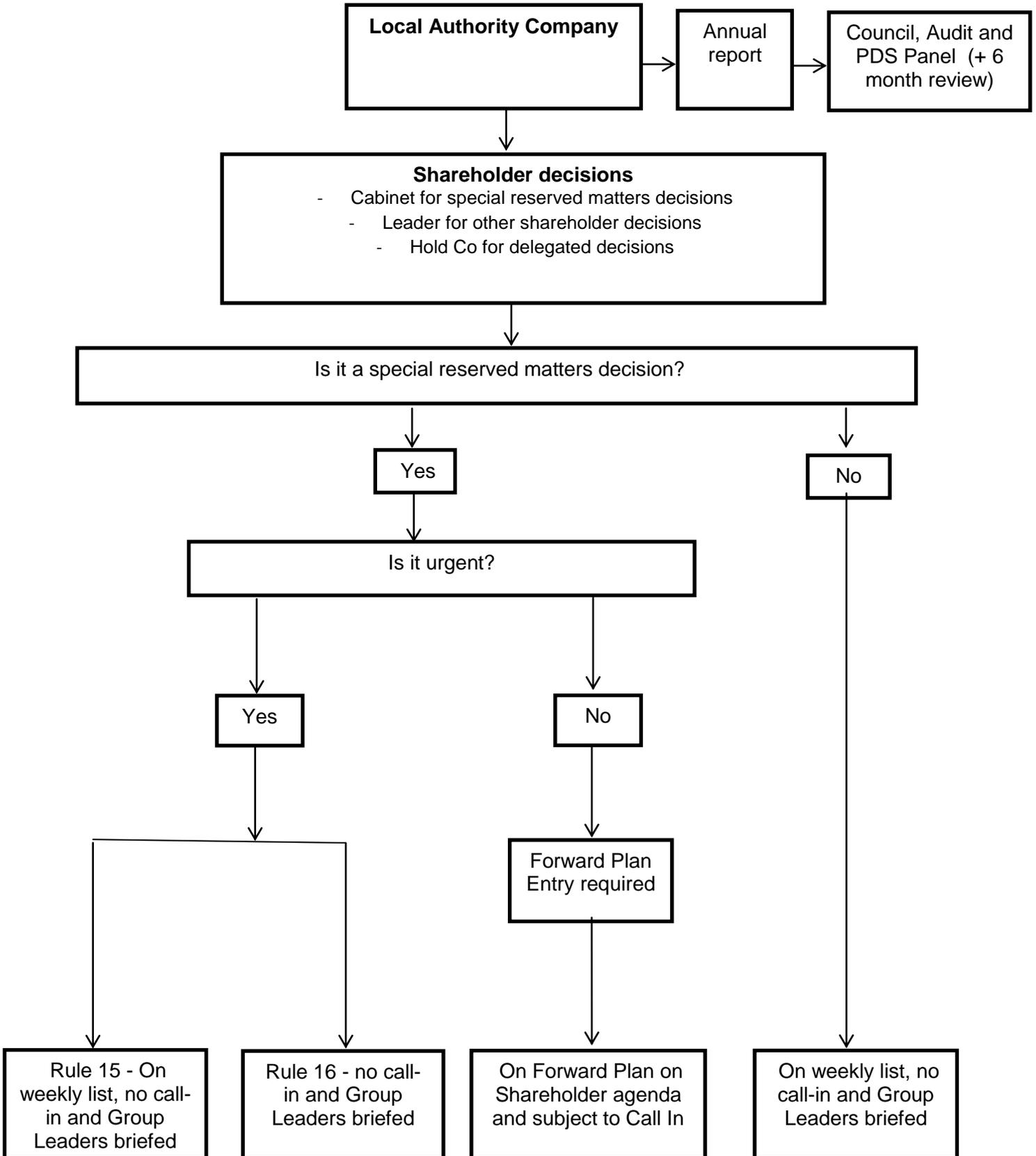
Where any member has a specific concern about a company, they should raise this with the Chair of the relevant Scrutiny body. The Chair should then raise that with the relevant company at the meetings with the company's directors, with a view to resolving any issues in a practical way. In exceptional circumstances, a member can use the councillors call for action to require the scrutiny body to formally add this matter to its agenda.

Review

The council shall operate this protocol for a period of 12 months after which time the operation of the protocol will be reviewed, with any recommendations being considered by Cabinet and any recommendation for changes being brought back before Council in 2019.

Table 1

Scrutiny of Company Decision making



Appendix E

GROUP LEADERS BRIEFING – TERMS OF REFERENCE

To receive on a confidential basis, reports on decisions made by the Council as shareholder of Council companies in accordance with the scrutiny arrangement provisions in the Protocol on Company Governance.

The Committees span of responsibility

All Companies where the Council holds a controlling share irrespective of the type of company involved.

All shareholder decisions whether specific reserved matters or not.

Membership

The Committee shall comprise one Member from each political group (usually the Group Leader)

Confidentiality Requirement

The Council companies are separate legal entities from the Council.

The Shareholder will be required to make decisions in relation to matters that are commercially confidential to the companies involved.

Councillors attending the Group Leaders Briefing meeting are subject to the same duty of confidentiality in relation to the information they receive as the shareholder, and would open the Council to challenge if disclosure of such confidential information resulted in financial loss or damage to the commercial interests of the company involved or any third party.

Appendix F

Amendments required to the Constitution

The Constitution is currently set up to ensure that all executive decisions are put on the forward plan and subject to call-in. All decisions made by the shareholder will also be executive decisions and so Part 2, 4B and 4D will require any decision to be included in the Forward Plan and subject to call-in. This could delay urgent shareholder decisions and prevent the companies from operating in as agile a manner as possible. Amendments are therefore requested to ensure the effective working of the Constitution in relation to council companies, so that any council company is able to act quickly and decisively without unnecessary barrier or uncertainty.

Part 2 Article 13

The suggested wording is recommended to ensure that company shareholder decisions are not key decisions and so do not need to comply with the key decision requirements, eg the key decision must be on the forward plan for 28 clear days before the decision can be taken:

13.5 ...The definition of key decision does not apply to proposals or decisions of the Leader acting in their capacity as Shareholder of a Local Authority Company owned or operated by the Council.

Part 4B and Part 4D

The suggested highlighted wording is recommended to be added:

PART 4 B Rule 1 - SCOPE

*These Rules apply to all formally convened meetings of the Council, its Committees and their sub committees, Overview and Scrutiny Panels and sub bodies thereof, Area Committees and their sub committees (if any), the Standards Committee, the Cabinet and its committees (together called "meetings"). **It does not apply to proposals and decisions of the Leader acting in their capacity as Shareholder of a Local Authority Company owned or operated by the Council.***

PART 4 D Rule 1 - CALL-IN OF EXECUTIVE DECISIONS

Elected members who do not sit on the Cabinet have the right to request a "call-in" of an executive decision which has been made by the Cabinet, or a person or body to whom the power to make executive decisions has been delegated, but not yet implemented.

These decisions could be made by;

- *the Cabinet*

- a Cabinet Member,
- a committee of the Cabinet
- an Officer taking a key decision acting on delegated authority from the Cabinet
- an area committee
- a body under joint arrangements

BUT NOT the decisions of quasi-judicial or Regulatory Committees or proposals and decisions of the Leader acting in their capacity as Shareholder of a Local Authority Company owned or operated by the Council.

PART 4 D-1 Rule 5 – EXCEPTIONS TO “CALL-IN”

The rights under this Procedural Rule shall not apply in the following circumstances:

- *when the executive decision is urgent as defined in the Urgency Procedure Rules within this Constitution;*
- *the effect of the call-in alone would be to cause the Council to miss, or fail to comply with or fulfil, a statutory deadline or duty;*
- *a decision taken under the General Exception and Special Urgency Access to Information Rules [Part 4B, rules 15 and 16];*
- *the effect of the call-in alone would be to cause the Company to miss, or fail to comply with or fulfil, a deadline or duty.*

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	8th November 2018	
TITLE:	Treasury Management 2018-19 Quarter 2 Performance Report (Mid Year Update)	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Performance Against Prudential Indicators Appendix 2 – The Council’s Investment Position at 30th September 2018 Appendix 3 – Average monthly rate of return for 1st 6 months of 2018/19 Appendix 4 – The Council’s External Borrowing Position at 30th September 2018 Appendix 5 – Arlingclose’s Economic & Market Review Q2 of 2018/19 Appendix 6 – Interest & Capital Financing Budget Monitoring 2018/19 Appendix 7 – Summary Guide to Credit Ratings</p>		

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 2018/19 for the first six months of 2018/19.

2 RECOMMENDATION

The Council agrees that:

- 2.1 The Treasury Management Report to 30th September 2018, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2.2 The Treasury Management Indicators to 30th September 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 the first six months of 2018/19 is 0.63%, which is 0.14% above the benchmark rate.
- 5.2 The Council's Prudential Indicators for 2018/19 were agreed by Council in February 2018 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 30th September 2018 is given in **Appendix 2**. The balance of deposits as at 30th June 2018 and 30th September 2018 are also set out in the pie charts in this appendix.
- 5.4 Gross interest earned on investments for the first six months totalled £125k. **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 0.63%, which was 0.14% above the benchmark rate of average 7 day LIBID +0.05% (0.49%).

Summary of Borrowings

- 5.5 The Council's external borrowing as at 30th September 2018 totalled £182.8 million and is detailed in Appendix 4. A short term loan for £2.5 million matured during the quarter and new long term PWLB annuity borrowing for £10 million was arranged during the quarter to maintain appropriate cashflow balances.
- 5.6 The Council's Capital Financing Requirement (CFR) as at 31st March 2018 was £247.1 million with a projected total of £434 million by the end of 2018/19 based on the capital programme approved at February 2018 Council. 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.
- 5.7 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 31st 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 5.5.

- 5.8 The borrowing portfolio as at 30th September 2018 is shown in **Appendix 4**.

Strategic & Tactical Decisions

- 5.9 As shown in the charts at **Appendix 2**, The Council mainly uses AAA rated Money Market funds to maintain very short term liquidity. The Council had £18.2 million

invested in Money Market Funds as at 30th September 2018. The investment portfolio also included investments with UK banks and very highly rated Foreign Banks.

- 5.10 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.
- 5.11 The Council's average investment return is slightly above the budgeted level of 0.45%.

Future Strategic & Tactical Issues

- 5.12 Our treasury management advisors economic and market review for the second quarter 2018/19 is included in **Appendix 5**.
- 5.13 The rebound in quarterly GDP growth in Q2 to 0.4% appeared to overturn the weakness in Q1 which was largely due to weather-related factors. However, the detail showed much of Q2 GDP growth was attributed to an increase in inventories. Year/year GDP growth at 1.2% also remains below trend. The Bank of England Monetary Policy Committee (MPC) made a unanimous decision for a rate rise of 0.25% in August, taking Bank Rate to 0.75%, but maintains expectations of a slow rise in interest rates over the forecast horizon
- 5.14 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.
- 5.15 The borrowing forecast to take place in 2018/19 is likely to be driven by a need to maintain an appropriate working cash balance rather than any immediate changes to interest rates.

Budget Implications

- 5.16 A breakdown of the revenue budget showing interest and capital financing and the forecast year end position based on the period April to September is included in **Appendix 6**. The current forecast is for an underspend of £495k, mainly related to the re-phasing of capital spend, as reported in the 2017/18 outturn report, leading to lower than forecast borrowing costs and minimum revenue provision (MRP) requirement. This is partly offset by lower internal income related to service charges for funding debt costs in relation to the re-phased capital projects.
- 5.17 This position will be kept under review during the remainder of the year, taking into account the Council's cash-flow position and the timing of any new borrowing required.

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 Finance & Efficiency, 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.

Contact person	<i>Donna Parham- 01225 477468; Giles Oliver- 01225 477209 Donna_Parham@bathnes.gov.uk ; Giles_Oliver@bathnes.gov.uk</i>
Background papers	<i>2018/19 Treasury Management & Investment Strategy</i>
Please contact the report author if you need to access this report in an alternative format	

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.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	£'000	£'000
Borrowing	434,000	182,762
Other long term liabilities	2,000	0
Cumulative Total	436,000	182,762

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.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	£'000	£'000
Borrowing	403,000	182,762
Other long term liabilities	2,000	0
Cumulative Total	405,000	182,762

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.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	£'000	£'000
Fixed interest rate exposure	403,000	162,762*

* 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.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	£'000	£'000
Variable interest rate exposure	246,000	20,000

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.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	£'000	£'000
Investments over 364 days	50,000	0

6. Maturity Structure of borrowing

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

	Upper Limit	Lower Limit	Actual as at 30th September 2018
	%	%	%
Under 12 months	50	Nil	10.9*
12 months and within 24 months	75	Nil	5.5
24 months and within 5 years	75	Nil	0
5 years and within 10 years	100	Nil	0
10 years and above	100	Nil	83.6

* 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**.

	2018/19 Prudential Indicator	Actual as at 30th September 2018
	Rating	Rating
Minimum Portfolio Average Credit Rating	A-	AA

APPENDIX 2

The Council's Investment position at 30th September 2018

The term of investments is as follows:

Term Remaining as at 30th June 2018	Balance at 30th September 2018
	£'000's
Notice (instant access funds)	18,200
Up to 1 month	10,000
1 month to 3 months	0
Over 3 months	10,000
Total	38,200

The investment figure of £33.9 million is made up as follows:

	Balance at 30th September 2018
	£'000's
B&NES Council	32,961
Schools	5,239
Total	38,200

The Council had a total average net positive balance of £39.8m during the period April 2018 to September 2018.

Chart 1: Council Investments as at 30th September 2018 (£38.2m)

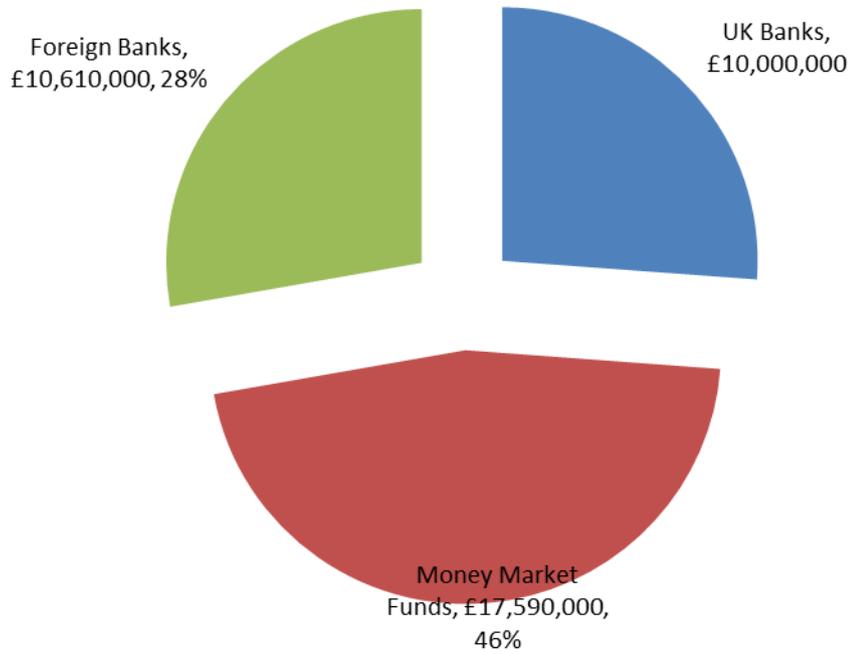


Chart 2: Council Investments as at 30th June 2018 (£33.9m)

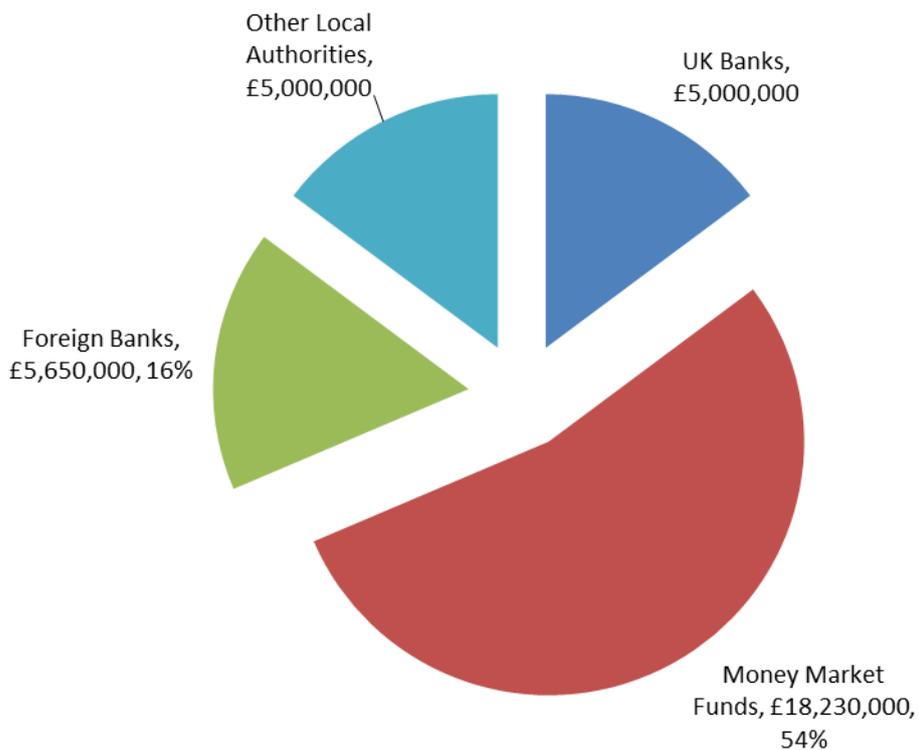


Chart 3: Council Investments per lowest equivalent Long Term credit rating (£38.2m) 30th September 2018

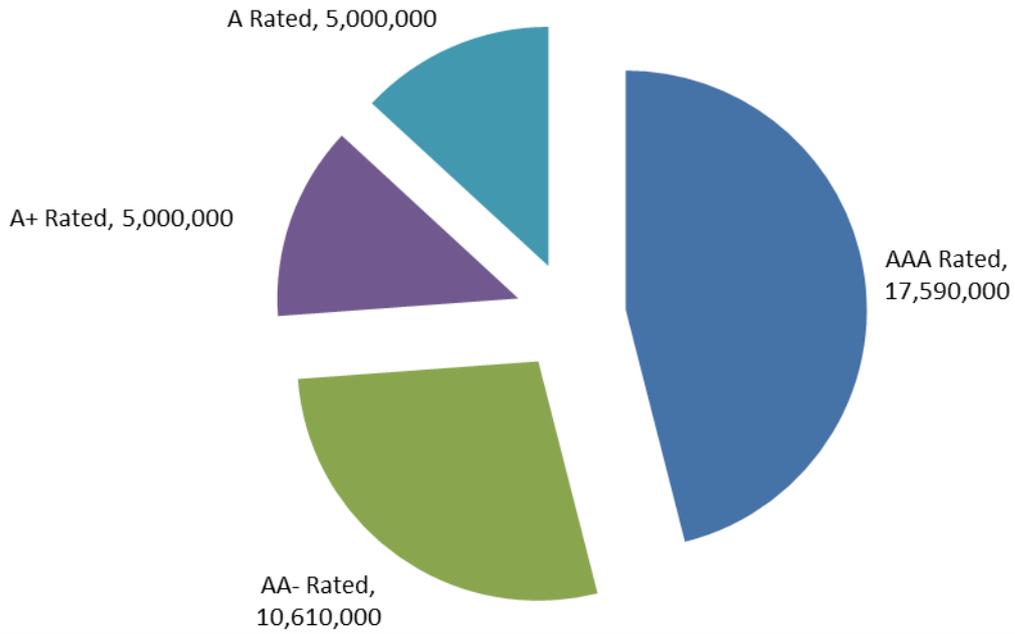
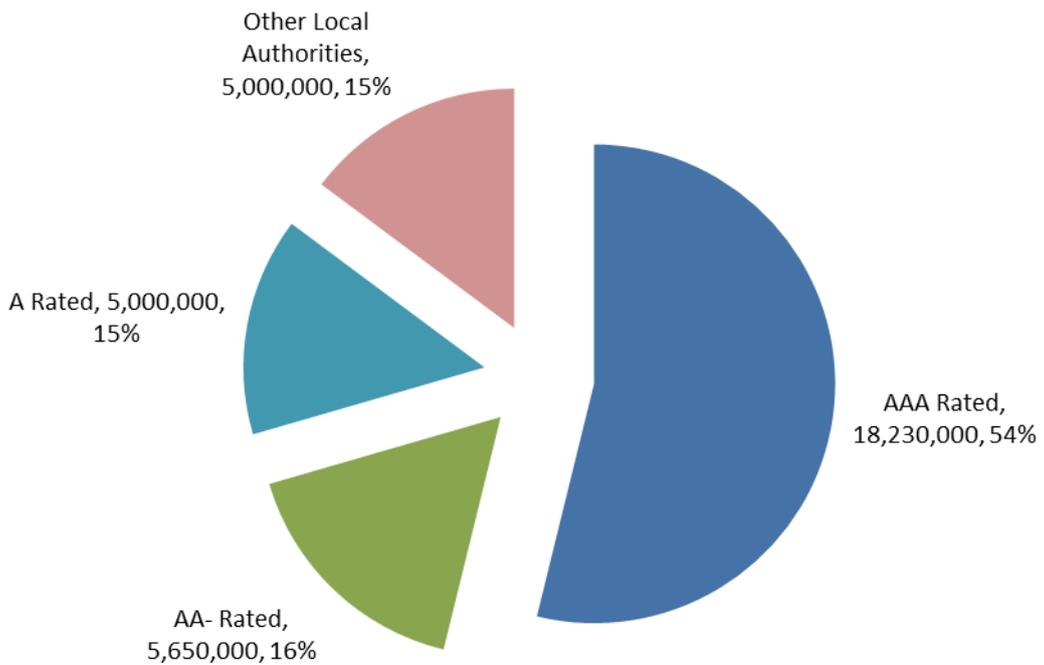


Chart 4: Council Investments per lowest equivalent Long Term credit rating (£33.9m) 30th June 2018



APPENDIX 3**Average rate of return on investments for 2018/19.**

	April %	May %	June %	July %	Aug %	Sep %	Average for Period
Average rate of interest earned	0.50%	0.60%	0.61%	0.60%	0.71%	0.74%	0.63%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)	0.41%	0.41%	0.41%	0.41%	0.63%	0.64%	0.49%
Performance against Benchmark %	+ 0.09%	+ 0.19%	+ 0.20%	+ 0.19%	+ 0.08%	+ 0.10	+ 0.14%

APPENDIX 4
Councils External Borrowing at 30th September 2018

Borrowing	Amount (£)	Start	Maturity DaBte	Interest Rate
LONG TERM				
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	18,795,590	20/06/16	20/06/41	2.36%
PWLB	9,480,184	24/02/17	16/02/40	2.28%
PWLB	9,545,227	04/04/17	16/02/43	2.26%
PWLB	8,112,949	08/05/17	15/02/42	2.25%
PWLB	6,931,389	10/08/17	10/04/67	2.64%
PWLB	9,851,890	13/12/17	10/10/42	2.35%
PWLB	9,855,212	06/03/18	10/10/42	2.52%
PWLB	9,889,305	06/03/18	10/10/47	2.62%
PWLB	10,000,000	10/09/18	20/06/43	2.42%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
Eurohypo Bank*	10,000,000	27/04/05	27/04/55	4.50%
Gloucestershire C C	5,000,000	25/11/14	19/12/19	2.05%
Gloucestershire C C	5,000,000	19/12/14	19/12/19	2.05%
Overall Total	182,761,746			

*All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.50%. The lender has the option to change the interest rate at 6 monthly intervals. Should the lender use the option to change the rate, then at this point the borrower has the option to repay the loan without penalty.

APPENDIX 5

Economic and market review for April to September 2018

Economic background: Oil prices rose by 23% over the six months to around \$82/barrel. UK Consumer Price Inflation (CPI) for August rose to 2.7% year/year, above the consensus forecast and that of the Bank of England's in its August Inflation Report, as the effects of sterling's large depreciation in 2016 began to fade. The most recent labour market data for July 2018 showed the unemployment rate at 4%, its lowest since 1975. The 3-month average annual growth rate for regular pay, i.e. excluding bonuses, was 2.9% providing some evidence that a shortage of workers is providing support to wages. However real wages (i.e. adjusted for inflation) grew only by 0.2%, a marginal increase unlikely to have had much effect on households.

The rebound in quarterly GDP growth in Q2 to 0.4% appeared to overturn the weakness in Q1 which was largely due to weather-related factors. However, the detail showed much of Q2 GDP growth was attributed to an increase in inventories. Year/year GDP growth at 1.2% also remains below trend. The Bank of England made no change to monetary policy at its meetings in May and June, however hawkish minutes and a 6-3 vote to maintain rates was followed by a unanimous decision for a rate rise of 0.25% in August, taking Bank Rate to 0.75%.

Having raised rates in March, the US Federal Reserve again increased its target range of official interest rates in each of June and September by 0.25% to the current 2%-2.25%. Markets now expect one further rise in 2018.

The escalating trade war between the US and China as tariffs announced by the Trump administration appeared to become an entrenched dispute, damaging not just to China but also other Asian economies in the supply chain. The fallout, combined with tighter monetary policy, risks contributing to a slowdown in global economic activity and growth in 2019.

The EU Withdrawal Bill, which repeals the European Communities Act 1972 that took the UK into the EU and enables EU law to be transferred into UK law, narrowly made it through Parliament. With just six months to go when Article 50 expires on 29th March 2019, neither the Withdrawal Agreement between the UK and the EU which will be legally binding on separation issues and the financial settlement, nor its annex which will outline the shape of their future relationship, have been finalised, extending the period of economic uncertainty.

Financial markets: Gilt yields displayed marked volatility during the period, particularly following Italy's political crisis in late May when government bond yields saw sharp moves akin to those at the height of the European financial crisis with falls in yield in safe-haven UK, German and US government bonds. Over the period, despite the volatility, the net change in gilt yields was small. The 5-year benchmark gilt only rose marginally from 1.13% to 1.16%. There was a larger increase in 10-year gilt yields from 1.37% to 1.57% and in the 20-year gilt yield from 1.74% to 1.89%. The increase in Bank Rate resulted in higher money market rates. 1-month, 3-month and 12-month LIBID rates averaged 0.56%, 0.70% and 0.95% respectively over the period.

Credit background: Reflecting its perceived higher risk, the Credit Default Swap (CDS) spread for non-ringfenced bank NatWest Markets plc rose relatively sharply over the

period to around 96bps. The CDS for the ringfenced entity, National Westminster Bank plc, has held steady below 40bps. Although the CDS of other UK banks rose marginally over the period, they continue to remain low compared to historic averages.

The ringfencing of the big four UK banks - Barclays, Bank of Scotland/Lloyds, HSBC and RBS/Natwest Bank plc – is complete, the transfer of their business lines into retail (ringfenced) and investment banking (non-ringfenced) is progressing and will need to be completed by the end of 2018.

There were a few credit rating changes during the period. Moody's downgraded Barclays Bank plc's long-term rating to A2 from A1 and NatWest Markets plc to Baa2 from A3 on its view of the credit metrics of the entities post ringfencing. Upgrades to long-term ratings included those for Royal Bank of Scotland plc, NatWest Bank and Ulster Bank to A2 from A3 by Moody's and to A- from BBB+ by both Fitch and Standard & Poor's (S&P). Lloyds Bank plc and Bank of Scotland plc were upgraded to A+ from A by S&P and to Aa3 from A1 by Moody's.

Our treasury advisor Arlingclose will henceforth provide ratings which are specific to wholesale deposits including certificates of deposit, rather than provide general issuer credit ratings. Non-preferred senior unsecured debt and senior bonds are at higher risk of bail-in than deposit products, either through contractual terms, national law, or resolution authorities' flexibility during bail-in. Arlingclose's creditworthiness advice will continue to include unsecured bank deposits and CDs but not senior unsecured bonds issued by commercial banks.

Technical Update Following consultation in 2017, CIPFA published new versions of the Prudential Code for Capital Finance in Local Authorities (Prudential Code) and the Treasury Management Code of Practice but has yet to publish the local authority specific Guidance Notes to the latter. In England, MHCLG published its revised Investment Guidance which came into effect from April 2018. The updated Prudential Code includes a new requirement for local authorities to provide a Capital Strategy, which is to be a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority will be producing its Capital Strategy later in 2018/19 for approval by full Council.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2018/19 (Apr to September)

April to September 2018	YEAR END FORECAST			ADV/FAV
	Budgeted Spend or (Income) £'000	Forecast Spend or (Income) £'000	Forecast over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	7,647	7,167	(480)	FAV
- Internal Repayment of Loan Charges	(9,245)	(8,295)	950	ADV
- Ex Avon Debt Costs	1,140	1,140	0	
- Minimum Revenue Provision (MRP)	6,230	5,270	(960)	FAV
- Interest on Balances	(304)	(309)	(5)	FAV
Sub Total - Capital Financing	5,468	4,973	(495)	FAV

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 - indicates 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:	08 November 2018	
TITLE:	Annual Report on the use of the Regulatory Investigations Powers Act (RIPA)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

1.1 This report updates Council on the use of the Regulation of Investigatory Powers policies and procedures.

2 RECOMMENDATION

The Council is asked to:

2.1 Note that no Inspector's report for 2018 has been received

2.2 Note the Council's use of RIPA.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA powers the Chief Commissioner required the Council's procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Regulation of Investigatory Powers Act came into force in 2000. The Act permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of crime and the protection of public health. This is undertaken by either the use of Directed Surveillance or the use of a Covert Human Intelligence Source (CHIS). The Act also allowed the Council to apply to telecommunications providers for information about individuals who are suspected of committing crimes. When RIPA is followed, it ensures that the actions taken by the Council comply with the Human Rights Act 1998, in particular the right to privacy and the right to a fair trial, when evidence is gathered in preparing cases for court.

4.2 The use of RIPA powers was subject to oversight by the Chief Surveillance Commissioner (OSC), who reported annually to the Prime Minister. All Councils are subject to Inspection by the Officers from the OSC. The Council was last subject to inspection in 2011. The OSC is now part of the Investigatory Powers Commissioner's Office (IPCO), which provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

In light of the intrusive nature of the use of RIPA powers and the potential for Human Rights breaches, oversight, both by the IPCO and internally, ensures that abuses do not take place, and, if they do, that they are quickly identified and reported to the IPCO and remedial action taken.

5 THE REPORT

5.1 The Council has previously been inspected in May 2014 and June 2017. The Chief Surveillance Commissioner in his 2015-2016 report to parliament indicated that the frequency of inspection for Local Authorities is very 3 years. The likelihood is that the Council will be inspected again in May 2020 if the current 3 year review process continues

5.2 The IPCO has confirmed that no annual letter will be published this year. The Council has submitted nil figures in relation to the use of RIPA.

6 RATIONALE

6.1 The Surveillance Commissioner required that the Council have oversight of its use of RIPA powers and its readiness for implementation.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 None

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.

Contact person	Michael Hewitt tel: 01252 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Council 8 November, 2018

School Places and the Threatened Closure of Bath Studio School

Labour Group to move:

Council notes that:

- 1 Ministers from the Department for Education (DfE) have given their in-principle agreement to the termination of The Bath Studio School's funding agreement following a request by the Wellsway Multi Academy Trust to seek this by mutual agreement.
- 2 It is proposed that following the termination of the funding agreement, The Bath Studio School will close in August 2020.
- 3 A high proportion of current pupils at Bath Studio School transferred there from Bath Community Academy (BCA) which closed its doors for the last time in July.
- 4 Bath Studio School has one of the highest proportions of students eligible for free school meals in Bath.
- 5 Bath Studio School only opened in 2014 and has only had one full Ofsted inspection.
- 6 Bath Studio School has state of the art facilities, specialising in digital media, which is a growing and vital industry in the West of England.

This Council believes that:

- 7 It is wrong to even consider the idea of closing Bath Studio School when it has only been open for a few short years and that threatening the school with closure makes it substantially harder for the school to increase its admission numbers.
- 8 Closing a second school located in this area of Bath would be a terrible mistake and would let down the community yet again.

Council resolves therefore:

- 9 To write to the Secretary of State and the Regional Schools Commissioner setting out the points outlined above and asking them to visit the school and speak directly to teachers, parents and pupils in order to fully understand the implications of a decision of this nature.

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Council 8 November, 2018

Council Tax Collection

Labour Group to move:

Council notes that:

- 1 The 2018 House of Commons Treasury Committee report *Household finances: income saving and debt*, found that government and local authorities are often found to be the most zealous and unsympathetic of creditors in collecting arrears, with routine recourse to bailiffs.
- 2 It concluded that the public sector should be leading by example in their treatment of the most financially vulnerable, but that the current approach risks driving them into further difficulties.
- 3 Citizens Advice, in its evidence to the Treasury Committee, said that Government and local authority debt collection practices have a lot to learn from consumer creditors who have been brought into line both by regulation and by the realisation that aggressive collection methods are not effective at getting money out of people.
- 4 Bath and North East Somerset has a significant number of payment plans with residents either directly or through advice agencies and seeks to use alternative methods of debt recovery. However, as in many other local authorities, once an individual falls behind with their Council Tax the right to pay by instalments can be withdrawn, formal action to recover the money owed can move very rapidly and costs to the Council Tax payer can rise sharply.
- 5 During 2017/18, 2852 liability orders for Council Tax were sent to bailiffs in B&NES. Once a Council Tax debt has been referred to bailiffs it incurs additional bailiff fees thereby exacerbating an already difficult situation.
- 6 Officers in B&NES are about to enter into discussions about early referrals to Citizens Advice to support people experiencing difficulties paying their Council Tax.
- 7 The London Borough of Hammersmith and Fulham has said it will stop using bailiffs for unpaid Council Tax. Bristol City Council is also piloting an approach to a more ethical form of Council Tax collection.

This Council believes that:

- 7 It is important that residents pay their Council Tax. Any money not collected is money that can't be spent on delivering the services that residents depend upon.
- 8 In cases where people are able to pay but choose not to, the Council must act to recover the money owed.
- 9 However, where people are struggling with arrears, they should be offered help to produce affordable payment plans. Alongside this, early intervention and money management services should be used to support people before they fall behind with their payments.

Council resolves therefore:

- 10 To agree in principle that this Council should adopt alternatives to the use of bailiffs for the collection of Council Tax arrears and to ask the Resources PDS Panel at its meeting on 28th November, 2018 to start an investigation into how this Council might trial an ethical approach to debt collection as part of the work already underway to revise the Council's Debt Management Policy.

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Bath and North East Somerset Council

Full Council meeting, Thursday 8 November 2018

Liberal Democrat Motion on SEND funding for children

To be proposed by Councillor Alison Millar

Council notes:

1. The serious concerns raised by parents and teachers in Bath and North East Somerset regarding school funding.
2. The particular concerns around funding for young people with a special educational need or disability. There are over 4,200 children and young people locally either receiving SEND Support in mainstream schools or having an Education Health and Care Plan, with the number of EHC Plans or Statements having risen by 58% between January 2015 and January 2018. SEND services are under particular pressure due to a combination of growing demand and complexity of need; rising costs for specialist provision; the pressure on places in the outstanding special schools in B&NES due to the number of children being placed here by other Local Authorities; and the under-funding of the positive SEND Reforms introduced by government. Sufficient funding is vital to ensure that children are able to access the specialist education and support that they need in order to thrive.
3. The recent meeting for parents and carers, which was organised by the National Association of Head Teachers and the National Education Union, and at which the massive pressure on school budgets locally were highlighted.

Council resolves to:

4. Back local children, parents, carers, teachers and other schools staff who are campaigning for better funding for our schools and education system.
5. Instruct the Leader of Council to write to the Secretary of State for Education and to the MPs for Bath and North East Somerset highlighting the impact of funding pressures locally and calling for additional funding to be made available for schools and particularly for SEND services.

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Bath and North East Somerset Council

Full Council meeting, Thursday 8 November 2018

Liberal Democrat Motion on the People's Vote

To be proposed by Councillor Sue Craig

Council notes:

1. The outcome of the United Kingdom European Union membership referendum of 23rd June 2016.
2. The question posed in the referendum presented a binary choice and few voters actually understood all the implications of leaving the European Union at the time.
3. The referendum campaign was characterised by a lack of clear information.
4. In the two years since the referendum, the electorate has become far more aware of the real advantages and disadvantages of dissolving this partnership which has been developed over the last 45 years.
5. It is clear that there is a lack of consensus within Parliament, which leaves the UK at risk of crashing out of the EU, with no deal at all. It is widely accepted that this would be disastrous for our economy.
6. On Saturday 20 October 2018, over 700,000 people marched in London to support a People's Vote on the final outcome of the government's exit negotiations with the European Union. This represented the second largest protest march ever hosted by our capital city. People came from all areas of the UK to march peacefully and, equipped with the knowledge they now have, register their wish to have a vote on the final deal.

Council resolves:

7. To express our support publicly for a People's Vote on the final terms of any Brexit deal, including the option to maintain full EU membership so that the public is not, once again, presented with a binary choice.
8. Request that the Leader of Council writes to the Secretary of State for Housing, Communities & Local Government, the Prime Minister, and to the MPs for Bath and North East Somerset, informing them that Bath & North East Somerset Council has passed this motion in support of a People's Vote.

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