

Democratic Services

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Date: 9 December 2015

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To: All Members of the Council

Chief Executive and other appropriate officers
Press and Public

Dear Member

Adjourned Council: Thursday, 17th December, 2015

You are invited to attend an adjourned meeting of the **Council** to be held on **Thursday, 17th December, 2015** at **6.30 pm** in the **Council Chamber - Guildhall, Bath.**

This meeting will consider only the unfinished business carried over from the previous meeting on 12th November.

Refreshments will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Labour Group Room, Floor 2
Independent & Village Voice	Independent Group room
Green	Small meeting room, Floor 2

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

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

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

3. **Recording at Meetings:-**

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

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

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

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

4. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Tim Warren (Conservative Group), Dine Romero (Liberal Democrat Group), Robin Moss (Labour Group), Sarah Bevan (Independent & Village Voice Group) and Jonathan Carr (Green Group)
5. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted. Arrangements are in place for the safe evacuation of disabled people.

8. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE

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

These are matters of information for Members of the Council on housekeeping issues regarding the meeting. No decisions will be required arising from the announcements.

4. REFERENDUM ON PROPOSAL FOR BATH & NORTH EAST SOMERSET COUNCIL TO OPERATE A DIRECTLY ELECTED MAYOR AND CABINET EXECUTIVE INSTEAD OF A LEADER AND CABINET EXECUTIVE MODEL (Pages 7 - 44)

This report is to inform Council of the position following the receipt of a valid petition requesting a referendum on a move to a Directly Elected Mayor and Cabinet Executive form of governance, as required by Regulations 17 (1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 and Regulation 4 (1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012. It sets out the arrangements for following the process required by legislation and also makes proposals for operating a Directly Elected Mayor and Cabinet Executive model in the event of a vote in favour of a directly elected mayor in the referendum. It also includes proposals relating to fees payable for the referendum and other elections.

5. BATH & NORTH EAST SOMERSET LOCAL DEVELOPMENT SCHEME 2015-2019 (Pages 45 - 84)

This report seeks the agreement of the revised Bath & North East Somerset Local Development Scheme in order to establish the priorities for the preparation of Planning Policy documents for the period 2015-2019.

6. THE LOCAL COUNCIL TAX SUPPORT SCHEME (LCTS) 2016-17 (Pages 85 - 90)

To consider a proposal for continuation of the Local Council Tax Support scheme (LCTS) into its fourth year, with the policy to incorporate uprating of national personal allowances and benefits as necessary.

7. PARISH COUNCILS: LOCAL COUNCIL TAX SUPPORT SCHEME GRANT (Pages 91 - 96)

The grant the Council currently pays to Parish, Town Councils and the Charter Trustees in respect of the introduction of the Local Council Tax Support Scheme has

been reviewed as part of the Council's Medium Term Financial Planning process.

This report proposes reductions to the level of grant paid in 2016/17 and the phasing out of the remaining grant from 2017/18, in light of the reductions already made to the Council's core funding received from central government and the further reductions anticipated over the next four years.

A Council decision is required ahead of the Budget setting meeting in February so parishes can be notified and factor the change in grant into their upcoming precept setting decisions.

8. REQUEST BY DUNKERTON PARISH COUNCIL TO CHANGE ITS NAME TO DUNKERTON AND TUNLEY PARISH COUNCIL (Pages 97 - 106)

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

9. TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2015 (Pages 107 - 120)

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 2015/16 for the first six months of 2015/16.

10. REVIEW OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (Pages 121 - 182)

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 Annex B.

11. REQUIRED AND PROPOSED AMENDMENTS TO THE CONSTITUTION (Pages 183 - 334)

This report sets out several proposed amendments to the Constitution. Appendices 1 – 6 deal with updates required to Contract Standing orders; Procurement Regulations, Budget Management and Financial Regulations, following scrutiny by the Corporate Audit Committee, Appendices 7 – 8 were drawn up following discussions with the Constitution Working Group.

12. MOTION FROM THE LABOUR GROUP - TRADE UNION BILL (Pages 335 - 336)

To be moved by Councillor Robin Moss on behalf of the Labour group.

13. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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

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

Protocol for Decision-making

Guidance for Members when making decisions

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

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

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

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

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	12 November 2015 (adjourned to 17th December 2015)	
TITLE:	REFERENDUM ON PROPOSAL FOR BATH & NORTH EAST SOMERSET COUNCIL TO OPERATE A DIRECTLY ELECTED MAYOR AND CABINET EXECUTIVE INSTEAD OF A LEADER AND CABINET EXECUTIVE MODEL	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report: APPENDIX ONE: PROPOSALS APPENDIX TWO: SCALE OF FEES</p>		

1 THE ISSUE

1.1 This report is to inform Council of the position following the receipt of a valid petition requesting a referendum on a move to a Directly Elected Mayor and Cabinet Executive form of governance, as required by Regulations 17 (1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 and Regulation 4 (1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012. It sets out the arrangements for following the process required by legislation and also makes proposals for operating a Directly Elected Mayor and Cabinet Executive model in the event of a vote in favour of a directly elected mayor in the referendum. It also includes proposals relating to fees payable for the referendum and other elections.

2 RECOMMENDATION

2.1 That Council:

- (1) Notes the position concerning the receipt of a valid petition as set out in Paragraph 5.1 of the report.

- (2) For the purposes of the publication of a notice required by Regulations 17(1) and (2), approves the proposals set out in Appendix One on the operation of Directly Elected Mayor and Cabinet Executive Model arrangements, should this model be implemented following a referendum.
- (3) Approves the proposals for seeking recommendations of the Independent Remuneration Panel in the event of a vote in favour of a directly elected mayor in the referendum, as set out in Paragraph 5.7 of the report.
- (4) Approves the fees as set out in Appendix Two.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of the referendum are estimated to be £180,000, based on the costs of the last European Parliamentary Election. The costs of the referendum are not currently included in the Council's budget but would be a legitimate charge against the Council's Revenue Budget Contingency Reserve.
- 3.2 In the event of a vote in favour of a directly elected mayor in the referendum, the Elected Mayor would be entitled to remuneration under the Council's member allowance scheme, which would be determined by the Independent Remuneration Panel. Any remuneration for the Mayor would need to be factored into future budgets.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The statutory basis for the proposal is set out in the report. Other than via changes in legislation, there is no scope for this process and timescale to be varied by the Council or through central government action.

5 THE REPORT

- 5.1 The Council received a valid petition under Regulation 9 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 on 7th August 2015 requesting the authority to hold a referendum on the proposal to operate a Directly Elected Mayor and Cabinet Executive model, as opposed to the current Leader and Cabinet Executive model.
- 5.2 In assessing and verifying the petition, which was dated 7th August 2015, the Council followed the strict guidance set out by the regulations. These require the Council to check each entry individually against the current register of electors. As a result of this detailed checking, the Council established that there were 6,818 entries which matched the electoral register and 2,789 entries which did not. The total number of valid entries required to validate the petition was 6,437. It is anticipated that the referendum will be held early next year. Further details of the referendum process including the specific question to be asked will be announced in due course.
- 5.3 In the event of a vote in the referendum for changed arrangements, the first election for a Directly Elected Mayor would take place in October 2016. The first Directly Elected Mayor would hold office until May 2019 and terms of office thereafter would be 4 years.

5.4 Although moving to a Directly Elected Mayor and Cabinet Executive model represents a significant change to the way in which the Council operates, any Mayor would not have any constitutional powers additional to those currently held by the Council Leader. Before the holding of a referendum, the Council is required to publish, a minimum of 56 working days prior to the referendum, a statement on the operation of the proposed new form of governance. Appendix One sets out proposals for how the Council would operate, drawing on the Council's current operations and setting out the role of a Directly Elected Mayor, and the role's relationships with the Council and Cabinet. The proposals highlight (by comparison to existing documents) the key changes for the Council's constitution. These are:

- Part 1 Summary and Explanation
- Part 2 - Articles 1 and 2 of the Constitution showing the proposed changes to the Council, its composition, membership and relationship with citizens.
- Part 2 - Article 7 The Cabinet
- Part 2 - Article 15 Review of the Constitution
- Part 3 Responsibility for Functions. As required, the proposal sets out which functions are to be the responsibility of the Executive, should the form of governance proposed in the petition be approved.
- Part 4 Executive Procedural Rules
- Part 5 Terms of Reference of Cabinet

In addition, other identifiable changes of significance are also highlighted. There will be some aspects of the Council which would need to be determined by any future Directly Elected Mayor, for example relating to the exact size and distribution of portfolios of the Cabinet. In addition, it is expected that there may be further consequential amendments to the Constitution, its Procedural Rules and other matters which would be required in the event of an affirmative vote in the referendum. These will require consideration and agreement by Council.

5.5 To summarise the key changes from introducing a new model, a Directly Elected Mayor and Cabinet Executive model would work as follows:

- Any person can stand for election as elected Mayor, provided he/she satisfied the eligibility and qualification requirements for standing as a councillor (which also apply to elected mayor). It is possible for an existing councillor to stand for election as elected Mayor, but if elected this would create a casual vacancy in the Council on taking office.
- The Directly Elected Mayor takes office on the fourth day following the election and would hold office until his/her successor comes into office unless he/she resigns or dies, or becomes disqualified from office under legislation governing the qualifications and disqualification to hold office of councillor (which also applies to elected mayors). A Directly Elected Mayor cannot be removed from office or required to resign as a result of any vote or resolution of the Council. The Mayor would be required to appoint a Cabinet of at least two and not more than 9 councillors, one of

whom must be designated “Deputy Mayor”. The Directly Elected Mayor would have authority to delegate Cabinet functions to members of Cabinet as he/she sees fit.

- The position of the current 65 councillors would remain unchanged, including meetings of Full Council, Policy Development and Scrutiny Panels and regulatory panels such as licencing and planning. However, the Local Government Boundary Commission has agreed to begin a review of the number of councillors starting in 2017/18, and a change in the Executive model planned or in place for the Council may affect the number of Councillors deemed appropriate for the Council.

There is no effect on the Bath Mayoralty as these arrangements are determined by the Charter Trustees Regulations.

5.6 A change to any new model of governance would not have any immediate impact on Council staffing arrangements. The requirement to have certain statutory officers in place (Head of Paid Service; Monitoring Officer; S151 officer etc) would remain unchanged.

5.7 In addition, Regulation 2(b) of the Local Authorities (Elected Mayor and Mayor’s Assistant) (England) Regulations 2002 provides that an elected mayor of a local authority be treated as a councillor of that local authority for the purposes of Section 18 (1), (3), (4) and (5) of the Local Government and Housing Act 1989, which provides for a scheme of basic and special responsibility allowances for local authority members. A member allowances scheme can only be agreed or amended by Council itself, following the recommendation of the Independent Remuneration Panel. It is therefore proposed that in the event of a ‘vote in favour of a directly elected mayor in the referendum, the Independent Remuneration Panel be asked to make recommendations on the arrangements for remuneration that should apply to a Directly Elected Mayor Model, including remuneration of the mayor. It is proposed that this work take place after the referendum but before the mayoral election. It may be appropriate however for some indication to be given as to the Directly Elected Mayor’s remuneration prior to any election.

5.8 The schedule for election fees requires approval as outline by Regulations 36(4) and 36(5) of the Representation of the People Act 1983.

6 RATIONALE

6.1 The rationale for the proposal attached in Appendix One is that it best reflects continuity between the Council’s current approach to its Executive arrangements whilst ensuring that it is clear how the functions of a Directly-Elected Mayor would be exercised within these arrangements.

6.2 The rationale for Appendix Two is that the scale of fees and charges relating to the referendum is consistent with the scale of fees and charges at local government elections and referendums which are adopted by the Council’s neighbouring authorities (i.e. Bristol City Council, Mendip District Council, North Somerset Council, Sedgemoor District Council, South Gloucestershire Council, South Somerset District Council, Taunton Deane Borough Council and West

Somerset Council). The Counting Officer's fee for the referendum on a Directly Elected Mayor is based on the fee which was allocated to Bath and North East Somerset's Counting Officer at the Referendum on the UK Parliamentary Voting System held in 2011.

7 OTHER OPTIONS CONSIDERED

- 7.1 The option of using this as an opportunity to change the allocation of Executive arrangements was considered but not deemed appropriate.
- 7.2 This is an opportunity to update the Council's scale of fees and charges for all local government elections, by-elections and neighbourhood planning referendums, taking into consideration the fees paid by our neighbouring local authorities.

8 CONSULTATION

- 8.1 This has taken place with the Chief Executive, Monitoring Officer and S151 Officer.

9 RISK MANAGEMENT

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

Contact person	<i>Andy Thomas 01225 394322</i>
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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APPENDIX ONE: PROPOSALS FOR NEW EXECUTIVE ARRANGEMENTS

PART 1

SUMMARY AND EXPLANATION

THE COUNCIL'S CONSTITUTION

The Bath and North East Somerset Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the Council's business is efficient, transparent and accountable to local people. Some matters addressed in this Constitution are required by the law, while others are a matter for the Council to choose.

The first volume of the Constitution is divided into 16 "Articles" which set out the basic rules and framework governing the Council's business. Following these are procedural rules governing the operation of the Council's decision making business. Other volumes of this Constitution set out in more detail how the Council operates.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to promoting the social, economic and environmental well-being of the area and carrying out its powers and duties subject to the law and the views of local people. Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. The articles are:

- The Constitution (Article 1).
- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Area Working (Article 10).
- Joint Arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).

- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution ([Article 15](#)).
- Suspension, interpretation and publication of the Constitution ([Article 16](#)).

The Constitution also deals with the following:

- Formal Joint Arrangements entered into by the Council
- Delegated powers and the responsibility for exercising the Council's functions
- Members' Local Code of Conduct
- Member/Officer Protocol
- Other Protocols for effective working
- Financial Management Arrangements
- Budget Management Scheme
- Codes of Practice on Financial Administration (including Officers Code of Conduct)
- Contract Standing Orders
- Management Structure
- Scheme of Members' Allowances

HOW THE COUNCIL OPERATES

The Council comprises 65 councillors elected every four years and one Mayor elected across the area as a whole every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The Mayor is accountable to all residents across Bath and North East Somerset, including those who did not vote for them.

The Directly Elected Mayor and Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council has a Standards Committee responsible for promoting the highest standards of conduct within the Council and for investigating complaints of misconduct against members of the Council (as permitted by regulations). The Standards Committee has similar responsibilities in respect of Parish Councils.

All councillors and the Mayor meet together as the Full Council. Meetings of the Council are normally open to the public. Here, the Mayor and Councillors decide the Council's overall policies and set the budget each year.

~~At its Annual Meeting, the Council will formally appoint a councillor to be the Leader of the Council.~~

HOW DECISIONS ARE MADE

Most day to day service decisions are taken by the staff of the Council and in particular by their managers. ~~Elected Councillors sitting as the~~The F-full Council will decide an overall framework of policies governing how services are to be provided.

The ~~Leader of the Council~~Mayor approves the scheme of delegation of executive functions.

The Council's Cabinet, appointed by the Mayor, ~~of councillors~~ collectively will make recommendations to the Council about the policy framework and will itself take decisions that ensure services are provided within that framework.

For most "key" decisions to be made by the Mayor, by the Cabinet, by Cabinet Members or by Officers, the Council is required to publish in advance information about (a) the matter to be decided; (b) who will be making the decision and (c) the date or timescale for the decision and the place where the decision will be made.

The Mayor and Cabinet can only make decisions which are in line with the Council's overall Policy and Budget Framework. If it wishes to make a decision which is contrary to the Policy and Budget Framework, this must be referred to the full Council to decide.

The Council will appoint committees with power to carry out its non-Executive and other functions (eg planning and licensing). Non-executive functions are those which the Cabinet does not have the power to carry out.

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with statute and this Constitution.

1.2 The Constitution

This volume, and any other supplementary volumes, form the Constitution of the Bath and North East Somerset Council.

Copies of the Constitution may be inspected at Council Offices (including "Council Connect" points) and may be purchased from the Democratic Services team.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

The Council will make arrangements to monitor, review and evaluate the operation of the Constitution. Such arrangements will be consistent with any review arrangements set down in legislation.

Where a change in the political proportionality of the Council occurs, (*proportionality addresses the number of Council seats held by each confirmed political group and the number of committee places allocated in proportion*), the Council will as a consequence review this Constitution and make such changes as are appropriate to reflect the new position and which are consistent with the law.

In other circumstances, the Constitution may be reviewed by the Council on a motion from a member, or through a report from the Chief Executive, the Monitoring Officer or the Chief Financial Officer.

Any reference in this Constitution to the roles of the Chief Executive, Head of Paid Service, Monitoring Officer or Chief Financial Officer shall be taken to apply also to any officer nominated by those office-holders to act on their behalf or in their absence.

Any reference in this Constitution to the ~~Leader of the Council~~Mayor or any other office held by a member of the Council, shall be taken also to refer to any nominated deputy/deputies for that role.

Any issues of interpretation of the Constitution shall be determined by the Divisional Director Legal and Democratic Services (Monitoring Officer) after consultation with the Chief Executive.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition: The Council comprises 65 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. There is a Mayor for Bath and North East Somerset, elected across the area. The Mayor will be treated as a Councillor unless the law provides otherwise. In particular the Mayor will be subject to the same rules about qualification and disqualification for office as Councillors. In particular, the Mayor will

- (i) be subject to the Code of Conduct for Members as set out in this Constitution and required to register and disclose relevant disclosable and non-disclosable interests as required by that Code
- (ii) be able to speak at any meeting of the Council, its Committees and Sub Committees and Panels, except Policy Development and Scrutiny Panels Committee. The Mayor may only speak at the PDS Panels when invited to do so and may not vote.
- (iii) if a member of a political group, be taken into account when calculating seat allocations on committees and panels of which he/she is a member when requirements of the political balance provisions of the Local Government and Housing Act 1989 apply
- (iv) be subject to the Members' Allowances Scheme
- (v) be subject to the requirements as to casual vacancies as they apply to Councillors.

2.2 Eligibility: Unless otherwise disqualified by virtue of the provision of the Local Government Act 1972, or any other Act, a person shall be qualified to be elected and to be a member of Bath & North East Somerset Council, or to be Mayor, if he/she is a British subject or a citizen of the Republic of Ireland and on the relevant day he/she has attained the age of 21 years and

- on that day he/she is and thereafter continues to be a local government elector for Bath & North East Somerset Council;
- he/she has during the whole of the 12 months preceding that day occupied as owner or tenant any land or other premises in Bath & North East Somerset;
- his/her principal or only place of work during that 12 months has been in Bath & North East Somerset; or
- he/she has during the whole of those 12 months resided in Bath & North East Somerset

“Relevant day” means

- except in the case of an election not preceded by the nomination of candidates, the day on which he/she is nominated as a candidate and also, if there is a poll, the day of the election; or
- where the election is not preceded by the nomination of candidates,, the day of election.

2.3 Election and term of office of councillors: The regular election of councillors will be held on the first Thursday in May every

four years. An election took place in May 2011. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

2.4 Election and term of office for Mayor: The regular election of Mayor will be held on the first Thursday in May every four years. An election took place in May 2017. The terms of office of the Mayor starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election.

2.5 Roles of all councillors: All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

The Council will devise detailed guidance on the roles and responsibilities of councillors which will be used to help in their training and development.

2.-6 Roles of the Mayor

The Mayor will carry out the following principal roles:

- (i) Be the Council's principal spokesperson
- (ii) Give overall political direction to the Council
- (iii) Appoint the Cabinet and Deputy Mayor
- (iv) Decide on the scheme of delegation of Executive functions to Cabinet Members and officers, as the case may be

(v) Chair meetings of the Cabinet

2.7 Roles of the Deputy Mayor

(a) Appointment

At the first meeting of the Council after his/her election, the Mayor will appoint one of the Members of the Cabinet to act as Deputy Mayor.

(b) Term of Office

The Deputy Mayor will hold office until the end of the Mayor's term of office unless he/she is no longer a Member of the Council or the Cabinet, resigns as Deputy Mayor or is removed by the Mayor from the office of Deputy Mayor.

(c) Duties of Deputy Mayor

If, for any reason, the Mayor is unable to act, or the office of Mayor is vacant, the Deputy Mayor will act in his/her place until a new Mayor is elected or able to act again. If the Mayor is unable to act or the office is vacant at the same time as the Deputy Mayor is unable to act, or the office of Deputy Mayor is vacant, then the Cabinet must act in the Mayor's place, or arrange for a member of the Cabinet to do so.

(d) Removal from Office

The Mayor has the freedom to select or deselect the Deputy Mayor and his/her Cabinet. However any changes to the composition of the Cabinet including the position of Deputy Mayor, must be reported to the Council Monitoring Officer as soon as the change takes effect, who is required to report it to the next meeting of the Council.

2.8 Rights and duties of the Mayor and Councillors: The Mayor and Councillors will have the following rights and duties:

- (i) rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law and in accordance with the Access to Information rules under Part 4B of this constitution.
- (ii) The Mayor and Councillors will not make public any information which is confidential or exempt (as defined in legislation and in accordance with Part 4B of this constitution) without the consent of the Council.
- (iii) The Mayor and Councillors will not divulge information given to them in confidence. Councillors may however divulge confidential information to other councillors or to officers, if there is a clear entitlement to the information. The Monitoring Officer will give advice to any councillor on this matter.
- (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information rules set out in Part 4B of this constitution.

2.8 Conduct: The Mayor and all Councillors shall undertake in writing to observe the Council's Local Code of Conduct adopted by the Council on 19th July 2012. The Council also expects the Mayor and Councillors to observe the Protocol on Member/Officer Relations, the supplementary guidance on the Local Code of Conduct and the Code of Good Practice on Planning Matters set out in this Constitution.

2.9 Allowances: The Mayor and Councillors will be entitled to receive allowances in accordance with the Scheme of Allowances set out in this Constitution. Allowances are determined by the Council having taken into account the recommendations of its Independent Panel on Members' Allowances.

ARTICLE 7 - THE CABINET

7.1 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of, or within the powers of, any other part of the Local Authority, whether by law or under this Constitution.

7.2 Form and composition

The Cabinet will comprise the ~~Leader of the Council~~Mayor together with at least 2 but not more than 9 councillors appointed to the Cabinet by the ~~Council~~Mayor to carry out executive decision making. The ~~Leader~~Mayor and these other councillors will be known as "Cabinet Members".

7.3 Cabinet Members

Subject to a minimum and maximum numbers set out in 7.2 above, the size and composition of the Executive will be solely a matter for the Mayor to decide. He/she may choose to appoint Councillors from any political group or those not in a political group. The Executive need not reflect the political balance of the Council as a whole. The Mayor will report his/her appointments to the Monitoring Officer and the full Council as and when they are made. At its Annual Meeting, the ~~Council will appoint the Leader of the Council~~Mayor will appoint a minimum of one (or more) Deputy Leaders-Mayors who will have all powers as may lawfully be conferred on someone other than the ~~Leader-Mayor~~ in the event that the ~~Mayor~~Leader of the Council is unavailable for a period greater than three working days, or where the ~~Leader of the Council~~Mayor asks the Deputy ~~Leader-Mayor~~ to act in his or her stead in accordance with the executive procedure rules in Part 4D of this constitution.

The Mayor will report changes to the composition of the Executive to the Monitoring Officer and the full Council as and when they are made. The details of the Mayor and these additional Councillors currently appointed as Cabinet Members are available at

Council Offices or on the Council's web site.

No substitutes for Cabinet Members are permitted. However, arrangements for the undertaking of business in the event of absence or where for any reason it is considered that the decision should not be made by a particular Councillor are set out in the Executive Procedure Rules within this Constitution.

7.4 Term of Office

~~Following the coming into force of the Local Government and Public Involvement in Health Act 2007, the Leader's term of office ends either when he or she is removed from office by resolution of the Council, or at the Annual General Meeting after the next elections due in 2019. The Mayor will serve a four-year term of office, unless they are no longer eligible to be a councillor; have resigned or are disqualified from office as a councillor.~~

It is ~~now~~ a function of the ~~Leader-Mayor~~ to appoint ~~Executive Councillors~~ Cabinet members who remain in office unless they are removed from office by the ~~Leader-Mayor~~ or are no longer a Member of Council or until the end of the Mayor's term of office. ~~Annual General meeting in 2019.~~

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4D of this Constitution.

7.6 Responsibility for functions

The Council will maintain a list setting out which individual members of the Cabinet, committees of the Cabinet (if any), officers or joint arrangements are responsible for the exercise of particular executive functions. This list will be included within the Scheme of Delegation maintained by the Council Solicitor and will include the note of any temporary assignment of responsibilities permitted under the terms of the Constitution.

7.7 Terms of Rreference of the Cabinet

These are set out later in Part 5 of this Constitution.

7.8 Cabinet Advisory Bodies

The Cabinet may appoint Advisory Bodies to help it in its work. Those bodies will normally make their minutes available to all Council

Members. They may receive specific requests for advice from the Cabinet collectively or from an individual Cabinet Member. These advisory bodies will not be prevented from giving advice direct to an Overview and Scrutiny Panel when asked to do so.

7.9 Cabinet Committees

The Cabinet may appoint Committees to fulfil executive functions on its behalf. The details of any such committees will be included in the Scheme of Delegation maintained by the Council Solicitor.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to monitor and review the constitution

The Standards Committee (on ethical issues) and the Monitoring Officer will monitor, review and evaluate the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.3 Member initiated review and monitoring of Constitution and Executive Arrangements

Any proposal from members about the Constitution and executive arrangements will only be considered formally as an agenda motion to the full Council. The Member initiating the review, and the Council, will be required to consult the Monitoring Officer and/or the Chief Executive and shall take account of any advice given.

15.4 Changes to the Constitution

- a. **Approval.** Changes to the Constitution arising either from a review, a motion from Council or from the Monitoring Officer will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Standards Committee (on ethical issues) and taking into account the views or recommendations offered.

- b. **Minor or inconsequential changes.** The Monitoring Officer (Solicitor to the Council) has delegated authority to update the Constitution arising from decisions of the Council or Cabinet or where legislation requires a change in wording or terminology, such changes to be reported to members of the Standards Committee.
- c. **Changes in the form of Executive.** Special procedures apply to changes in the form of Executive including (but not limited to) binding referendums when the law requires.
- d. **Delegations.** To reflect delegations lasting six months or more where a delegation is made to an Officer by the Council, a Committee, a Sub-Committee or the Cabinet, that delegation may need to be reflected within the Constitution (normally Part 3) in which case the Monitoring Officer (has authority to update the Constitution to reflect that change.
- e. **Changes that are predominantly managerial in their nature.** The Monitoring Officer (Divisional Director Legal & Democratic Services) has the authority to amend the Constitution in relation to matters that are predominantly managerial in their nature where there is agreement from the other two statutory officers, namely the Chief Executive and the Section 151 Officer and where the matter has been subject to consultation with the appropriate Members (normally the [Leader/Mayor](#), relevant Cabinet Member and Group Leaders). Any such changes will be reported subsequently to the Standards Committee.

PART 3: RESPONSIBILITY FOR FUNCTIONS

SECTION 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

(These are functions which may be, but need not be, the responsibility of the Cabinet. The Council decides responsibility).

Function	Decision Making Body
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the authority (where a right of appeal exists)	Council

3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998 (see footnote a).	Council
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils)	Cabinet
5. The making of arrangements pursuant to section 94 (1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Cabinet
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet
7. The making of arrangements under section 200 (questions on police matters at council meetings) or the Police Act 1996 (see footnote b) for enabling questions to be put on the discharge of the functions of a police authority.	Council
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996	Council
9. Any function relating to contaminated land (see footnote c).	Cabinet
10. The discharge of any function relating to the control of pollution or the management of air quality (see footnote d).	Cabinet
11. The service of an abatement notice in respect of statutory nuisance (see footnote e).	Cabinet

12. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area (see footnote f) .	Cabinet
13. The inspection of the authority's area to detect any statutory nuisance (see footnote g) .	Cabinet
14. The investigation of any complaint as to the existence of a statutory nuisance (see footnote h)	Cabinet
15. The obtaining of information under section 330 of the Town and Country Planning Act 1990 (see footnote i) as to interest in land.	Cabinet
16. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (see footnote j) .	Cabinet and all non-executive committees in relation to their functions
17. The making of agreements for the execution of highways works (see footnote k).	Cabinet
18. The appointment of any individual: (a) To any office other than an office in which he is employed by the authority; (b) To any body other than – (i) the authority (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body. and the revocation of any such appointment	Cabinet in relation to executive functions. Non-executive committees in relation to non-executive functions delegated.
19. The responsibility for preparation, submission and modification of a draft Local Area Agreement	Cabinet

Section 3: Responsibility for Executive Functions

Body	Membership	Extent of Functions	Terms and Extent of Delegations
Cabinet	Leader of the Council Mayor and 7 other Cabinet Members	All Executive functions and those local choice functions specified as being the responsibility of the Cabinet, by another local authority or an executive of another local authority. (See separate entries for those functions which are delegated to joint arrangements)	The Cabinet itself shall make policy and budget framework recommendations to the Council. (For delegations to Officers see Section 4)
Another local authority or an executive of another local authority		Discharge of executive functions	
Health and Wellbeing Board	See Terms of Reference	To oversee, monitor and make recommendations as to the commissioning of services for adults, children, and public health (including securing of the provision of and the performance management of those services).	
Avon Fire Authority (with the Fire Authority meeting the cost of the service)		Licensing and Registration in relation to petroleum and explosives	
Joint Regional Environmental Records Centre		Operation of the Regional Environmental records Centre	

Body	Membership	Extent of Functions	Terms and Extent of Delegations
Committee			
Cotswold AONB Partnership		Advisory functions in relation to the Cotswold Area of Outstanding Natural Beauty.	
West of England Partnership Joint Waste and Joint Transport Committees and Planning, Housing & Communities board	Relevant Cabinet Member (plus an Executive Member from each of the Authorities covered by the West of England Partnership)	To enable joint governance arrangements via delegated powers to take executive decisions on behalf of the 4 participating Authorities	Detail contained within the Terms of Reference
	Individual Cabinet Members	Decisions falling within their area of responsibility (portfolio) set out in Section 3A below	<p>Responsibility delegated to each Cabinet Member for executive functions within the scope of their portfolio (see Section 3A) provided that:</p> <ul style="list-style-type: none"> • The matter is within the policy and budget framework • The matter is not in conflict with, or does not compromise, any existing or proposed policy • The matter has no corporate impact (does not apply to decisions within corporate aspects of portfolios) • The matter is within approved budgets or within virement or other approvals authorised within the Budget Management Scheme. <p>The matter is not considered (by the Cabinet Member or by the LeaderMayor) to be too sensitive or controversial to be decided “within portfolio” (and subject in all cases, to the MayorLeader being</p>

Body	Membership	Extent of Functions	Terms and Extent of Delegations
			<p>able to require any proposed decision to be taken by the Cabinet itself where he/she judges this to be appropriate).</p> <p>Provided the above criteria are satisfied, cross-portfolio decisions may be made by individual Cabinet Members in respect of their responsibilities provided there is agreement between the Cabinet Members concerned on the cross-portfolio decision to be taken. In the absence of this agreement, the decisions will fall to be made by the Cabinet.</p>

PART 4 (D)

HOW THE CABINET OPERATES

RULE 1 - WHO MAY MAKE EXECUTIVE DECISIONS?

The ~~Leader of the Council~~ Mayor will decide how executive functions are to be exercised. The arrangements may provide for executive functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual Cabinet member;
- iv) an officer;
- v) an Area Committee;
- vi) another body under an approved joint or agency arrangement; or
- vii) another local authority.

RULE 2 – THE LEADER’S MAYOR’S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS

The Mayor/leader must approve a scheme of delegation of executive functions which will contain the details required in Article 7 and set out in part 3 of this Constitution

The ~~Leader of the Council~~ Mayor in consultation with the Deputy Mayor may vary the allocation of portfolio responsibilities, or the scope of any portfolio responsibility.

If the Cabinet or a committee of the Cabinet, or an individual Cabinet Member responsible for an executive function, decides to delegate to a committee of the Cabinet, an Area Committee (where these are established), a joint Committee or an officer, or amend or withdraw a delegation, written notice must be given to the Chief Executive. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person or body. These amendments will be published via the Weekly list.

RULE 3 SUB DELEGATION OF EXECUTIVE FUNCTIONS

Where the Mayor/ Cabinet, a committee of the Cabinet or an individual Cabinet Member is responsible for an executive function, they may delegate further to a committee of the Cabinet, an Area Committee, a joint committee or an officer.

Even when executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated nor obliges the person/body to exercise that power or duty.

RULE 4 – REQUISITION OF SINGLE MEMBER PLANNED DECISION

A planned executive decision by an individual Cabinet Member acting under delegated powers will be published in advance in accordance with the provisions of Access to Information Rule 20.

During that publicity period or at any time before that period, following publication of the planned decision in the Executive Forward Plan, a Cabinet Member may require that the decision is made instead by the Cabinet.

Such a requisition shall be made in writing to the Chief Executive.

The effect of such a requisition is that the delegated power of the individual Cabinet Member to make the specific decision as published is cancelled.

The Cabinet Member to whom the delegated power is given, may him/herself refer the matter instead to the full Cabinet for determination under this Rule.

RULE 5 – PUBLICATION OF PROPOSED EXECUTIVE DECISIONS AND DECISIONS TAKEN

All proposed executive decisions and executive (Cabinet) decisions taken will be published in accordance with the Access to Information Procedure Rules at Part 4B of this Constitution.

RULE 6 - CABINET MEETINGS – WHEN AND WHERE?

The Council at its Annual Meeting may set dates and times for formal meetings of the Cabinet. It is open for the Cabinet to make additional or alternative arrangements for its formal meetings.

The Cabinet may decide the location of its meetings.

RULE 7 – SPECIAL (OR EXTRAORDINARY) MEETINGS

Those listed below may request the Chief Executive to call a special formal meeting of the Cabinet in addition to scheduled ordinary meetings:

- (i) The ~~Leader of the Council~~ Mayor or a Deputy ~~Leader~~ Mayor
- (ii) The Cabinet by resolution;
- (iii) No less than 50% of the membership of the Cabinet if they have signed a requisition presented to the ~~Mayor~~ Leader and s/he has refused to call a meeting or has failed to call a meeting within 7 clear working days of the presentation of the requisition to the Chief Executive (i.e. the summons to the meeting is not sent out within 7 clear working days);
- (iv) The Chief Executive, the Monitoring Officer or the Chief Financial Officer.

RULE 8 - DECISIONS TAKEN BY THE CABINET AT A MEETING

Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in the Constitution.

Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by that Committee shall be the same as those applying to those taken by the Cabinet itself.

RULE 9 – CONSULTATION ON AND NOTICE OF EXECUTIVE DECISIONS

All reports to the Cabinet from any member of the Cabinet or from an Officer on proposals relating to the Policy and Budget Framework must contain

- (a) details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny bodies (See Rule 13 below) and Officers,

and

(b) the outcomes of that consultation.

Reports about other matters (eg secondary policies – see Policy and Budget Framework Rule 7) will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration and in any event will be consistent with the Council's consultation policy and practice.

The public will be able to access information about the Cabinet's forward agenda plan and executive decisions. These will be published on the Council's website and through other access arrangements.

The Cabinet and Cabinet Members as appropriate may arrange informal sessions at which other councillors and nominated persons may be briefed or consulted on issues before a decision is made. Similarly, arrangements may be made to receive public comments prior to a decision being made.

The Cabinet collectively and Cabinet Members exercising portfolio responsibilities will be expected to consult with or inform local ward councillors on all relevant issues.

RULE 10 - INVOLVEMENT OF OFFICERS

Where delegated decision making powers are given to them, the relevant Cabinet Member will discuss the matter fully with all relevant senior officers before making a decision or formulating a recommendation to another body.

All meetings of the Cabinet will have access to advice from the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer. These Officers will have the right to see all draft reports prior to publication and to attend all formal meetings for the purpose of giving advice as required.

The Chief Executive will determine other Officer attendance required at formal meetings of the Cabinet.

Agenda planning will try to ensure that the most effective use is made of members' and officers' time in expediting the business of the meeting.

RULE 11 – ABSENCE OF CABINET MEMBER OR LEADER/MAYOR OR INABILITY TO ACT THROUGH CONFLICT OF INTEREST OR ANY OTHER INHIBITION

A Cabinet Member may be absent and unable to take a decision or unavailable to be consulted by an Officer or may otherwise feel they are unable to act by virtue of a prejudicial or other interest.

Similarly, the ~~Leader of the Council~~Mayor may feel that it is in the best interests of the Council that an individual Cabinet Member does not act on a particular executive matter.

When this happens, the ~~Leader of the Council~~Mayor in consultation with the Deputy ~~Leader~~Mayor may designate any other member of the Cabinet to take temporary responsibility for the absent member's portfolio and for any associated decision making during the period of absence.

The ~~Leader~~Mayor, after the above consultation, may alternatively designate decisions falling within the absent Cabinet Member's portfolio as relevant instead for the whole Cabinet to determine, during the period of absence.

The ~~Leader's~~Mayor's decisions on how to deal with such business will be notified to and published by the Chief Executive.

Where the ~~Leader of the Council~~Mayor is absent and unable to exercise his or her functions for a period exceeding 3 consecutive working days, or as otherwise agreed by

the ~~Leader-Mayor~~ in advance, or is otherwise unable to act by virtue of a prejudicial interest or for any other reason whereby he or she considers it would be inappropriate to act, the ~~Deputy Leader~~Deputy Mayor ~~(if there is one)~~ shall have the power to exercise all the executive and leadership functions of the ~~Leader-Mayor~~

~~If there is no Deputy Leader appointed, the Council will determine what arrangements are to operate in the event of the Leader being absent for a stated period of time.~~

RULE 12 – ADVICE FROM OVERVIEW AND SCRUTINY BODIES

The Cabinet must provide a reasonable opportunity for the relevant Overview and Scrutiny body to consider issues relating to the development of those policies which comprise the Council's Policy and Budget Framework. (There is no obligation on an Overview and Scrutiny body to respond to such an opportunity nor to include Policy and Budget Framework items in its work programme)

The Cabinet, or an individual Cabinet Member, may invite a relevant Overview and Scrutiny body to comment on any other matter prior to the making of an executive decision.

RULE 13– ARRANGEMENTS FOR LIAISON WITH NON EXECUTIVE COUNCILLORS

Political Groups on the Council may nominate members to act as informal points of liaison for Cabinet Members.

The Chief Executive shall issue such guidance on this role to both Members and Officers.

RULE 14 – RIGHT OF OVERVIEW AND SCRUTINY CHAIR (PERSON) TO SPEAK TO OVERVIEW AND SCRUTINY REPORTS & RESPONSE OF CABINET TO THESE REPORTS

When an Overview and Scrutiny body presents a report to a meeting of the Cabinet on a Policy and Budget Framework item or any other item, the Chair of the relevant Overview and Scrutiny body (or his/her nominee) shall have a right to speak at the meeting.

A Chair (or his/her nominee) shall also have the right to present a report of his/her Overview and Scrutiny body directly to a Cabinet Member exercising decision making powers and to speak.

When it receives a report direct from a Policy Development and Scrutiny Panel, the Cabinet shall publish its response within 2 months, having considered

- any recommendations contained in the report;
- referring the report to a Cabinet Member for consideration and report back direct to the Policy Development and Scrutiny Panel – where the report covers issues falling within the portfolio of a single Cabinet Member;
- any further Officer advice needed in order to determine its response to the issues raised;
- any impact on the Policy and Budget Framework (in which case the procedure as set out in Policy and Budget Framework Procedure Rule 2 shall apply for any agreed actions)
- an action plan to deliver on those recommendations that are accepted;

- reporting back to the relevant Policy Development and Scrutiny Panel on its decisions and the reasons and rationale for accepting or rejecting the Panel's recommendations.
- and may invite the Council to comment on the matter before taking any action.

RULE 15: SIX-MONTH RULE

The Cabinet will not consider any matter which it has already considered within the previous 6 months unless:

- (1) the matter is coming to the Cabinet as part of a report from an Officer, an Overview and Scrutiny body or a Committee of the Council;

OR

- (2) written notice, requesting the Chief Executive to arrange for the Cabinet to reconsider the matter, and endorsed by no fewer than 3 Members of the Cabinet, is submitted to the Chief Executive. The term "endorsed" shall include individual signatures on the notice or electronic communications from individual members. The receipt of a communication from at least 3 Members signifying their endorsement of the action requested in the notice will be sufficient authority for the Chief Executive to take action to include the item on a Cabinet agenda.

- (3) Any 6-month Rule notice to the Chief Executive should be couched in the following terms:

"I hereby require the Cabinet to reconsider its decision of (date) as recorded in minute no (xx) about (subject) and accordingly request the Chief Executive to place an item on the agenda of the (next available) (specified date) Cabinet meeting, together with such reports as s/he thinks appropriate, to enable this reconsideration to take place." - with the optional inclusion of a specific motion for the Cabinet to consider.

Similarly, no proposal which the Cabinet has rejected within the previous 6 months may be put forward, subject to (1) and (2) above.

Unless Access to Information Rule 15 (General Exception) or 16 (Urgency) applies, the issue coming forward will be required to be published in the Forward Plan of executive business before the matter can be considered. Those councillors signing a notice to the Chief Executive will be informed of the publication process and what that means in terms of the timetable for considering the issue.

PREPARATION FOR CABINET MEETINGS

RULE 16 – AGENDA PREPARATION

Prior to the agenda being finalised, Officers will brief the ~~Leader of the Council~~ Mayor, the ~~Deputy Leader (if there is one)~~ Deputy Mayor and relevant Cabinet Members on matters coming to the meeting for consideration.

No report shall be included on the agenda of a formal meeting of the Cabinet unless it has been discussed fully with the relevant Cabinet Member and with the Chief Executive, the Monitoring Officer and the Chief Financial Officer as appropriate.

RULE 17 – AGENDA DESPATCH

Items to be discussed at any meeting of the Cabinet will be set down in the agenda. The agenda will be sent to every Member of the Cabinet at least 5 clear working days before the meeting.

In the case of an urgent meeting of the Cabinet, a shorter period of notice may be given.

RULE 18 – AGENDA CONTENT AND ORDER OF BUSINESS

Formal meetings of the Cabinet which are required to make decisions will do so on the basis of clear agendas which identify:

- (a) matters on which the Cabinet has authority to act in implementing the Policy and Budget Framework set by the Council
- (b) matters on which the Cabinet is required to make recommendations to the Council
- (c) matters relating to an ongoing dialogue with Overview and Scrutiny bodies;
- (d) other business related to the discharge of executive functions.

In addition, each meeting will be invited to approve as a correct record the minutes of the previous meeting and to receive any declarations of interest.

Agendas for meetings of the Cabinet will be issued in advance of the meeting in accordance with the Access to Information Procedure Rules within this Constitution.

The order of business will be determined by the Chief Executive in consultation with the ~~Leader~~Mayor. The ~~Leader~~Mayor, or the meeting itself, may agree to vary the order of business at the meeting.

The agenda and any relevant reports will be endorsed with the name of any local ward to which the business specifically relates.

RULE 19 - WHO CAN PUT ITEMS ON THE CABINET AGENDA?

The Chief Executive shall be responsible for the effective management of Cabinet business.

The Chief Executive shall have the right to place on the agenda of the Cabinet any matter relating to an executive function of the Council.

Any member of the Council may request the Chief Executive to place an item on the agenda of the next available meeting of the Cabinet for consideration. This may include the submission of a form of words as a motion to be considered by the meeting, for which 7 clear working days' notice in advance of the meeting is required in order to satisfy the agenda despatch Rule 18 above.

The ~~Council Leader~~Mayor, after consulting and taking into account the views of the Deputy ~~Mayor~~Leader and of the Chief Executive, will determine whether or not to include the member's item on the agenda.

If the item is included, the member will have the right to attend the meeting and to speak to the item. If the item is not included, a reason will be given.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny bodies. The Chair of the relevant Overview and Scrutiny body will have the right to attend and at the discretion of the ~~Leader~~Mayor to speak to the item, but not to vote.

There will be a standing item on the agenda to enable the Cabinet to consider any items requisitioned by a Cabinet Member for consideration by the full Cabinet, in accordance with Executive procedure Rule 4.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

Any member of the Council may make a written submission to the Cabinet or to the relevant Executive Councillor(s) about an item referred to in the forward agenda plan or on the published agenda of a Cabinet meeting or on the published notice of an imminent Cabinet Member decision.

The Cabinet/Cabinet Member is required to take into account the content of such a submission when making a decision or making a recommendation for consideration.

The motion will be signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member's name (unless the motion is to stand in the name of the Member only).

The meeting has the right to determine with advice from Officers whether it wishes to defer the motion to a future meeting for further Officer report/advice.

RULES RELATING TO PROCEDURES AT A MEETING OF THE CABINET

RULE 20 - SUSPENSION OF RULES

There are occasions when it is helpful to the conduct of a meeting, or for other reasons, not to apply a particular Rule(s). It is therefore open to any meeting to suspend one or more Rule.

In accordance with Article 16.1 of this Constitution, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

RULE 21 – MINIMUM NUMBER OF MEMBERS PRESENT AND SUBSTITUTION

No business shall be transacted at a meeting of the Cabinet unless at least 50% of the membership is present.

No substitute Cabinet Members are permitted (but see Rule 12 above about absence of Cabinet Members).

RULE 22 – CHAIR OF THE MEETING

The ~~Leader of the Council~~ Mayor will normally preside at meetings of the Cabinet. In the absence of the Mayor Leader, the Deputy Leader ~~(if there is one)~~ Mayor shall preside. If both the ~~Leader~~ Mayor and the Deputy Leader Mayor are absent, the Cabinet will elect another Cabinet Member to preside at the meeting.

RULE 23 - RECORD OF ATTENDANCE

All members of the Cabinet present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting.

RULE 24: RECORDING AT MEETINGS

Persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting. However, oral commentary is not permitted during the meeting as it would be disruptive.

Many meetings are webcast and those who do not wish to be filmed need to make themselves known to the webcasting staff. However, members of the public need to be aware that they may be filmed by others attending and that is not within the Council's control.

RULE 25 - ATTENDANCE BY THE PUBLIC

All formal meetings of the Cabinet shall be held in public except where exempt or confidential information is to be discussed.

The agenda will state whether there is likely to be exempt or confidential business and will also describe the categories of exempt information that apply to the item(s).

The public and press will only be excluded if the Cabinet has passed the appropriate resolution under the Local Government Act, 1972 as amended.

RULE 26 - ATTENDANCE BY MEMBERS OF THE COUNCIL

Any member of the Council shall have the right to attend a meeting of the Cabinet in an observer capacity and may speak only at the discretion of the Chair of the meeting.

Nothing in this Rule shall prejudice the right of a member of the Council under the Rules which relate to submissions from councillors.

RULE 27 – CONDUCT OF MEETING

The Chair is responsible for conducting the meeting. In this s/he will be guided by the Chief Executive.

RULE 28 – POWERS AND DUTIES OF CHAIR

Council Procedural Rule 26 applies with regard to the powers and duties of the Chair. It is accepted that the proceedings of the Cabinet may need to be flexible and not structured rigidly in terms of debating process.

Accordingly, there are no formal rules of debate set down for the Cabinet. The Chair has wide discretion to rule on conduct, process and procedural matters. However, such rulings shall not be inconsistent with the spirit of the Council Procedure Rules for conducting meetings or debate at meetings.

The Chair will exercise this discretion in a manner which preserves the best interest of the Council and the effective conduct of executive business.

RULE 29 – QUESTIONS FROM THE PUBLIC

Members of the public have the right to put forward questions for answer at a Cabinet meeting. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or affecting Bath & North East Somerset citizens. All questions must be submitted in writing (this to include transmission by e mail).

All questions will be circulated to members of the Cabinet and visiting councillors and the public in advance of the meeting.

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 4.30pm on a Friday for a meeting on a Wednesday).

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the ~~Leader-Mayor~~of the ~~Council~~ or the Deputy ~~Leader-Mayor~~ (about any aspect of Council policy and practice, service delivery or community interest)

There is no requirement of the questioner to read out the question, nor of the relevant Cabinet Member to read out the answer if circulated. Where a written answer is circulated in advance, the relevant Cabinet Member may add to that answer orally at the meeting.

A Cabinet Member who is asked a question may

- nominate another Cabinet Member to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

A question in multiple parts will be treated as a series of individual questions.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

RULE 30 – QUESTIONS FROM COUNCILLORS

A Councillor shall have the right to put forward a question for answer at a Cabinet meeting.

All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 4 clear working days before the day of the meeting (eg 5pm on a Wednesday for a meeting the following Wednesday).

All questions will be circulated to members of the Cabinet, visiting councillors and the public in advance of the meeting

There is no requirement of the questioner to read out the question nor of the relevant Cabinet Member to read out the answer if circulated. Where a written answer is circulated in advance, the relevant Cabinet Member may add to that answer orally at the meeting.

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the Mayor or the Deputy ~~Leader~~Mayor (about any aspect of Council policy and practice, service delivery or community interest) or

There shall be a limit of two supplementary questions permitted for each questioner at a meeting of the Cabinet.

A question in multiple parts will be treated as a series of individual questions.

A Cabinet Member who is asked a question or a follow-up question may

- nominate another Cabinet Member to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

The text of written questions to Cabinet, and their written or published responses, should contain no reference to political groups/parties.

PART 5 CABINET GENERAL DUTY

| To deliver the Council's objectives as stated through its approved Policy and Budget Framework.

To make arrangements to discharge all the functions of the Council except those reserved to the Council and those remitted to Regulatory Committees and Officers under the Scheme of Delegation.

Functional responsibilities

1. To propose key Policy and Budget Framework items to the Council, including the budget;
2. To ensure that all action is taken to implement the key policies and objectives of the Council as contained in the Policy Framework, including the setting of secondary policies
3. To maintain an active dialogue with Overview and Scrutiny bodies in ensuring that the overall integrity of the decision making process and the delivery of Council services is maintained
4. To respond directly or through the Council meeting as appropriate to Overview and Scrutiny activity or to individual member initiatives

formally proposed at a Council meeting

5. To receive performance management reports including updates on action plans and major projects
6. To pursue as appropriate negotiations on local area agreements or similar in order to promote the economic, social and environmental wellbeing of the area and to determine such agreements except where it relates to a matter reserved to the Council for determination.
7. To perform its functional responsibilities in accordance with the arrangements prescribed in the Executive Procedural Rules within the Council's Constitution.

PORTFOLIO RESPONSIBILITIES

Individual Cabinet Members will be allocated personal portfolios of responsibility by the ~~Leader~~[Mayor](#). The details of those portfolios and the range and scope of individual member powers are set down in Section 3 of this Constitution.

Meeting frequency of Cabinet Monthly.

Membership of Cabinet

~~Leader~~[Mayor](#) of the Council + 2 - 97 Cabinet Members, one of whom will be the Deputy ~~Mayor~~[Leader](#)

Executive Advisory Bodies and Project Groups

The Cabinet will, as soon as practicable after the Annual Meeting of the Council, and in year if appropriate, determine which Advisory Bodies and Consultative mechanisms it wishes to establish.

The Cabinet may establish time limited Project Groups to ensure that key projects are managed effectively.

To date the following Cabinet Advisory Bodies have been established:

- Trades Unions Consultative/Advisory body
- Bath Recreation Ground Trust
- Equal rights Advisory
- Admissions Forum

Individual Cabinet Members have the authority to establish such other Advisory bodies as they think appropriate. (Authority stems from Council Executive meeting 12th June 2002, Minute number [7](#))

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**DISTRICT AND PARISH COUNCIL ELECTIONS / BY-ELECTIONS
NEIGHBOURHOOD PLANNING REFERENDUMS
AND REFERENDUM ON A DIRECTLY ELECTED MAYOR**

Maximum scale of expenditure fixed under sections 36(4) and 36(5) of the
Representation of the People Act 1983 and effective from **1 December 2015**

A	Returning Officer's / Counting Officer's Fees	
	Fee for conducting the election /by-election/ referendum, giving the prescribed notices, preparing and supplying nomination papers, deciding as to the validity of nominations, appointing and remunerating Deputy Returning Officers / Deputy Counting Officers, arranging for and conducting the poll, issuing poll cards, issuing and receiving postal ballot papers, counting the votes, declaring the result and generally performing all the duties which a Returning Officer / Counting Officer is required to perform under the Representation of the People Acts and the Rules and Regulations made thereunder, and including all disbursements and expenses other than those for which special provision has been herein made, as follows:	
A.1a	District Council Election (contested election) for each Bath & North East Somerset Council contested ward	£260.00
A.1b	District Council Election (uncontested election) for each Bath & North East Somerset Council uncontested ward	£90.00
A.2a	Parish Council Election (contested election) for each contested parish / parish ward in addition to the fee for district council election, as described in points A.1a and A.1b above, in the case of District Council Elections being combined with Parish Council Elections	£260.00
A.2b	Parish Council Election (uncontested election) for each uncontested parish / parish ward in addition to the fee for district council election, as described in points A.1a and A.1b above, in the case of District Council Elections being combined with Parish Council Elections	£90.00
A.3	Neighbourhood Planning Referendum for each neighbourhood planning area	£230.00
A.4	Referendum on a Directly Elected Mayor fee based on the maximum recoverable amount allocated to Bath and North East Somerset's Counting Officer at the Referendum on the UK Parliamentary Voting System held in 2011	7,075.00

B	Postal Voting Staff Fees	
B.1	Postal Vote Preparation Clerk (hourly rate) including all expenses, and based on 100 postal vote packs processed per hour	£8.50
B.2	Postal Vote Opening Clerk (hourly rate) including all expenses, and based on 50 postal vote packs processed per hour	£8.50
B.3	Postal Vote Preparation Supervisor (hourly rate) including all expenses	£10.00
B.4	Postal Vote Opening Supervisor (hourly rate) including all expenses	£10.00

C	Polling Station Staff Fees	
C.1a	Presiding Officer's fee (single election) including all expenses other than training, travel expenses and mobile phone use	£195.00
C.1b	Presiding Officer's fee (combined election) including all expenses other than training, travel expenses and mobile phone use	£234.00
C.1c	Presiding Officer's training fee	£30.00
C.1d	Presiding Officer's travel expenses (pence per mile)	£0.45
C.1e	Presiding Officer's mobile phone allowance	£5.00
C.2a	Poll Clerk's fee (single election) including all expenses other than training and travel expenses	£115.00
C.2b	Poll Clerk's fee (combined election) including all expenses other than training and travel expenses	£138.00
C.2c	Poll Clerk's training fee	£30.00
C.2d	Poll Clerk's travel expenses (pence per mile)	£0.45
C.3a	Polling Station Inspector's fee (single election) including all expenses other than training, travel expenses and mobile phone use	£145.00
C.3b	Polling Station Inspector's fee (combined election) including all expenses other than training, travel expenses and mobile phone use	£175.00
C.3c	Polling Station Inspector's training fee	£30.00
C.3d	Polling Station Inspector's travel expenses (pence per mile)	£0.45
C.3e	Polling Station Inspector's mobile phone allowance	£5.00

D	Verification and Count Staff Fees	
D.1	Verification/Count Clerk (hourly rate) including all expenses	£13.00
D.2	Verification/Count Supervisor (hourly rate) including all expenses	£15.00
D.3	Verification/Count Accountant (hourly rate) including all expenses	£20.00
D.4	Deputy Returning Officer for the purposes of presiding at the count and declaring the result (by-elections)	£105.00
D.5	Verification/Count Miscellaneous Jobs (hourly rate)	£8.50

E	General Clerical Fees	
E.1	<p>Principles</p> <p>The core principles for payments to Electoral Services staff during an election/referendum period are that:</p> <ul style="list-style-type: none"> • Staff are recognised for the additional work they undertake, which includes working in the evening, on Saturdays, Sundays and bank holidays • The payments are accountable and transparent • The payments are straightforward to administer and understand • Staff will know in advance the basis of their payments and what they will be paid for • The payments are fair 	
E.2	<p>Policy</p> <ul style="list-style-type: none"> • All authorised hours worked over and above contracted hours will be paid at the standard Council rates for the individual's position from the notice of election/referendum through to one week following polling day. • Named electoral staff who work on polling day in the office will receive a single fixed payment equivalent to that of a presiding officer. 	

F	Disbursements	
F.1	For the employment of clerical assistance in connection with the election/referendum	The actual cost reasonably and properly incurred
F.2	For the preparation, revision, printing and despatch of poll cards	
F.3	For the hire of any room or building required in connection with the election/referendum	
F.4	For the fitting up, heating, lighting, cleaning and repair of damage to any room or building used in connection with the election/referendum	
F.5	For the purchase of ballot boxes	
F.6	For the purchase of polling booths	
F.7	For the printing, purchase and distribution of all election/referendum notices, forms and ballot papers	
F.8	For the general stationery, postages, telephone expenses, bank charges and other incidental expenses	
F.9	For copies of the electoral register	
F.10	For the carriage of ballot boxes, polling booths, and other election/referendum equipment	

Bath & North East Somerset Council	
MEETING	Council
MEETING DATE:	12th November 2015 (adjourned to 17th December 2015)
TITLE:	Bath & North East Somerset Local Development Scheme 2015-2019
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Annex 1: Bath & North East Somerset Local Development Scheme 2015-2019	

1 THE ISSUE

1.1 This report seeks the agreement of the revised Bath & North East Somerset Local Development Scheme in order to establish the priorities for the preparation of Planning Policy documents for the period 2015-2019.

2 RECOMMENDATION

2.1 That Council resolves;

- To agree the Local Development Scheme in Annex 1 as the effective Local Development Scheme for Bath & North East Somerset for 2015-2019;
- To delegate authority to the Divisional Director for Development, in consultation with the Cabinet Member for Homes and Planning, to make minor amendments to the Local Development Scheme before publication; and
- that the Bath & North East Somerset Local Development Scheme 2015-2019 should be effective from 20th November 2015.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The programme for the preparation of Planning Policies for the District is funded by the Local Development Framework Budget. As the Council's planning framework supports a range of corporate objectives, the preparation of policy documents relies on evidence and strategies prepared by a number of other Services. The Planning Policy Team has therefore worked with other services in the review of the LDS to ensure a co-ordinated approach to expenditure. The work on the JSP will require additional funding for the years

2016/17 and 2017/18 which will be considered through the budget setting process

- 3.2 Planning policies contained within the LDS will also have a direct impact on the value of land and buildings, which in turn would impact Council Tax and Business Rates. However, impacts to Council Tax and Business Rates cannot be taken into consideration as part of the assessment and preparation of the Planning Policies.
- 3.3 Adoption of the efficient LDS assists with the efficient operation of Development Management, limiting the costs associated with speculative planning applications and to resist expensive planning appeals.
- 3.4 Planning documents link to Council activities that incur costs & generate incomes, this includes preparation of Neighbourhood Plans, which currently attract specific grant on implementation and impact the level of CIL devolved to Parishes and charges that are raised for licenses of Houses in Multiple Occupation. The costs and incomes of the associated services are managed within those separate budget areas.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for the production of Statutory Planning Documents that the Council is preparing, or intends to prepare. The LDS should be kept up-to-date and was last reviewed in October 2014.
- 4.2 The process for the preparation of policy documents is regulated by statute, governing matters such as publication consultation, scope and content of plans, public examinations and adoption. These requirements are reflected in the revised LDS in the individual plan programmes. In light of the plan-led nature of the planning system, it is essential that any corporate objectives relating to development and the use of land are developed through statutory planning documents and not as informal masterplans or other documents.
- 4.3 It should be noted that the Planning & Housing Bill contains changes to national planning policy and this has potential implications for both the Council's own planning policy framework and the programme of work in the LDS. There may therefore be a need to revisit the LDS once the Bill's proposals are cleared. However it is not considered that this should delay the review of the LDS because of the need to clarify the work programme at this stage.
- 4.4 The planning Acts require that planning decisions must be determined in accordance with Development Plan Documents or Neighbourhoods Plans unless material considerations indicate otherwise. Various Local Plans and Neighbourhood Plans are currently being prepared but the current Development Plan Documents for Bath & North East Somerset Council are:
 - Bath & North East Somerset Core Strategy 2014
 - Saved policies from the Bath & North East Somerset Local Plan 2007

- Joint Waste Core Strategy 2011
- Stowey Sutton, Clutton & Freshford-Limpley Stoke Neighbourhood Plans 2015
- The Policies Map

4.5 By the end of the LDS period, if the LDS review is agreed, the Development Plan for the District will be made up of;

- B&NES Local Plan Part 1: The Core Strategy (Partial Review 2016/17)
- B&NES Local Plan Part 2: The Placemaking Plan
- The West of England Joint Spatial Plan
- The West of England Joint Waste Core Strategy
- A series of Neighbourhood Plans
- The Policies Map

4.6 The Development Plan is supplemented by a number of Supplementary Planning Documents, either adopted or proposed, which are listed in the LDS.

5 THE REPORT

5.1 The key elements of the policy framework for the revised Local development Scheme are outlined below. All of the documents in the LDS make a contribution to the corporate priorities of ;

- Tackling waste and increasing efficiency
- New homes and jobs
- Transport
- Investing in young people
- Cleaner healthier communities
- Independence for older people

Placemaking Plan

5.2 The Placemaking Plan, which identifies development site allocations and changes to Development Management policies is due to undergo the final stages of submission and examination in 2016 and is expected to be adopted before the end of 2016.

5.3 This plan plays a key role in delivering key Council aspirations relating to the Bath City Riverside Enterprise Area, it provides a development framework for key settlements, it sets the standards for new development in terms of quality of place, infrastructure and development standards. It also incorporates extensive work with Town & Parish Councils, dovetailing with work on Neighbourhood Plans.

West of England Joint Spatial Plan

5.4 The four West of England Authorities are preparing a Joint Spatial Plan (JSP). The JSP will provide a formal coordinated strategic framework for local plan reviews. In relation to the roll forward of Plans to 2036, The JSP will identify;

- the overall quantum of housing of the Wider Bristol Housing Market Area and employment land that needs to be accommodated;
- the overall spatial strategy to deliver this growth in a sustainable way;
- The strategic infrastructure necessary to support the spatial strategy.

B&NES Core Strategy review

5.5 The Core Strategy is scheduled for an early partial review in conjunction with the preparation of the West of England Joint Spatial Plan (see above) and a routine review in 2019, five years after its adoption. The role of the JSP is to set out the broad approach whereas the role of the Core Strategy is to allocate specific sites. It is proposed to parallel the partial review with the JSP programme as far as practicable.

Travellers' Sites Plan

5.6 The Travellers' Sites Plan (formerly Gypsies, Travellers and Travelling Showpeople Site Allocations DPD) will establish the location of a number of sites suitable to meet the permanent and transit accommodation needs of Gypsies and Travellers in the District. The DPD reached a Preferred Options stage in July 2012. A review of the timetable for the preparation of this plan has been necessitated by the need for further site assessment work, the requirement to work jointly with adjoining authorities (Duty to Co-operate) and changes in national planning policies.

West of England Joint Waste Core Strategy

5.7 The West of England Joint Waste Core Strategy was adopted and is likely to need a review during the LDS period. However, the precise timetabling and arrangements will need to be agreed with the other West of England UAs.

Community Infrastructure Levy (CIL) and Planning Obligations SPD

5.8 The Council's Community Infrastructure Levy (CIL), which came into effect on 6th April 2015, will need to be reviewed at appropriate intervals to reflect changing circumstances and monitoring of performance.

5.9 Whilst CIL has replaced Section 106 contributions for many forms of infrastructure, section 106 agreements will still be used for site-specific mitigation measures and for affordable housing provision. The Planning Obligations SPD is a key document in setting out the Council's approach.

Houses in Multiple Occupation (HMOs) in Bath SPD

5.10 The Houses in Multiple Occupation in Bath SPD (with an Article 4 Direction for HMO in Bath) was adopted in June 2013 introducing a new threshold policy regulating and controlling the future growth of Houses in Multiple Occupation within the City of Bath (including university student house shares). It allows the Council to exert greater control over HMOs in the City, including planning controls and housing licensing. Review of the HMO SPD will be necessary during the LDS period to take account of the outcome of monitoring and to ensure the current approach remains fit for purpose.

Neighbourhoods Plans

5.11 A number of local communities are undertaking the preparation of Neighbourhood Plans. Notwithstanding the District Council's duty to support neighbourhood plan production, the process of working with local communities has been very productive. The District Council will continue to offer support and guidance for this work.

5.12 Twelve areas are now designated as Neighbourhood Planning areas, the current position being;

- Stowey Sutton Plan has been 'made' (September 2015)
- Freshford & Limpley Stoke Neighbourhood Plan and Clutton Neighbourhood Plans are both due to be 'made' in November 2015.
- Englishcombe is anticipated to submit its draft Plan in November 2015.
- Chew Valley area and Midsomer Norton are still anticipated to reach draft Plan stage towards the end of the year (Nov/Dec 2015).
- Stanton Drew are working on their options and are going out for community consultation in November 2015.
- Whitchurch, Westfield, Timsbury, Publow with Pensford & Batheaston are at the initial evidence gathering stage of Neighbourhood Plan preparation

Supplementary Planning Documents

5.13 There are ongoing requests to prepare additional supplementary planning documents and these will be considered based on the availability of resources and in consultation with the appropriate Executive Member.

6 RATIONALE

6.1 The production of plans set out in the LDS are those which are needed to ensure that the Council has an up-to-date policy framework to support the Development Management function and to deliver the Council's corporate objectives. The LDS has been reviewed to align with the time period of the Corporate Strategy.

7 EQUALITY ACT 2010

7.1 Duties are placed upon the Council by the above legislation including in relation to the;

- section 149 public sector equality duty. These duties have been fully recognised by officers in the preparation of the revised LDS.
- Human Rights: As the LDS sets a timetable for the preparation of various planning policies, it is considered that it is unlikely that the adoption of the revised LDS would involve any direct interference with any individual's human rights. It should also be noted that the Council has a legal duty to prepare and maintain a LDS.

8 OTHER OPTIONS CONSIDERED

8.1 None. Preparation and maintenance of an LDS is a statutory requirement.

9 CONSULTATION

- 9.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.
- 9.2 There is no requirement to consult on the preparation of the LDS although the Plans within the LDS have statutory public engagement requirements. These are evidenced by the Statements of Consultation prepared for each Plan.

10 RISK MANAGEMENT

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

Contact persons	<i>Lisa Bartlett 0125 477550, Simon de Beer 01225 477616</i>
Background papers	<i>The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011</i> <i>The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005</i>
Please contact the report author if you need to access this report in an alternative format	



LOCAL DEVELOPMENT SCHEME

2015 - 2019

Bath & North East Somerset - *The place to live, work and visit*

page

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**APPENDIX A - Natural Environment and Urban Design Evidence
and Strategies**

APPENDIX B - Status of Current SPGS and SPDS

APPENDIX C - Glossary of Terms

NB Page numbers to be added in the published plan

1. INTRODUCTION

The Local Development Scheme

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for the production of the Local Plan, Development Plan Documents and Supplementary Planning Documents that the Council is preparing, or intends to prepare. These documents are known collectively as Local Development Documents (LDDs). It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how these will be reviewed.
- 1.2 The LDS should be kept up-to-date and was last reviewed in October 2014. To cover the period 2015 - 2019, the amendments comprising this version of Local Development Scheme were agreed on 12th November 2015.
- 1.3 The Local Development Scheme came into effect on 20th November 2015.

A Glossary of terms used in this document is set out at **Appendix C**

Local Development Framework

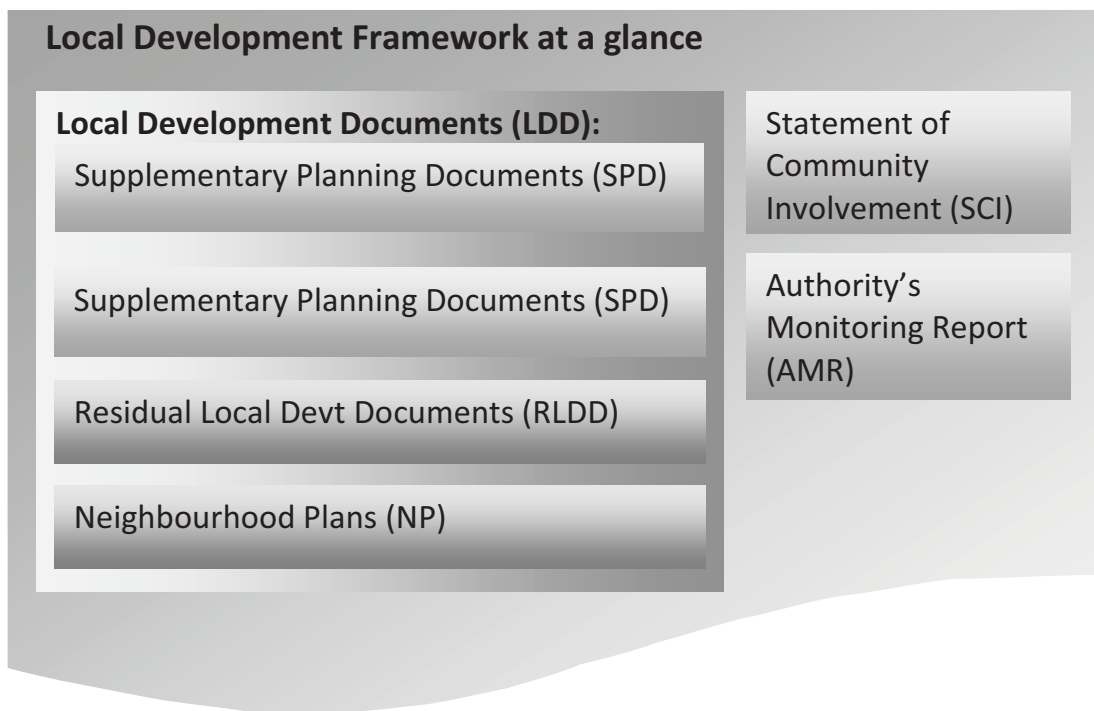
- 1.4 The Local Development Framework comprises a portfolio of locally prepared planning documents (Local Development Documents). It also includes related documents such as the Authority's Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- 1.5 Local Development Documents (LDD) include:

Development Plan Documents (DPD). These set out policies and proposals and have development plan status and therefore have full weight in the determination of planning applications (see paragraph 1.9). They will be subject to community involvement and Sustainability Appraisal/Strategic Environmental Assessment throughout their preparation and will be subject to independent examination. They

include Local Plans and Neighbourhood Plans. The policies map should illustrate geographically the Local Plan policies.

Supplementary Planning Documents (SPD): Supplementary Planning Documents do not have statutory development plan status but are useful in providing more detailed guidance and support for policies and proposals in Development Plan Documents. They are quicker to prepare as they are not subject to independent examination. Whilst they constitute a material consideration in the determination of planning applications they cannot be used to formulate planning policy or designate sites. They will however be subject to community involvement and where appropriate Sustainability Appraisal during preparation.

- 1.6 **Residual Local Development Documents:** This is any other document which does not fall within the remit of a DPD or an SPD.



The Development Plan for Bath & North East Somerset

- 1.7 Section 38(6) of the Planning and Compensation Act stipulates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This gives considerable weight to Development Plan Documents.

- 1.8 With the adoption of the Core Strategy in July 2014 the Development Plan for Bath and North East Somerset comprises:

The B&NES Development Plan

**Bath & North East
Somerset Core Strategy**
adopted July 2014

Saved policies from the Bath & North East Somerset Local Plan adopted October 2007 ¹	These policies will be saved for an indefinite period. Some have been replaced by the policies in the Core Strategy (set out in Appendix 1 of the Core Strategy) and the remaining policies are being reviewed through the Placemaking Plan.
--	--

Joint Waste Core Strategy DPD (JWCS) adopted March 2011	This supersedes all existing Local Plan policies on Waste apart from Policies WM.4 and WM.9 which will be reviewed through the Placemaking Plan. The JWCS sets out the waste planning strategy for the West of England, addressing the planning aspects of the waste hierarchy promoting waste minimisation, recycling/ composting, recovery and disposal.
--	--

The Policies Map (previously known as the Proposals Map)	This illustrates all the allocations and designations set out in the DPDs. It will be revised as each new DPD is adopted where there are allocations or designations. The existing Local Plan Policies Map will be amended to give geographical expression to the Core Strategy and the Placemaking Plan. Proposed amendments to the Policies Map will be publicised alongside the appropriate DPD.
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- 1.10 There are currently no adopted Neighbourhood Plans or Neighbourhood Development Orders in B&NES but a number of neighbourhood plans are under preparation.

¹ The Schedule of saved Local Plan policies can be viewed [here](#).

1.11 Emerging DPDs will carry weight as set out in the NPPF.

Other related planning documents

- 1.11 Other key planning related documents the Council is required to produce are a Statement of Community Involvement, a Monitoring Report and a Policies Map as explained below.
- 1.12 The **Neighbourhood Planning Protocol (NPP)** was adopted in September 2012 and sets out how the following new mechanisms will operate:
- Neighbourhood Fora,
 - Neighbourhood Referenda
 - Neighbourhood Development Orders
 - Community Right to Build
- 1.13 The NPP also incorporates a review of the Council's **Statement of Community Involvement** which was adopted in 2007. This helps to ensure that the Council is in a position to respond to the Localism agenda efficiently and coherently. This will enable communities to understand the range of opportunities to interact with and take an active role in planning in their locality.
- 1.14 A minor review of the NPP was undertaken in October 2014 to ensure the information is factually correct and up to date and any anomalies rectified.
- 1.15 The **Authority's Monitoring Report (AMR)** assesses whether plan production is on target and the extent to which policies in local development documents are being implemented. It monitors key data such as housing completions, growth in office space and losses in industrial space. It will also monitor CIL once finalised. The AMR is based upon the period 1st April to 31st March each year.

Bath & North East Somerset's Local Development Framework in 2015

Development Plan for B&NES

Local Development Documents Current

Development Plan Documents

- B&NES Core Strategy
- Joint Waste Core Strategy (2011)
- Saved policies from the B&NES Local Plan (2007)*
- B&NES Policies Map

Supplementary Planning Documents

See Annex A for full list

Other documents

- Authority's Monitoring Report
- Neighbourhood Planning Protocol
(includes the Council's Statement of Community Involvement)

Local Development Documents Under preparation

Development Plan Documents

- Joint Strategic Plan
- Placemaking Plan
- Travellers' Sites Plan
- Neighbourhood Plans

Supplementary Planning Documents

- Planning Obligations SPD
- Locally Listed Buildings SPD

Other documents

- Community Infrastructure Levy

2. LOCAL DEVELOPMENT FRAMEWORK PRODUCTION 2015 - 2018

Progress

Development Plan Documents

Plan
review

- 2.1 The **Core Strategy** (adopted 14th July 2014) sets out the long term strategic planning framework for Bath & North East Somerset and includes a spatial vision and spatial objectives looking ahead to 2029. The Core Strategy forms **Part 1 of the Local Plan** to comply with the NPPF requirement to produce a Local Plan.
- 2.3 The Core Strategy is scheduled for an early partial review in conjunction with the preparation of the **West of England Joint Planning Strategy** (see below) and a routine review in 2019, five years after its adoption.
- 2.4 The four West of England Authorities have signed a memorandum of understating to prepare a Joint Spatial Plan (JSP). The JSP will provide a formal coordinated strategic context to inform UA local plan reviews. It will identify: the overall quantum of housing needed in the Wider Bristol Housing Market Area to 2036; the overall spatial strategy for accommodating homes and employment land across the sub-region including strategic locations; and the strategic infrastructure necessary to deliver the spatial strategy for the West of England. Joint studies will be procured to support this process.
- 2.4 The LDF documents are supported by an **Infrastructure Delivery Plan** to ensure the strategic proposals are deliverable and aligned with infrastructure needs. Linked to this is the revised Planning Obligations SPD (see below). The Core Strategy and the Placemaking Plan (see below) will both need to be underpinned by the **Community Infrastructure Levy (CIL)** to address infrastructure funding issues and ensure growth happens in a planned way.
- 2.5 The Local Development Framework needs to prepare for growth through facilitating delivery of key development sites. To achieve this, the Core Strategy will be complemented by the **Placemaking Plan (PMP)**. This DPD will form **Part 2 of the Local Plan** (see also above) and will identify development site allocations, review designations and make changes to Development Management policies. It will set out the development

Profile
updated

parameters for site allocations in the context of their surroundings. It will specify the delivery mechanisms drawing on key evidence such as the Housing and Economic Land Availability Assessment (HELAA). The DPD will be structured to take account of the different needs of the varying locations across the District.

2.6 The **Joint Waste Core Strategy** was adopted by the West of England Unitary Authorities in 2011 and, in conjunction with adjoining UAs, consideration will be given to its review during the LDS period.

2.7 The **Travellers' Sites Plan** (formerly Gypsies, Travellers and Travelling Showpeople Site Allocations DPD) will establish the location of a number of sites suitable to meet the permanent and transit accommodation needs of Gypsies and Travellers in the District. Preferred Options were published for consultation in July 2012. The further site assessment work needed, the requirement to work jointly with adjoining authorities (Duty to Cooperate) to ensure that all non-Green Belt options are fully explored has affected progress and has necessitated a review of current the timetable. The revised timetable is set out in the Document profiles on page 19.

Profile updated

2.8 The Localism Act introduces **Neighbourhood Plans**. These are being prepared by neighbourhood forums under the auspices of the Local Authority and once 'made' they will form part of the Development Plan. To facilitate this process, the Council has introduced a **Neighbourhood Planning Protocol 'My Neighbourhood'** which incorporates the Statement of Community Involvement. The Government is currently funding Neighbourhood Planning support. Between April 2015 and March 2019 *Locality* in partnership with *Planning Aid England* and other partners will deliver the national support package for Neighbourhood Planning.

2.9 The current position on Neighbourhood Plans within Bath and North East Somerset Council is summarised below:

- **Stowey Sutton NP** has been 'made' (or adopted) , **Freshford and Limpley Stoke, and Clutton NPs** are close to adoption.
- **Englishcombe, Chew Valley Area, Whitchurch, Publow with Pensford, Stanton Drew parishes and Midsomer Norton Town Council** are currently working on their options and Draft Neighbourhood Plans and are expecting to formally submit their

Neighbourhood Plans to B&NES by the end of 2015 with examinations and referendums being held in Spring 2016.

- **Timsbury, Batheaston and Westfield Parish Councils** are currently collating the evidence base for their Plans by holding consultation events and sending out questionnaires. The next stages will be for the parishes to start developing planning policies.

Supplementary Planning Documents

Review

- 2.10 The **Planning Obligations SPD** is a key document in setting out a coordinated approach to securing contributions from development. It is a 'living document' and will be reviewed from time to time to take account of new information. In order to ensure that it is aligned with up-to-date policy, especially the Core Strategy, it has been revised together with the new Community Infrastructure Levy (CIL). The CIL and revised Planning Obligations SPD came into effect on 6th April. This SPD supersedes the Planning Obligations SPD published in 2009 and also Appendix C of the Bath Western Riverside SPD (March 2008, as updated in July 2014).

Plan review

- 2.11 The **Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings** was adopted in September 2013 as an Appendix to the Sustainable Construction and Retrofitting SPD for use determining Listed Building Consent and Planning Applications. This Guidance will be reviewed to reflect updated Historic England advice once issued.
- 2.12 Work is now underway on a **Locally Listed Buildings SPD**. The timetable for its production is set out in the summary timetable on page 19.
- 2.13 Other SPDs will be prepared depending on their urgency and as resources permit.

Other related planning documents

- 2.14 The Council has prepared a **Community Infrastructure Levy (CIL)**. The CIL came into effect on 6th April. It enables the Council to raise funds from new development in order to fund the timely delivery of infrastructure. Preparation of a CIL requires an adopted Core Strategy and it includes a charging schedule and a spending regime based on development proposals in the LDF. Its preparation entailed viability

assessments so as not to inhibit development and input from stakeholders. The Infrastructure Delivery Programme will need to be kept up-to-date. The Localism Act requires the allocation of a proportion of CIL revenues raised back to neighbourhoods where development takes place. CIL Strategic Spending Protocol was agreed in July 2015.

- 2.14 Work undertaken so far on the Core Strategy, the Placemaking Plan and with the local community, along with the requirements arising from the NPPF, has stressed the importance of ensuring a sufficient **environmental evidence base**. The 2011 Natural Environment White Paper and work with West of England Nature Partnership also require the preparation of environmental strategies which will be a material consideration in plan preparation and planning decisions and provide the necessary evidence for plan-making. This includes a Trees and Woodland Strategy, Landscape Character Assessments and Design Guidance. These are described in more detail in **Appendix B**.
- 2.15 Although only the work essential to the preparation of the key Development Plan Documents and CIL will be prioritized for the duration of this LDS, there may be scope to initiate some of environmental strategies, in connection with corporate and national priorities
- 2.16 There are 36 conservation areas in the District but only 12 of these have up to date conservation area character appraisals. None at present have management plans, but preparation of an appraisal provides the scope to address management opportunities.
- 2.17 Work currently underway on a character appraisal and management plan for Keynsham Conservation Area is due to be completed by the end of 2015. The deficiency of not having a character appraisal for Bath Conservation Area was highlighted by the Inspector at the Core Strategy examination. This has begun to be addressed by preparing a framework for a character appraisal for Bath. Within this context, work has begun on characterisation of 6 areas within the Bath conservation area to underpin ongoing character appraisals.
- 2.18 Work continues on character appraisals for the rural areas, in particular for Englishcombe and Newton St Lowe. This work is scheduled to be undertaken in-house during 2015/16. Corston Parish Council is also seeking a character appraisal for Corston Conservation Area and

provides the opportunity to continue to pilot a community engagement approach with Corston during 2015/16. Character appraisals for the other rural areas will be undertaken based on development pressure and local demand.

- 2.18 Generally, skills exist in-house for undertaking conservation area character appraisals, however internal resources are limited. As with Corston above, there is the potential to engage students from educational establishments in the development of appraisals; this approach was used for the recent development of Hinton Blewett appraisal.
- 2.19 Three areas of delivery of conservation area appraisals potentially require funding – consultant engagement, graphic design and printing (if hard copy is needed). In respect of previous appraisals some funding has been available from parish councils.

LDD Content and Key Milestones

- 2.20 The **LDS Summary timetable** setting out an overview of the programme and key milestones for the production of Bath & North East Somerset Local Development Framework is set out after the risk assessment table following para 4.9 and provides a schedule of the LDDs to be prepared during the next 4 years. This is followed by the individual profiles for each LDD.

3. THE EVIDENCE BASE

3.1 The strategies, policies and proposals in the Local Development Documents must be founded on a robust evidence base. A considerable amount of data is available at national and regional level. A number of bespoke studies have been prepared to inform the preparation of its Local Development Framework and other Council strategies. There are also opportunities for the Council to improve its data collection and management strategies. The full **Evidence Base** informing the Local Development Framework is listed on and is accessible via the Council's website. The evidence base covers the subjects listed below:

- Economic (including Economic Development Needs Assessment)
- Environment
- Flood Risk
- Housing (including the Housing and Economic Land Availability Assessment or HELAA)
- Infrastructure Deliver Plan
- Recreation, Cultural and Services
- Retail
- Sustainability
- Transport
- Urban Design, Landscape, and Heritage
- Waste
- Green Infrastructure Strategy
- Green Spaces Strategy
- Building Heights Study

3.2 Other studies not covered by the categories above can be found here. A comprehensive list of documents supporting the Core Strategy can be found on the **Core Documents List** and is supplemented by a series of **topic papers** also available within the Evidence Base.

PRODUCTION ARRANGEMENTS FOR THE LOCAL DEVELOPMENT FRAMEWORK

Sustainability Appraisal and Strategic Environmental Assessment

- 4.1 The development of DPDs and SPDs in the Bath & North East Somerset Local Development Framework will be informed by Sustainability Appraisal. Sustainability Appraisal is an iterative process through which the economic, social and environmental effects of a plan under preparation are assessed. It incorporates the requirements of Strategic Environmental Assessment (SEA) as required by EU SEA Directive 2001/42 on the Assessment of certain Plans and Programmes on the Environment. The appraisal process will draw heavily on the evidence base.
- 4.2 In order to protect the integrity of European sites, Local Authorities are obliged to carry out Appropriate Assessment (AA) as a part of the planning process under the Habitats Directive. AA has been and will continue to be carried out in conjunction with the SA as recommended by the Guidance.

Review and Monitoring

- 4.3 Review and monitoring are crucial to the successful delivery of the spatial vision and objectives of the LDF and will be undertaken on a continuous pro-active basis. The **Authority's Monitoring Report** is prepared for each financial year (see also paragraph 1.15). It has a dual purpose which is to:
- monitor progress of preparation of planning documents against agreed milestones in the LDS
 - assess the implementation of DPD policies against targets which will influence policy review and other decisions

Resources and Arrangements for Production

- 4.4 The Planning Service co-ordinates the preparation of Local Development Documents in liaison with other relevant Services across the Council. The document profiles (page 17 onwards) outline the responsibilities for document preparation.

Joint Working

4.5 Bath & North East Somerset Council works jointly with Bristol, North Somerset and South Gloucestershire Unitary Authorities (UAs) on sub-regional planning and cross boundary issues. Section 110 of the Localism Act sets out a new **'duty to co-operate'**. In addition to the other West of England UAs referred to above the Council engages actively with the neighbouring authorities of Mendip District Council and Wiltshire Council on strategic issues. The **'duty to co-operate'** applies to all local planning authorities and a number of other public bodies including:

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Primary Care Trusts
- Office of the Rail Regulator
- Highways Agency
- Integrated Transport Authorities
- Highways Authorities

4.6 These bodies are required to cooperate with Councils on issues of common concern to develop sound Development Plans. The West of England UAs maintain a Duty to Co-operate schedule to record key co-operation activities.

4.7 The authorities are also working with business leaders as part of the Local Enterprise Partnership (LEP) for the West of England. The LEP does not have a direct role in spatial planning but there is a need for co-ordination in activities. Similarly the Council is committed to working collaboratively with the West of England Nature Partnership (WENP) which accords with advice in the NPPF.

Member Arrangements and the LDF

4.8 A bespoke Local Development Framework Steering Group guides the production of the Council planning policies and advises the Cabinet Member for Homes and Planning. Decisions on DPDs are made by Full Council in accordance with the Council constitution and other LDDs are agreed as appropriate.

Risk Assessment

- 4.9 It is often difficult to anticipate all potential risks which could affect the Local Development Framework programme. There are a number of factors that could affect the Council's ability to deliver the Local Development Framework in accordance with the programme outlined for each of the LDD Profiles. Actions to manage these risks have been identified.

Risk Assessment

Area of Risk	Likelihood/Impact	Mitigation Measures
Programme slippage	<p>Medium/High</p> <p>Failure to meet the key milestones for LDDs in the LDS is detrimental to the reputation of the local planning authority. Absence of up to date Development Plan likely to lead to unplanned developments across the district. The deadlines for preparing the Local Development Framework are very challenging given the greater emphasis on community consultation.</p> <p>High risk</p> <p>Political process lead to delays</p>	<p>Ensure that progress is carefully monitored and that priority is given to achieving the key milestones set out in the LDS.</p> <p>Allow for contingency in the programmes.</p> <p>Use efficient project management.</p> <p>Ensure elected members are properly briefed throughout the plan preparation process including through the LDF Steering Group.</p>
Adequate staff resources	<p>Low/Medium</p> <p>Should cuts to local government funding together with the current restructuring of Council Services impact on the Planning Services, the potential loss of experienced staff would impact on the preparation of LDDs and heightens the risk of programme slippage.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of LDDs.</p> <p>Consider seconding staff from other Services in the Council and/or joint working with neighbouring authorities.</p> <p>Subject to the availability of financial resources, employ temporary staff or consultants.</p>
Financial resources	<p>Medium/High</p> <p>It is important that there are sufficient financial resources available to prepare LDDs, including</p>	<p>Ensure the LDS influences budgetary decisions to ensure sufficient resources are in place including a suitable level of contingency.</p>

	for consultants (where necessary), to secure and maintain robust evidence base, community consultation and engagement, and for the Examination process in the case of DPDs.	However cuts to local government funding are outside the Council's direct control.
Competing work priorities	Medium/High The Policy Team is involved in a wide range of spatial policy work. Planning applications for major unplanned developments are resource-heavy. There is a risk that the Team's work is diverted from plan making by other unforeseen work pressures such as involvement in planning appeal inquiries, regeneration projects and responding to consultation on emerging Government policies.	Ensure that progress on the Local Development Framework remains a high priority and at certain times other work will have to take a much lower priority. Consideration may then need to be given to outsourcing work to prevent delays in progress.
Evidence base	Low/Medium Lack of an up-to-date evidence base will affect the soundness of a DPD	Maintain a proportionate and up-to-date evidence base. Ensure all policies and proposals can be fully justified with evidence.
Level of public interest in plan making	Medium/High Historically the level of public interest in LDDs has been high during previous consultations and engagement exercises. An unanticipated high level of responses could result in a delay in the programme.	Ensure that resources are in place at appropriate times to ensure representations are dealt with promptly and efficiently.
Neighbourhood Planning	Medium/High An additional stress on staff resources is the requirements to provide professional and technical advice to support Parish and Town Councils in progressing Neighbourhood Plans.	Maintain close liaison with Parish and Town Councils to monitor the scale of work required. Consider to what extent neighbourhood planning aspirations can be delivered through LDDs to reduce costs

LDS SUMMARY TIMETABLE

BATH & NORTH EAST SOMERSET LOCAL DEVELOPMENT SCHEME 2015 - 2018

DOCUMENT	2015												2016												2017												2018												2019																
	dec	nov	oct	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	jan	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	jan	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	jan	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	jan	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	jan		
Placemaking Plan DPD	D								H		S																																																						
WoE Joint Spatial Plan DPD	O						PO																																																										
Core Strategy Partial Review DPD	C						O																																																										
Core Strategy Full Review DPD																																																																	
Policies Map																																																																	
Infrastructure Delivery Programme review																																																																	
Authority's Monitoring Report																																																																	
Traavellers' Sites Plan DPD																																																																	
Joint Waste Core Strategy DPD																																																																	
Neighbourhood Planning Protocol (SCI)																																																																	
Neighbourhood Plans																																																																	
CIL Review (Reg 123 list and projects)																																																																	
Planning Obligations SPD Review																																																																	
Locally Listed Buildings SPD									O																																																								
Building Heights SPD									O																																																								
Bath Design Guide SPD																																																																	
Houses in Multiple Occupation SPD																																																																	
Other SPDs																																																																	

C Project commences
O Options consultation
PC Preferred Options
D Pre-Submission Draft Plan
S Submit Plan
H Hearings
Inspector's Report
Adoption/Approval
M Policies Map changes published
P Publish document
Review
Ongoing

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 1: DEVELOPMENT PLAN DOCUMENTS

WEST OF ENGLAND JOINT SPATIAL PLAN	
Role and Content	Identifies the housing requirement for the Wider Bristol HMA, identifies the broad locations to meet housing and employment land needs and the infrastructure required to deliver the growth.
Status	Development Plan Document
Geographic Coverage	District wide
TIMETABLE & MILESTONES	
The planned milestones for the Joint Spatial Plan (JSP) are set out below. The early partial review of the B&NES Core Strategy to be undertaken in conjunction with other West of England authorities reviews will be informed by work on the West of England JPS.	
JSP Pre-Commencement Document consultation	December 2014 - March 2015
JSP Issues and Options consultation (Reg 18)	November 2015 - January 2016
JSP Preferred options consultation (Reg 18)	September - October 2016
Publish Pre-Submission Draft JSP (Reg 19) and draft SA report for consultation	March - April 2017
Submission of JSP to Secretary of State (Reg 22) with final SA Report	Sept 2017
Examination Hearings Period	Dec 2017
Adoption	March 2018
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Co-ordination with other West of England Authorities of Bristol, North Somerset and South Gloucestershire Councils through the Planning, Housing and Communities Board and the Joint Transport Board. Supporting evidence prepared corporately. LDF Budget. This work will require additional funding for the years 2016/17 and 2017/18 which will be managed through one-off revenue budget requests. Staff resources of the Planning Policy teams working jointly across the 4 UAs.
Key Evidence:	SHLAA, HELAA, EDNA, Infrastructure & Viability studies, FRA, Environmental Assessments, Sustainability Appraisals.
Community/stakeholder involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations and the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Monitoring & Review	Outputs incorporated in a review of the Core Strategy and monitored via the AMR.

LOCAL DEVELOPMENT DOCUMENT PROFILES

CORE STRATEGY DPD REVIEW

The Core Strategy will be reviewed around every five years following adoption. However, there will be an early partial review in conjunction with the review of West of England Authorities Core Strategies informed by work on the Joint Spatial Plan.

Role and Content	The Core Strategy sets out the spatial vision, spatial objectives, core policies and a delivery strategy for the development of the district and framework for development management It will be underpinned by an Infrastructure Delivery Plan to ensure a deliverable strategy. Currently the Core Strategy constitutes Part 1 of the Local Plan but it will be incorporated with the Placemaking Plan in due course to form a single Local Plan	
Status	Development Plan Document	
Geographic Coverage	District wide	
TIMETABLE & MILESTONES		
The planned milestones for the Core Strategy Review is set out below. The early partial review of the B&NES Core Strategy to be undertaken in conjunction with other West of England authorities reviews will be informed by work on the West of England JSP.		
Commencement	Dec 2015	
Issues and Options consultation (Reg 18)	November 2015 - January 2016	
Preferred options consultation (Reg 18)	September - October 2016	
Publication Draft (Reg 19) and draft SA report for consultation	March - April 2017	
Submission of to Secretary of State (Reg 22) with final SA Report?	Sept 2017	
Examination Hearings Period	Dec 2017	
Adoption	March 2018	
ARRANGEMENTS FOR PRODUCTION		
Resources required and management arrangements	Planning Policy Team, LDF Budget & LDF Governance arrangements	
Key Evidence:	SHLAA, HELAA, EDNA, Infrastructure & Viability studies, FRA, Environmental Assessments, Sustainability Appraisals.	
Community/ stakeholder involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations and the Neighbourhood Planning Protocol.	
POST-PRODUCTION		
Monitoring & Review	The implementation of the objectives and policies of the Core Strategy will be monitored as part of the AMR as set out in the submission Core Strategy.	

LOCAL DEVELOPMENT DOCUMENT PROFILES

PLACEMAKING PLAN DPD	
Role and Content	<p>This is a place focussed plan, containing both site allocations and updated planning policies for Development Management. The Plan will:</p> <ul style="list-style-type: none"> • Facilitate the delivery of key development sites by providing the necessary level of policy guidance and site requirements to meet Council objectives • safeguard and enhance the quality and diversity of places in B&NES and identify opportunities for change. • set out the housing supply and other development commitments to meet development needs to 2029. • be prepared in a collaborative way in order to respond to Localism. • Address how infrastructure requirements will be met • Preparation to be aligned with production of CIL
Status	Development Plan Document
Conformity	National Policy Framework; National Planning Policy Guidance
Geographic Coverage	District-wide but area based
TIMETABLE & MILESTONES	
Pre-production period including commencement of document preparation	September 2013
Issues and alternative options consultation (Reg 18)	November 2014
Publish Pre-Submission Draft DPD (Reg 19) and draft SA report for consultation	December 2015
Submission to Secretary of State (Reg 22) with final SA Report	March 2016
Examination Hearings Period	June 2016
Receipt of Inspector's report	October 2016
Adoption and publication	December 2016
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning and Transport Services in conjunction with other Services and consultant expertise where required. Corporate steer by the LDF Steering Group with key stages to be agreed at Cabinet and/or Council.
Key Evidence:	SHLAA, IDP, Viability Assessments.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol Take account of previous consultation on Core Strategy and Economic Regeneration Delivery Plans.
POST-PRODUCTION	
Implementation, Monitoring & Review	The implementation of the objectives and policies of the DPD will be monitored as part of the AMR.

LOCAL DEVELOPMENT DOCUMENT PROFILES

TRAVELLERS' SITES PLAN	
Role and Content	Allocate specific sites to meet the accommodation needs of the travelling community
Status	Development Plan Document
Chain of conformity	National Policy, Core Strategy
Geographic Coverage	District-wide
TIMETABLE & MILESTONES	
Commencement and early stakeholder and community engagement in document preparation	July 2009
Publication of issues and alternative options for consultation (Reg 25)²	November 2011 – January 2012 (Issues & Options - call for sites and site assessment criteria)
Publication of preferred options for consultation (Reg 18)	June – July 2012 (alternative and preferred sites)
Publication of revised set of site options for consultation	Sep/Oct 2016
Publication and public participation on draft DPD (Reg 19) and draft SA report	Feb/March 2017
Submission to Secretary of State (Reg 22) with final SA Report	June 2017
Commencement of Hearings	Sep 2017
Receipt of Inspector's report	Dec 2017
Adoption and publication	March 2018
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning Services in collaboration with other relevant Council Service areas, external authorities service providers and specialist consultant advisors as required. Key stages to be agreed at Cabinet and Council. The Policies Map will be revised accordingly. Cost to be shared between the Services.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol
POST-PRODUCTION	
Monitoring & Review	The DPD will be monitored as part of the AMR and will be reviewed if the monitoring highlights such a need.

² Prepared under the Town and County Planning (Local Development) (England) (Amendment) Regulations 2008 until March 2012.

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 2: SUPPLEMENTARY PLANNING DOCUMENTS

Currently work is programmed on five SPDs in the first part of the LDS period. These are listed below and the broad programme for preparation is shown on the summary diagram after para 4.9.

- A review of the Planning Obligations SPD linked to the review of the Community Infrastructure Levy
- A review of the Bath HMO SPD might also be required in the LDS period, depending on the outcome of monitoring
- The existing Building Heights Study will form the basis of the preparation of an SPD
- A Design Guide SPD for new development in Bath
- The Locally Important Listed Buildings.
- A review of the Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings - Appendix to the Sustainable Construction and Retrofitting SPD. The timing of this is dependent on evidence published by Historic England and is therefore not shown in the summary document

Other SPDs will be prepared depending on their urgency and where resources permit.

LOCAL DEVELOPMENT DOCUMENT PROFILES

PART 3: OTHER LOCAL DEVELOPMENT DOCUMENTS

POLICIES MAP (Proposals Map)	
Role and Content	The Policies Map identifies site-specific proposals, designations, and locations and areas to which specific policies in other DPDs apply on an Ordnance Survey base map and will include inset maps. This map evolves with each Development Plan Document.
Status	Development Plan Document
Conformity	Conformity with other Development Plan Documents (DPDs).
Geographic Coverage	District-wide
TIMETABLE & MILESTONES	
The production of the Policies Map is dependent on the timetable of DPDs which require the geographical expression of location of site-specific proposals and area based policies and will be updated as DPDs are adopted.	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning Services with Corporate GIS and technical support. Preparation of printed versions and interactive electronic versions will be outsourced as required. Key stages to be agreed at Cabinet and Council.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Monitoring & Review	An amendment to the Policies Map is contingent on the outcome of the monitoring and review of DPDs.

LOCAL DEVELOPMENT DOCUMENT PROFILES

NEIGHBOURHOOD PLANNING PROTOCOL (STATEMENT OF COMMUNITY INVOLVEMENT)	
Role and Content	The SCI sets out how the community, stakeholders and interested parties are involved in the production of plans and proposals for the District and the determination of planning applications. The NPP reflects the localism agenda and sets out the engagement processes, guidance for the establishment of Neighbourhood Fora, preparation of Neighbourhood Plans and Neighbourhood Development Orders.
Status	LDD
Chain of conformity	Must at least meet the minimum requirements set out in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The SCI has regard to the Council's corporate communication strategy.
Geographic Coverage	Whole District
TIMETABLE & MILESTONES	
Addendum published alongside adopted SCI as required	
Revisions to the SCI finalised and agreed by Council	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning service in conjunction with Policy & Partnerships Team and in consultation with Member portfolio holder. Agreed by the Council/Cabinet.
Community and stakeholder involvement	Fundamental revisions to the SCI will entail community engagement.
POST-PRODUCTION	
Monitoring & Review	To be reviewed on an ongoing basis in response to problems or successes consulting on LDDs or planning applications and as part of the AMR and changes in government legislation

LOCAL DEVELOPMENT DOCUMENT PROFILES

COMMUNITY INFRASTRUCTURE LEVY (CIL)	
Role and Content	The CIL is a levy on new development to fund the timely delivery of infrastructure needed to support development.
Status	Local Development Document
Chain of conformity	Core Strategy; Infrastructure Delivery Programme (IDP)
Geographic Coverage	Whole District
TIMETABLE & MILESTONES FOR ANNUAL REVIEW	
Update and publish B&NES IDP.	By 30 th June annually
Service / Infrastructure Providers to submit the CIL Bid forms	From 1 st to 31 st July annually
Assess the CIL Bid forms and prepare a summary report	August annually
Prepare a draft Spending Priority Programme	August/September annually
Finalise the draft Spending Priority Programme and make an recommendation to the Cabinet	October/November annually
CIL Spending Priority Programme agreed	December annually
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	<p>Charging schedule and a spending regime based on development proposals in the LDF, viability assessments & the Infrastructure Delivery Programme to be prepared by the Planning & Transport Service in conjunction with other Council services. This will be overseen by the LDF Steering Group with decisions made by Cabinet/Council. The work will be co-ordinated by the Officer Development Co-ordination Group with input from external developers/stakeholders as required.</p> <p>Other key tasks are:</p> <ul style="list-style-type: none"> - Clarifying the proportion to be allocated back to neighbourhoods - Establish enforcement arrangements/penalisation for non-payment
Community and stakeholder involvement	Community engagement was undertaken in preparation of charging schedule, spending regime and neighbourhood element in accordance with the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Implementation	<p>B&NES, as both the charging and collecting authority will issue a liability notice on grant of planning permission. The levy is paid on commencement of and during development.</p> <p>Establish collection arrangements</p>
Monitoring and Review	A report on the levy raised and what it is spent on will be included in the AMR.

Conservation area character appraisals	
Role and Content	<p>Local planning authorities are obliged to designate as conservation areas any parts of their own area that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Local planning authorities also have a duty to review past designations from time to time to determine if any further parts of their area should be conservation areas.</p> <p>Conservation area designation introduces a general control over the demolition of unlisted buildings and provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces, that define an area's special interest.</p> <p>There are 36 conservation areas in the District but only 12 of these have up to date conservation area character appraisals. None at present have management plans, but preparation of an appraisal provides the scope to address management opportunities.</p>
Geographic Coverage	District-wide conservation areas
TIMETABLE & MILESTONES	
<p>The production of the conservation area character appraisals outside Bath is to be planned alongside resources available, development pressure and local demand.</p> <p>Bath Conservation Area character appraisal is planned to be progressed during 2016-17.</p>	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning and Conservation team with consultants. Preparation of printed versions and interactive electronic versions will be outsourced as required. Key stages to be agreed at Cabinet and Council.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol.
POST-PRODUCTION	
Monitoring & Review	All progress relating to implementation will be reported in the AMR.

Natural Environment and Urban Design Evidence and Strategies

1. The West of England Nature Partnership (WENP) launched in June 2013 is one of 47 Local Nature Partnerships given statutory status by Defra. The WENP will develop and advocate an investment strategy for the natural environment of the West of England that provides a range of essential services to support economic development and public health. The WENP aims to provide coherent and cohesive representation of a range of stakeholders concerned for the natural environment and work in partnership with economic development agencies, health authorities and other statutory bodies to create a truly joined up approach in the West of England. The National Planning Policy Framework (NPPF) states that local planning authorities should work collaboratively with Local Nature Partnerships.

Landscape

2. One of the core principles the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. Landscape Character Assessment is the tool that informs judgements on the value of landscapes and should be undertaken at a scale appropriate to local and neighbourhood plan-making. The rural character assessment of the District was carried out in 2003 and an assessment of Bath was carried out in 2005 as a precursor to more detailed Conservation Appraisals across Bath which are still pending, and are dependent on available resources.
3. The District is vulnerable to impacts on the landscape and visual character because the existing character assessments carried out to current methodologies to accord with government policy. A District landscape character assessment carried out in partnership between the Council, and parishes and local communities is needed. This will inform planning decisions and will help to provide the context for other related assessments including local planning initiatives such as Neighbourhood Plans where these are undertaken.

Trees and Woodland Strategy

4. The need for a tree and woodland strategy has been identified through a number of related studies (Public Realm and Movement Strategy, Green Space Strategy, Green Infrastructure Strategy etc.). This is especially relevant with the high level of public interest in this area following the governments proposed sell off of the public forestry estate and the risks of significant landscape scale tree loss through ash die-back and other tree related disease. The objective is to produce, adopt and implement a collaborative strategy for protecting, developing and managing a thriving, benefit-generating treescape which is in tune with local needs and aspirations.

Ecology

5. In 2011 Government published a Natural Environment White Paper setting out its goals and vision for the natural environment followed later that year by Biodiversity 2020 Government's biodiversity strategy. The NPPF sets out the requirement to map ecological corridors and also to be able to respond to biodiversity offsetting. There is a need for the council to review/consider these needs and set out its approach, this should ideally be done to tie in with the plan review.

Design

6. As part of updating district wide design standards for the Placemaking Plan (see para 5.4 of LDS Review) there may be scope to prepare an 'Evolving Place' project, an SPD providing planning applicants with guidelines on achieving Good Design. This would incorporate the requirement in NPPF for Local Authorities to 'deliver a wide range of high quality homes' (chapter 7, pp14-16) together with 'Promoting Healthy Communities' (NPPF chapter 8 pp17-19) into a detailed and comprehensive guidance document for use in planning prepared with input across Council services and the public and based on describing how to meet the relevant Core Strategy Policy CP6 'Environmental Quality' and NPPF requirements as well as integrating relevant corporate strategies.

Status of current Supplementary Planning Documents and Guidance

At its meeting on 10th July 2014 the Council agreed that the following adopted Supplementary Planning Documents and Guidance should also supplement the Core Strategy.

Agricultural Building Design Guidelines for the Mendip Hills AONB (published 2001, revised 2013) supplements saved Policy NE.2 in the Bath & North East Somerset Local Plan.

Archaeology in Bath & North East Somerset SPG (May 2004) and **Archaeology in Bath SPG** (May 2004) supports saved Policies BH.11, BH.12 and BH.13 in the Bath & North East Somerset Local Plan.

Bath City-wide Character Appraisal (August 2005) supports saved Policies BH.6, BH.8, BH.15, D.1, D.2, D.4, HG.7, GB.2, NE.1, NE.2, NE.3, NE.12 and NE.15 in the Bath & North East Somerset Local Plan.

Bath Western Riverside SPD (March 2008) supplements Bath & North East Somerset's Local Plan site allocation Policy GDS.1/B1.

Existing Dwellings in the Green Belt SPD (October 2008) supplements saved Policies HG.14 and HG.15 in the Bath & North East Somerset Local Plan.

Guidelines for Horse-related Development for the Mendip Hills AONB (published 2004, revised 2012) supplements saved Policies NE.2 and SR.12 in the Bath & North East Somerset Local Plan.

Houses in Multiple Occupation in Bath SPD with Article 4 Direction for HMO in Bath (June 2013) introduces a new threshold policy which supplements saved Policy HG.12 in the Bath & North East Somerset Local Plan

Conservation Area Appraisals

The Council has a number of Conservation Areas, the following of which are SPD or a material consideration

- Paulton Conservation Area Statement (2003)
- Chew Magna Conservation Area Statement (2003)
- Midsomer Norton and Welton Conservation Area Statement(2004)
- South Stoke Conservation Area Appraisal (March 2014)
- Hinton Blewett Conservation Area Appraisal (July 2014)
- Combe Hay Conservation Area Appraisal (July 2014)
- Claverton Conservation Area Appraisal
- Freshford and Sharpstone Conservation Area Appraisal
- Pensford Conservation Area Appraisal
- Radstock Conservation Area Appraisal
- Wellow Conservation Area Appraisal
- Woollard Conservation Area Appraisal

Village Design Statements

- Peasedown St. John Village Statement (2001)
- Hallatrow & High Littleton Design Statement (2003)
- Paulton Village Design Statement (2003)
- Bathford Village Design Statement (2005)
- Chew Magna Village Design Statement (2006)
- Larkhall Character Statement and Development Principles (1998)

Planning Obligations SPD (July 2009) supplements saved Policy IMP.1 in the Bath & North East Somerset Local Plan.

Retrofitting & Sustainable Construction SPD (February 2013) supplements saved the Bath & North East Somerset Council Local Plan and Policies CP1 and CP2 of the Core Strategy once it is adopted.

Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment (February 2003) supports saved Policy NE.1 in the Bath & North East Somerset Local Plan.

Streetscape Manual SPD (April 2005) supplements saved Policy D.2 in the Bath & North East Somerset Local Plan.

Walcot Street Works (1997), **Cherishing Outdoor Places** (1994), and **External Building Materials Local Design Guide** supplement the Bath & North East Somerset Local Plan.

City of Bath World Heritage Site Setting SPD (August 2013) supplements Core Strategy Policy B4.

GLOSSARY OF TERMS

- AAP** An **Area Action Plan** can be used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.
- AMR** The **Authority's Monitoring Report** will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented. Previously known as an Annual Monitoring Report.
- CS** **Core strategy:** sets out the long-term spatial vision for the local planning authority area, the spatial objectives and a strategic policy framework to deliver that vision. The Core Strategy will have the status of a *Development Plan Document* and will form Part 1 of the new style Local Plan.
- DP** **Development Plan:** as set out in Section 38(6) of the Act, an authority's development plan consists of the relevant *Development Plan Documents* contained within its *Local Development Framework*.
- DPD** **Development Plan Document:** spatial planning documents that are subject to independent examination will form the *Development Plan*. They can include a *Core Strategy*, *Site Specific Allocations of land*, and *Area Action Plans* (where needed). Other Development Plan Documents, including generic Development Control Policies, can be produced. They will all be shown geographically on an *adopted Policies Map*.
- LDF** **Local Development Framework:** the name for the portfolio of *Local Development Documents*. It consists of *Development Plan Documents*, *Supplementary Planning Documents*, a *Statement of Community Involvement*, the *Local Development Scheme* and *Annual Monitoring Reports*. Together these documents will provide the framework for delivering the spatial planning strategy for a local authority area.
- LDD** **Local Development Document:** the collective term for Development Plan Documents, Supplementary Planning Documents and the Neighbourhood Planning Protocol.
- LDS** **Local Development Scheme:** sets out the programme for preparing *Local Development Documents*.
- LEP** **Local Enterprise Partnerships:** locally-owned partnerships between local authorities and businesses and play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs.
- NPP** **Neighbourhood Planning Protocol:** sets out mechanisms for:
- Neighbourhood Fora
 - Neighbourhood Referenda

- Neighbourhood Development Orders
- Community Right to Build

This includes a review of the Council's Statement of Community Involvement.

NPPF National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be implemented. It replaces all previous planning policy guidance notes and planning policy statements.

PMP Placemaking Plan: a Development Plan Document being prepared to complement the strategic framework in the Core Strategy by setting out detailed development principles for identified sites and other policies for managing development across Bath & North East Somerset. It will form Part 2 of the new style Local Plan.

Policies Map: previously referred to as the **Proposals Map** and illustrates geographically the policies and proposals in the Development Plan Documents (DPD) on an Ordnance Survey map. Inset Maps show policies and proposals for specific parts of the district. It will need to be revised each time a new DPD is adopted.

RSS Regional Spatial Strategy: set out the region's policies in relation to the development and use of land and forms part of the *development plan* for local planning authorities. Regional strategies remained part of the development plan until they were formally revoked by the Secretary of State in May 2013.

Saved policies or plans: existing adopted development plans are saved for three years from the date of commencement of *the Act*. Any policies in old style development plans adopted after commencement of the Act will become saved policies for three years from their adoption or approval.

SA Sustainability Appraisal: tool for appraising policies to ensure they reflect sustainable development objectives. Sustainability Appraisals are required in the Act to be undertaken for all local development documents.

SEA Strategic environmental assessment: a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

SPD Supplementary Planning Document: provide supplementary information in respect of the policies in *Development Plan Documents*. They do not form part of the Development Plan and are not subject to independent Examination.

This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats from the Planning Policy Team Tel (01225 477548) Fax (01225 477617), Minicom (01225 477535).

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	12th November 2015 (adjourned to 17 th December 2015)
TITLE:	The Local Council Tax Support Scheme (LCTS) 2016-17
WARD:	ALL
AN OPEN PUBLIC ITEM	
Background resource for this report:	
1. Section 13a Local Government Finance Act 1992 – Local Scheme http://www.bathnes.gov.uk/sites/default/files/bath_ne_someset_s13a_201516_v1.1.pdf	

1 THE ISSUE

To consider a proposal for continuation of the Local Council Tax Support scheme (LCTS) into its fourth year, with the policy to incorporate uprating of national personal allowances and benefits as necessary.

2 RECOMMENDATION

2.1 Council is recommended to approve delegated authority for the Lead Cabinet Member for Finance and Efficiency and the Section 151 Officer of Bath & North East Somerset Council to agree that there are no changes to the existing Council Tax Support Scheme for 2016-17, other than the application of national uprating adjustments and technical changes to ensure legal compliance as soon as practical.

2.2 Council is recommended to approve work to design an even more simplified scheme from April 2017-18 (which could enable greater use of digital channels for those claimants who can and choose to use them, and reduced complexity for both customers and personnel involved in delivering the support).

3. FINANCIAL IMPLICATIONS

3.1 The Council implemented a cost neutral Local Council Tax Support Scheme in 2013-14 to reflect the reduced Government funding available. The gross cost of Council Tax Support is £8.609 million as measured at end of September 2015 (September 2014: £8.865 million). The fall in cost of the scheme since last year is due to the continuing decrease in number of

claimants, which has fallen by 436 (September 2015: 10,702, September 2014: 11,138). This reduction is comprised of a decrease in Pension Age claimants of 254, and a decrease in Working Age (WA) claimants of 182.

3.2 Given the reducing cost of the scheme in recent years, it is anticipated the existing scheme will remain able to accommodate any growth in pensioner population, plus the expected levels of unemployment within the working age population.

3.3 It is estimated that the scheme's cost could increase in 2016-17 by up to £520,000 due to the national reduction in Tax Credits that support the incomes of those working age LCTS claimants who are in employment. Whilst other factors, including increased levels of work among these claimants and the introduction of the National Living Wage, may lessen the impact on the scheme, there is expected to be at least a short term increase in support claimed. These costs will be closely monitored during 2016/17 with any adverse impact reflected in the Council Tax Collection Fund year end position.

3.4 Should the Council choose to raise the level of Council Tax for 2016-17, the impact on the Local Council Tax Support Scheme would also need to be considered.

3.5 Recognising the financial challenge faced by the Council, any changes to the scheme which increase costs further, above the current budgeted position would require the Council to identify alternative savings to mitigate.

3.6 The Council is committed to reducing Fraud and Error and the existing scheme has proven straightforward to understand and administer in practice, which assists in this aim. Resources will be maintained to ensure Fraud and Error is at a minimum. The objectives for a re-designed scheme will include reducing Fraud and Error even further.

3.7 Support for our most vulnerable residents is currently provided through the local Welfare Support Scheme which is funded by the Council given the withdrawal of Social Fund contributions by central government since 1st April 2015.

4. CORPORATE OBJECTIVES

4.1 The delivery of Council Tax Support at a time of severe budget pressures remains a challenge.

4.2 The scheme provides incentive to work while, at the same time, protecting pensioners and vulnerable people, and therefore will support the Council objective of:

- Building a stronger economy

5. THE REPORT

5.1 Council Tax Benefit was replaced with the Local Council Tax Support scheme in April 2013.

5.2 The Government specified that certain groups such as pensioners will be protected and should see no changes to their entitlement. However, each Council can consider whether to protect other groups and how to fund any extra protections.

5.3 The current scheme protects claimants who are considered by the Council to be vulnerable.

5.4 The Council defined the vulnerable as those in receipt of a :

- Support Component of Employment and Support Allowance (ESA)
- Enhanced Disability Premium
- Enhanced Disability for Dependants
- Disability Premium for Dependents
- Severe Disability Premium

5.5 The claimants in receipt of the above premiums/components, are considered to be vulnerable as they are in need of care and support, and therefore could not be expected to work. Furthermore a concession in the scheme has been made for those households which include a disabled child.

5.6 For people other than pensioners or the vulnerable, the Council applies the criteria below for its Local Council Tax Support :

- Maximum eligible amount set at 78%
- Local Council Tax Support paid to a maximum Council Tax band D
- No Second Adult Rebate
- Child Benefit and Child Maintenance included as an income in calculation of entitlement
- No Underlying Entitlement
- Those people with Capital/Assets over £10,000 will not be entitled
- No non dependant deductions
- No entitlement to backdating.

5.7 For the fourth year of the scheme, the Council will update its policy document under Section 13a of the Local Government Finance Act 1992. This document sets out the existing rules for assessing Local Council Tax Support, and will continue to apply from 1st April 2016. The existing policy, shown at Appendix 1, will be updated for uprating of national personal allowances and benefits when this occurs in March 2016.

5.8 The current scheme was designed to be straightforward and equitable across all groups, and it seeks to give incentive to work where possible. It is considered to be the most suitable option in the short term, to meet the requirements throughout 2016-17. Though alternatives will be investigated and evaluated for 2017-18 and beyond (that could enable greater use of digital channels for those claimants who can and choose to use them, and reduced complexity for both customers and personnel involved in delivering the support).

6. RISK MANAGEMENT

6.1 The report author and Lead Cabinet Member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 The Local Council Tax Support scheme reflects most of the characteristics of the former Council Tax Benefit scheme prior to April 2013, though it is simpler and therefore does not have an adverse effect on people that are particularly vulnerable or have protected characteristics.

7.2 A full Equality Impact Assessment on Local Council Tax Support was written when the scheme was created and this will continue to be reviewed in light of scheme outcomes.

8. CONSULTATION

8.1 Consultation on continuation of the scheme has already been conducted with Cabinet Member; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer; Staff.

8.2 In the absence of change to the scheme for 2016-17, there is no requirement to repeat a public consultation as was performed prior to initiation of Local Council Tax Support from 1st April 2013. Public consultation will be conducted on options for a re-designed scheme from April 2017-18.

9. ISSUES TO CONSIDER IN REACHING THE DECISION

Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations

10. ADVICE SOUGHT

The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director – Business Support) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Ian Savigar, Director for Customer Services, Tel; 01225 477327</i>
Sponsoring Cabinet Member	<i>Councillor Charles Gerrish</i>
Background papers	
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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	12 November 2015 (adjourned to 17th December 2015)	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Parish Councils: Local Council Tax Support Scheme Grant 2016/17 to 2019/20	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Proposed Parish Councils Local Council Tax Support Scheme Grant reductions for 2016/17 and indicative reductions for 2017/18 to 2019/20		

1 THE ISSUE

- 1.1 The grant the Council currently pays to Parish, Town Councils and the Charter Trustees in respect of the introduction of the Local Council Tax Support Scheme has been reviewed as part of the Council’s Medium Term Financial Planning process.
- 1.2 This report proposes reductions to the level of grant paid in 2016/17 and the phasing out of the remaining grant from 2017/18, in light of the reductions already made to the Council’s core funding received from central government and the further reductions anticipated over the next four years.
- 1.3 A Council decision is required ahead of the Budget setting meeting in February so parishes can be notified and factor the change in grant into their upcoming precept setting decisions.

2 RECOMMENDATION

- 2.1 That Council approves the 2016/17 Parish Local Council Tax Support Scheme grants as set out in Appendix 1.
- 2.2 That Council approves the proposal to phase out the remaining grant from 2017/18 onwards as set out in Appendix 1, subject to confirmation of the Council’s financial planning assumptions in the Local Government Finance Settlement.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Council's 2015/16 budget includes provision of £214,960 in respect of the grant it pays to Parish, Town Councils and the Charter Trustees to offset the impact to their taxbase following the introduction of Local Council Tax Support Scheme in 2013/14.
- 3.2 The government transferred funding related to the impact of these changes on Parishes into the Council's core grant as part of the Local Government Finance Settlement in 2013/14. The Council agreed in 2013/14 to pay a Local Council Tax Support Scheme grant to Town and Parish Councils and this has been maintained at the same level in 2014/15 and 2015/16 despite there being no statutory requirement to pass the funding on and the Council experiencing reductions to its core grant of 22% over those two years.
- 3.3 Following consideration of future grant payments undertaken as part of the Council's Strategic Review process, it is proposed that the amount of grant paid to Parish and Town Councils in 2016/17 is reduced by £41,010 to £173,950. This equates to a reduction of around 20%, reflecting that the Council is unable to continue to protect the original level of funding given to Parish and Town Councils in light of the reductions made to its own core government grant funding since 2013/14.
- 3.4 Taking into account the future scale of the financial challenge facing the Council over the next four years to 2019/20, with an estimated further reduction in government grant funding of around 40% and likely savings, or additional income required of over £30 million, it is proposed to phase out the remainder of the Parish grant over this period. This will be subject to confirmation of the Council's financial planning assumptions in the Local Government Finance Settlement, expected to be provisionally announced in December.
- 3.5 Appendix 1 provides details of the proposed reductions and grant levels broken down by parish over the period to 2019/20. Under these proposals all parish grants are likely to be phased out by 2019/20 with the exception of Radstock, which is likely to be phased out by 2021/22 to take account of their relatively higher dependency on the grant as a result of having a higher proportion of Council Tax Benefit claimants under the old scheme.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The proposal recommends a change to the Council's budget and under the Council's Policy & Budget Framework this requires a Full Council decision to proceed.
- 4.2 The impacts of the reduction in the parish grants will need to be considered by each Parish, Town Council and the Charter Trustees as part of their annual precept setting decision.

5 THE REPORT

- 5.1 The Government abolished the national Council Tax Benefits System on 31st March 2013, replacing it with a requirement for local authorities to establish a Local Council Tax Support Scheme with effect from 1st April 2013. The new

scheme provides a 'discount' against the Council Tax charge rather than receipt of a benefit entitlement.

- 5.2 The Government transferred funding to support the Local Council Tax Support Schemes in 2013/14 (90% of the previous funding available under the Council Tax Benefit System). This funding forms part of the Council's core government grant. Whilst the amount of the transfer was visible in 2013/14, it is no longer a separately identifiable element of the Council's grant funding. The Council's grant funding includes an element relating to Town and Parish Councils and whilst the Council passed the grant on to the Town and Parish Councils in 2013/14, 2014/15 and 2015/16, there is no statutory requirement to do so.
- 5.3 The Councils core grant has been the subject to significant ongoing year on year reductions since 2010/11 and has been reduced by 22% over the last two years alone whilst the Council has maintained the grant to Town and Parish Councils at the same level protecting them from these reductions.
- 5.4 The future scale of the financial challenge facing the Council over the next four years to 2019/20, with an estimated further reduction in government grant funding of around 40% and likely savings or additional income required of over £30 million, has meant the Council has needed to undertake a review of its revenue budget commitments including the Parish Local Council Tax Support Scheme grant.
- 5.5 Parish and Town Councils were notified in December 2014 that the Council would be considering the level of the grant as part of its budget process for 2016/17 and that it would be prudent for them to start considering options as part of their budget planning should any reductions in funding the Council is experiencing be passed through to the Town & Parish grant.
- 5.6 Following the review it is proposed that the amount of grant paid to Parishes in 2016/17 is reduced by £41,010 from £214,960 to £173,950. This equates to a reduction of around 20%, reflecting that the Council is unable to continue to protect the original level of funding in light of the reductions made to its own core government grant funding since 2013/14. Given the estimated further future reductions to the Council's funding, it is also anticipated that the remainder of the grant is phased out by 2019/20, with a higher reduction in 2017/18 to reflect the anticipated front loading of government grant reductions. The approach from 2017/18 onwards will be subject to confirmation of the Council's financial planning assumptions in the Local Government Finance Settlement which is expected to be provisionally announced in December 2015.
- 5.7 Appendix 1 provides details of the proposed reductions and grant levels broken down by Parish over the period to 2019/20. Under these proposals all Parish grants are shown to be phased out by 2019/20 with the exception of Radstock, where the grant is phased out by 2021/22 to take account of their relatively higher grant dependency as a result of having a higher proportion of Council Tax Benefit claimant under the old scheme.
- 5.8 A Council decision on this issue is required ahead of its Budget setting meeting in February to enable the Town and Parish Councils to be notified of the outcome so that they can reflect the changes in the level of their grant into their precept setting decisions, the majority of which take place during December and January.

6 RATIONALE

6.1 The reductions in 2016/17 and the phasing out of the Parish grant by 2019/20 are proposed in light of the reductions to the Council's core grant since 2013/14 and the further future reductions anticipated over the next four year financial planning period.

7 OTHER OPTIONS CONSIDERED

7.1 The Strategic Review considered various options relating to the Parish Local Council Tax Support grant including maintaining the grant unchanged and differing rates of reduction over the four year period.

7.2 Taking into account the future scale of the financial challenge facing the Council the proposal to phase out the grant was the preferred option. This gives the parishes more certainty of the position over the next four years so they are able to factor this into their financial planning and future precept setting decisions.

8 CONSULTATION

8.1 Parish and Town Councils were notified in December 2014 that the Council would be considering the level of the grant as part of its budget process for 2016/17.

8.2 The clerks of all Parish, Town Councils and the Charter Trustees that currently receive a Local Council Tax Support grant have been made aware of the proposal and that Council will be considering the issue at this meeting.

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>Tim Richens (01225 477468); Gary Adams (01225 477107)</i>
Background papers	<i>None</i>
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APPENDIX 1

PARISH LOCAL COUNCIL TAX SUPPORT SCHEME GRANT - PROPOSED PHASED REDUCTIONS - 2016/17 to 2019/20

Parish / Town Council / Charter Trustee	Local Parish Precept set 2015/16	2015/16 Approved Parish Grant for LCTSS	Proposed Grant Reduction 2016/17	Revised Parish Grant 2016/17	Proposed Grant Reduction 2017/18	Revised Parish Grant 2017/18	Proposed Grant Reduction 2018/19	Revised Parish Grant 2018/19	Proposed Grant Reduction 2019/20	Revised Parish Grant 2019/20
Salitford	£29,702	£1,290	-£260	£1,030	-£520	£510	-£260	£250	-£250	£0
Shoscombe	£6,813	£410	-£80	£330	-£160	£170	-£80	£90	-£90	£0
South Stoke	£7,680	£180	-£40	£140	-£70	£70	-£40	£30	-£30	£0
Stanton Drew	£8,416	£560	-£110	£450	-£220	£230	-£110	£120	-£120	£0
Stowey Sutton	£18,730	£770	-£150	£620	-£310	£310	-£150	£160	-£160	£0
Swainswick	£2,800	£80	-£20	£60	-£30	£30	-£20	£10	-£10	£0
Timsbury	£47,000	£2,910	-£580	£2,330	-£1,160	£1,170	-£580	£590	-£590	£0
Ubley	£6,730	£270	-£50	£220	-£110	£110	-£50	£60	-£60	£0
Wellow	£10,115	£770	-£150	£620	-£310	£310	-£150	£160	-£160	£0
West Harptree	£8,000	£430	-£90	£340	-£170	£170	-£90	£80	-£80	£0
Westfield	£171,810	£19,660	-£3,930	£15,730	-£7,860	£7,870	-£3,930	£3,940	-£3,940	£0
Whitchurch	£25,000	£1,040	-£210	£830	-£420	£410	-£210	£200	-£200	£0
Total	£2,229,685	£214,960	-£41,010	£173,950	-£81,980	£91,970	-£41,010	£50,960	-£40,950	£10,010

Radstock grant proposed to be phased out by 2021/22 to take account of their relatively higher dependency on the grant as a result of having a higher proportion of Council Tax Benefit claimants under the old scheme.

Bath & North East Somerset Council	
MEETING	Council
MEETING	12 November 2015 (adjourned to 17th December 2015)
TITLE:	Request by Dunkerton Parish Council to change its name to Dunkerton and Tunley Parish Council
WARD:	Westfield
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 - Letter dated 20th October 2015 from Dunkerton Parish Council Clerk</p> <p>Appendix 2 - Plan showing the boundary of Dunkerton Parish Council area</p> <p>Appendix 3 – Draft Notice</p>	

1 THE ISSUE

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

2 RECOMMENDATION

That Council:

- 2.1 Notes the receipt of the request from Dunkerton Parish Council to change its name and agrees to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Dunkerton Parish Council to Dunkerton and Tunley Parish Council.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Local Government Act 1972 Section 75 (1) states that at the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.
- 4.2 Section 75 (2) states that notice of any change of name under section 75 (1) shall be sent by the district council concerned to the Secretary of State (in this case of the Department of Communities and Local Government), Director General of the Ordnance Survey and the Registrar General.
- 4.3 Under Section 75 (2) such notice shall also be published by the district council in the parish and elsewhere in such a manner as the district council considers appropriate.
- 4.4 Section 75 (3) states that a change of name made in pursuance of the section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- 4.5 The parish council has, in an effort to ensure that other alternative names were considered, discussed the matter with parishioners at the meetings on 14th May, on 18th June (when a number of other alternatives were put forward by local residents and councillors) and finally on 23rd July 2015, where the parish council agreed that it would like to change the name of Dunkerton Parish Council to Dunkerton and Tunley Parish Council. It appears that there has been adequate information to the residents of both villages to ensure that the majority are in agreement.

5 THE REPORT

- 5.1 Dunkerton Parish Council, in the District of Bath and North East Somerset, resolved at a meeting on 23 July 2015 that the name of the Parish Council is changed from the former to "Dunkerton and Tunley Parish Council" to reflect the fact that the two villages lie within in the Parish. No other changes to the Parish Council arrangements are proposed.
- 5.2 The Clerk to the Dunkerton Parish Council wrote to the Head of Legal and Democratic Services on 4 August 2015 requesting the name change. A copy of the letter confirming this request and the consultation carried out is attached at Appendix 1 to this Report.
- 5.3 The plan attached at Appendix 2 shows that the village of Tunley is contained within the boundary of Dunkerton Parish Council and so it appears that there would be no risk to boundary issues and governance if the name of the Parish was changed.
- 5.4 A draft Notice is attached at Appendix 3 to this Report

6 RATIONALE

6.1 The Parish Council is not able to change its name other than by the statutory process outlined above.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 No formal consultation has taken place in relation to the amendments to the Scheme as this is not required and the Parish Council has considered this matter on 4 occasions (as set out in Appendix 1).

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

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DUNKERTON PARISH COUNCIL
(Serving Dunkerton, Tunley and Withyditc)

Maria Lucas
Head of Legal & Democratic Services
Bath and North East Somerset Council
Riverside
Temple Street
Keynsham
Bristol BS31 1LA

20 October 2015

Dear Maria

In response to your letter of 15 October I would request that you submit a report to the Council on our behalf on 12 November 2015. Hopefully below I have outlined all the information you require. If there is anything else you need please let me know.

As already advised at the annual parish meeting on 16th April 2015 a proposal was put forward by a parishioner that, in the interests of inclusiveness, the name of the parish council be changed to reflect the fact that there are two villages in the parish. At present the parish council's name acknowledges the one village but not the other. The proposal was to name the parish after the names of the two villages as "Dunkerton and Tunley Parish Council"; this proposal was widely approved by all of the local parishioners present at the meeting.

The parish council in an effort to ensure that other alternative names were considered discussed the matter with parishioners at the meetings on the 14th May and again on the 18th June when a number of other alternatives were put forward by local residents and councillors. For your information below please find the relevant items from the agendas of these meetings.

Extract from the Minutes of the Annual Parish Council Meeting 14 May 2015

23 Annual Parish Meeting Parishioners' Requests

.....

23.3 Parish Council Name In order to promote inclusiveness it was requested that the parish consider renaming the council as Dunkerton, Tunley and Withyditc. All parishioners and councillors thought this was a good idea so clerk to investigate the process.

Extract from the Minutes of the Parish Council Meeting 18 June 2015

13 Process for Changing the Parish Council Name

Clerk: Kathryn Manchee, 3 Lark Close, Midsomer Norton, Bath, BA3 4PX.
Tel: 01761 411305 e-mail: clerk.dunkerton@googlemail.com

DUNKERTON PARISH COUNCIL

(Serving Dunkerton, Tunley and Withyditch)

A resident at the meeting proposed that the name change suggested and agreed by all present at the APM and the APCM be amended to Dunkerton with Tunley and Withyditch Parish Council. It was proposed Cllr Robinson, seconded Cllr Prescott that the parish council name be changed from Dunkerton Parish Council to the amended title.

At its meeting on 23rd July 2015 the parish council then agreed that it would like to change the name of Dunkerton Parish Council to Dunkerton and Tunley Parish Council on the grounds that the previously agreed proposed name change would be too lengthy. A copy of the relevant minute is outlined below.

Extract from the minutes of the 23 July 2015 minutes

10 Changing the Parish Council Name

While the suggestion to call the parish council Dunkerton with Tunley and Withyditch was welcomed and agreed in practice this name from an administrative aspect is too long. Therefore it was agreed that the new name would be Dunkerton and Tunley Parish Council; the clerk to contact B&NES to progress this decision.

Yours sincerely



Kathryn Manchee
Clerk to the Council

Clerk: Kathryn Manchee, 3 Lark Close, Midsomer Norton, Bath, BA3 4PX.
Tel: 01761 411305 e-mail: clerk.dunkerton@googlemail.com

Dunkerton CP

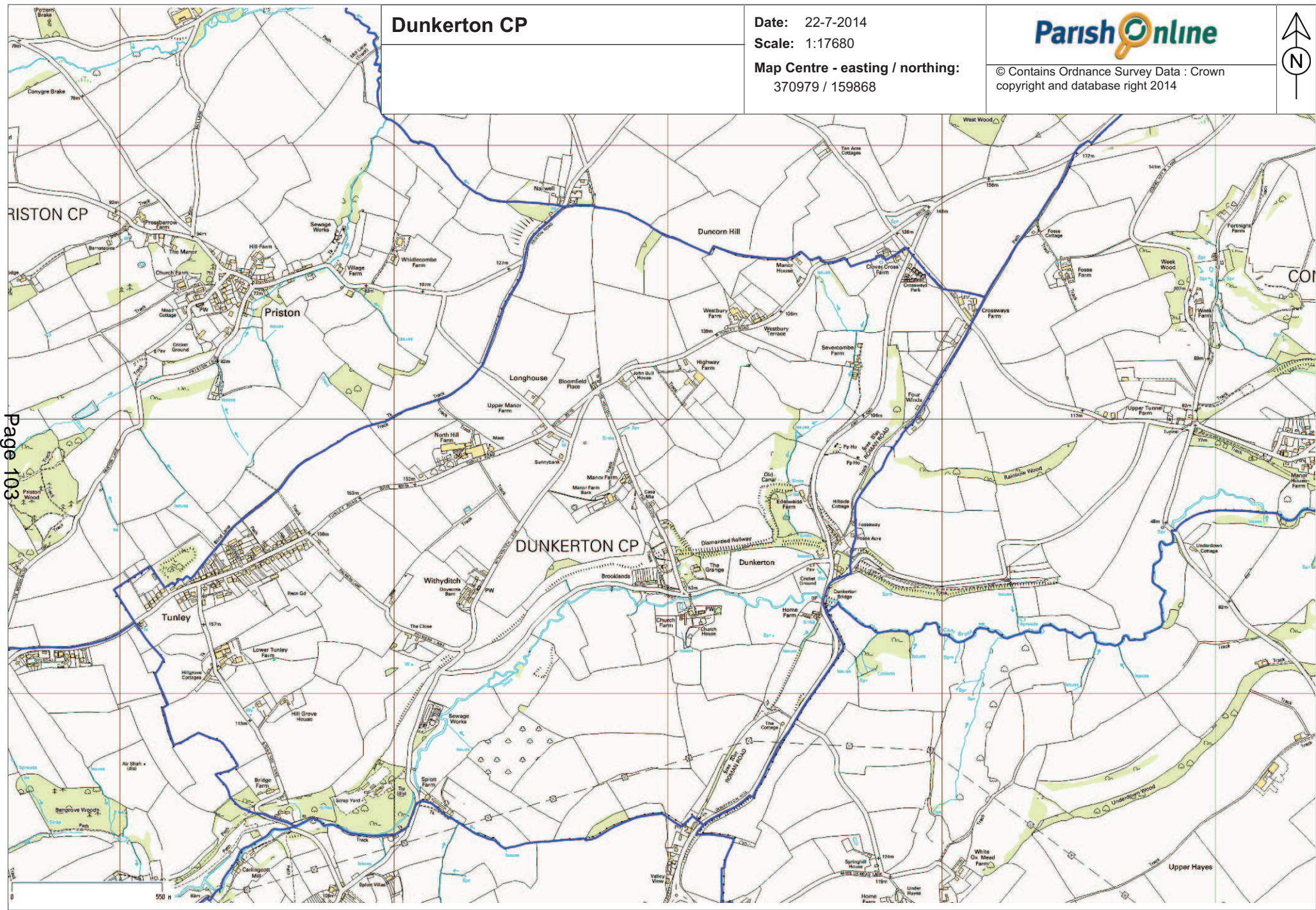
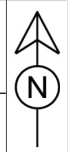
Date: 22-7-2014

Scale: 1:17680

Map Centre - easting / northing:
370979 / 159868



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Notice of Change of Name of Parish

In the District Authority Area of Bath and North East Somerset

Dunkerton Parish Council

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

The Director General of the Ordnance Survey

The Registrar General

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

WHEREAS

- (1) On 23 July 2015 the Dunkerton Parish Council of the parish of Dunkerton resolved to request the Bath and North East Somerset Council pursuant to the Local Government Act 1972 Section 75 that the name of the above parish should be changed to Dunkerton and Tunley Parish Council.
- (2) The Council resolved on (date) to change the name of the parish to Dunkerton and Tunley Parish Council.

NOW therefore the Council pursuant to the Local Government Act 1972 Section 75 GIVES NOTICE that with effect from (date) the name of the parish of Dunkerton is changed to Dunkerton and Tunley Parish Council

Signed.....

Dated

Solicitor to the Council

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	12th November 2015 (adjourned to 17th December 2015)
TITLE:	Treasury Management Monitoring Report to 30th September 2015
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 2015 Appendix 3 – Average monthly rate of return for 1st 6 months of 2015/16 Appendix 4 – The Council’s External Borrowing Position at 30th September 2015 Appendix 5 – Arlingclose’s Economic & Market Review of first six months of 2015/16 Appendix 6 – Interest & Capital Financing Budget Monitoring 2015/16 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 2015/16 for the first six months of 2015/16.

2 RECOMMENDATION

The Council agrees that:

2.1 the Treasury Management Report to 30th September 2015, prepared in accordance with the CIPFA Treasury Code of Practice, is noted

2.2 the Treasury Management Indicators to 30th September 2015 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 2015/16 is 0.47%, which is 0.06% above the benchmark rate.
- 5.2 The Council's Prudential Indicators for 2015/16 were agreed by Council in February 2015 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 2015 is given in **Appendix 2**. The balance of deposits as at 30th June 2015 and 30th September 2015 are also set out in the pie charts in this appendix.
- 5.4 The Council is the accountable body for the West of England Revolving Investment Fund (RIF) and received grant funding of £57 million at the end of the 2011/12 financial year. The Council acts as an agent and holds these funds on behalf of the West of England Local Enterprise Partnership until they are allocated in the form of repayable grants to the constituent Local Authorities to meet approved infrastructure costs. Since these funds are invested separately from the Council's cash balances and have been placed short term with the Debt Management Office and other Local Authorities, they are excluded from all figures given in this report. The value of the fund as at 30th September 2015 is £37.6 million (£40.0m as at 30th June 2015).
- 5.5 Gross interest earned on investments for the first six months totalled £153k. Net interest, after deduction of amounts due to Schools, the West of England Growth Points, CHC and other internal balances, is £103k. **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 0.47%, which was 0.06% above the benchmark rate of average 7 day LIBID +0.05% (0.41%).
- 5.6 The Council also currently holds £16.5m of Local Growth Fund grant as part of its balances. Interest earned from this is ringfenced to fund administration costs, and this interest is therefore excluded from the figures quoted above.

Summary of Borrowings

- 5.7 No new borrowing has taken place during 2015/16. The Council's Capital Financing Requirement (CFR) as at 31st March 2015 was £177 million with a projected total of £219 million by the end of 2015/16 based on the capital programme approved at February 2015 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.

5.8 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 2015 apportioned to Bath & North East Somerset Council is £13.95m. Since this borrowing is managed by Bristol City Council 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 5.6.

5.9 The borrowing portfolio as at 30th September 2015 is shown in **Appendix 4**.

Strategic & Tactical Decisions

5.10 As shown in the charts at **Appendix 2**, the investment portfolio has been diversified across UK Banks and Building Societies and very highly rated Foreign Banks. The Council also uses AAA rated Money Market funds to maintain very short term liquidity.

5.11 The Council continues to 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.

5.12 The Council's average investment return is in line with the budgeted level of 0.45%.

Future Strategic & Tactical Issues

5.13 Our treasury management advisors economic and market review for the second quarter 2015/16 is included in **Appendix 5**.

5.14 The Bank of England base rate has remained constant at 0.50% since March 2009. In the opinion of the Council's treasury advisors, Arlingclose, there will not be a rate rise until Q2 2016.

5.15 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 is now on the rate of increase and the medium-term peak and, in this respect, the current forecast remains that rates will rise slowly and to a lower level than in the past.

Budget Implications

5.16 A breakdown of the revenue budget for interest and capital financing and the forecast year end position based on the period April to September is included in **Appendix 6**. This is currently forecast to be on target for 2015/16.

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 Community Resources, Section 151 Finance Officer and Monitoring Officer.

8.2 Consultation was carried out via e-mail.

9 RISK MANAGEMENT

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

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

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

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim_Richens@bathnes.gov.uk Jamie_Whittard@bathnes.gov.uk
Background papers	<i>2015/16 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.

	2015/16 Prudential Indicator	2015/16 Actual as at 30th Sept. 2015
	£'000	£'000
Borrowing	219,000	108,300
Other long term liabilities	2,000	0
Cumulative Total	221,000	108,300

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.

	2015/16 Prudential Indicator	2015/16 Actual as at 30th Sept. 2015
	£'000	£'000
Borrowing	182,000	108,300
Other long term liabilities	2,000	0
Cumulative Total	184,000	108,300

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.

	2015/16 Prudential Indicator	2015/16 Actual as at 30th Sept. 2015
	£'000	£'000
Fixed interest rate exposure	182,000	88,300*

* 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.

	2015/16 Prudential Indicator	2015/16 Actual as at 30 th Sept. 2015
	£'000	£'000
Variable interest rate exposure	104,000	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.

	2015/16 Prudential Indicator	2015/16 Actual as at 30 th Sept. 2015
	£'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	2015/16 Actual as at 30 th Sept. 2015
	%	%	%
Under 12 months	50	Nil	28*
12 months and within 24 months	75	Nil	7
24 months and within 5 years	75	Nil	9
5 years and within 10 years	100	Nil	0
10 years and above	100	Nil	56

* 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**.

	2015/16 Prudential Indicator	2015/16 Actual as at 30 th Sept. 2015
	Rating	Rating
Minimum Portfolio Average Credit Rating	A-	AA-

APPENDIX 2

The Council's Investment position at 30th September 2015

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

	Balance at 30th September 2015
	£'000's
Notice (instant access funds)	20,600
Up to 1 month	28,462
1 month to 3 months	10,000
Over 3 months	5,000
Total	64,062

The investment figure of £64.062 million is made up as follows:

	Balance at 30th September 2015
	£'000's
B&NES Council	30,484
B&NES CHC	9,572
West Of England Growth Points	133
Local Growth Fund	16,462
Schools	7,411
Total	64,062

The Council had a total average net positive balance of £65.3m during the period April 2015 to September 2015.

Chart 1: Council Investments (£64.1m) as at 30th September 2015

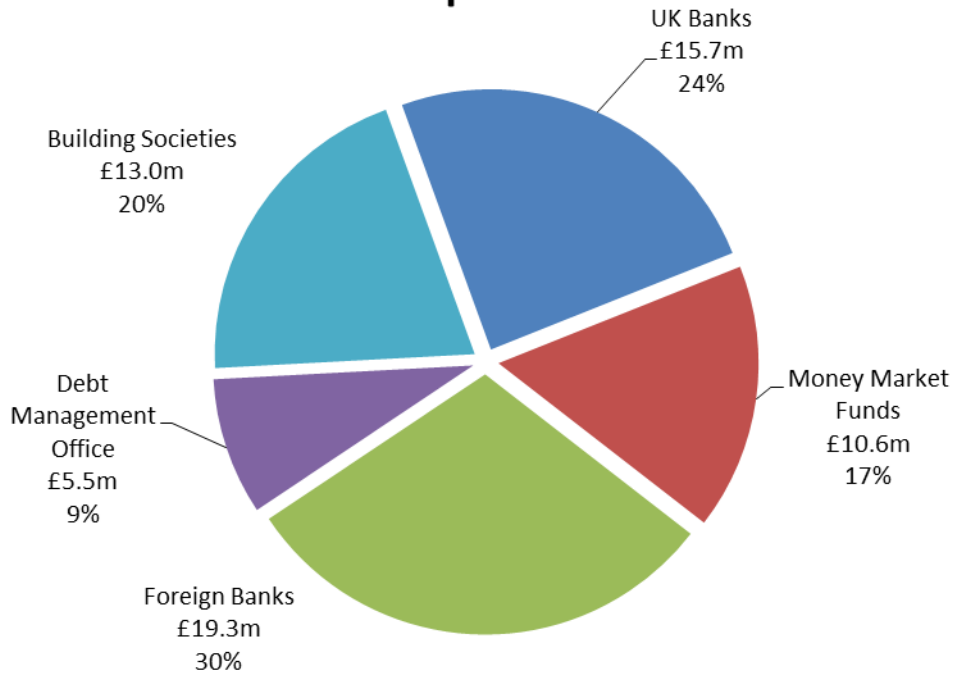


Chart 2: Council Investments (£58.9m) as at 30th June 2015

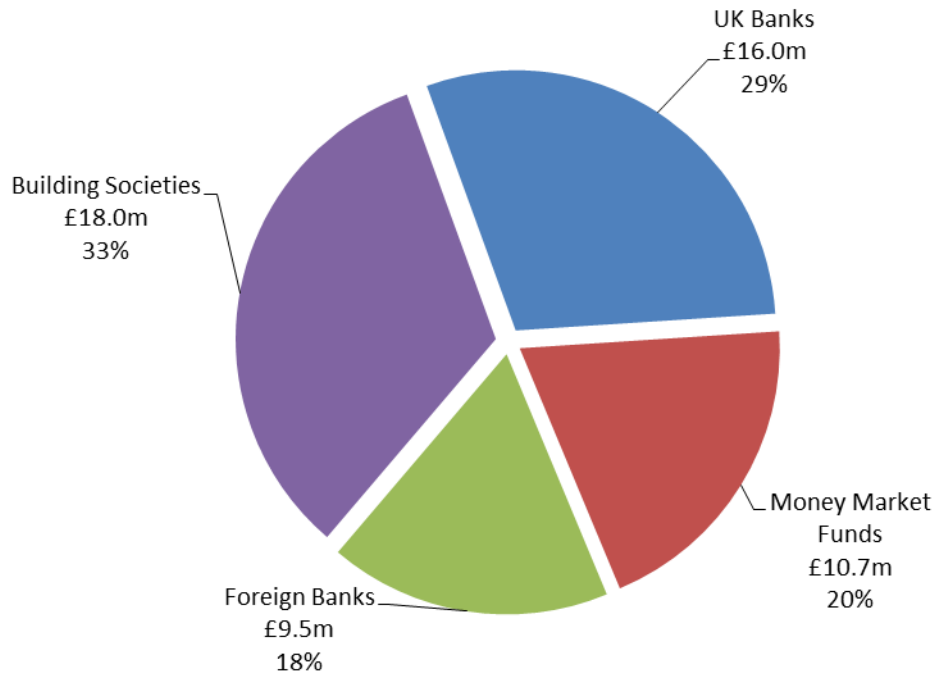


Chart 3: Council Investments per Lowest Equivalent Long-term Credit Ratings (£64.1m) 30th September 2015

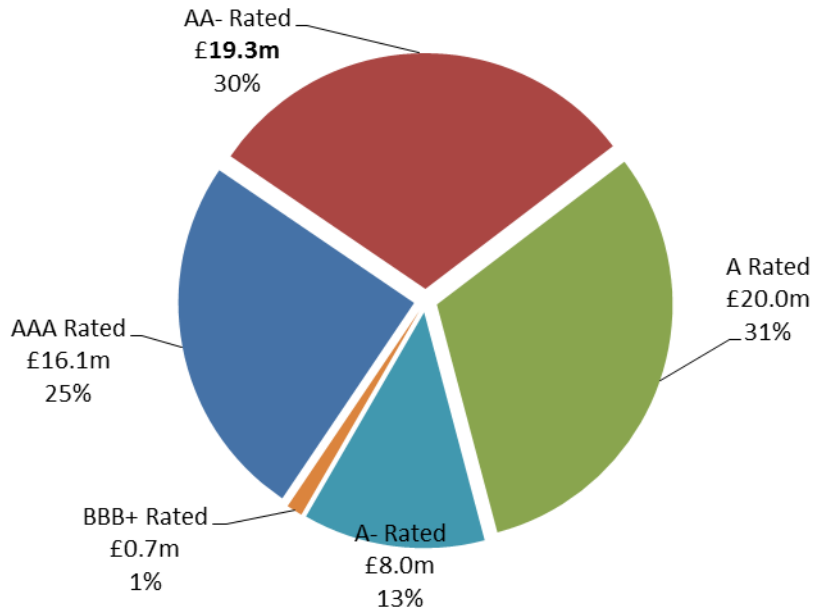
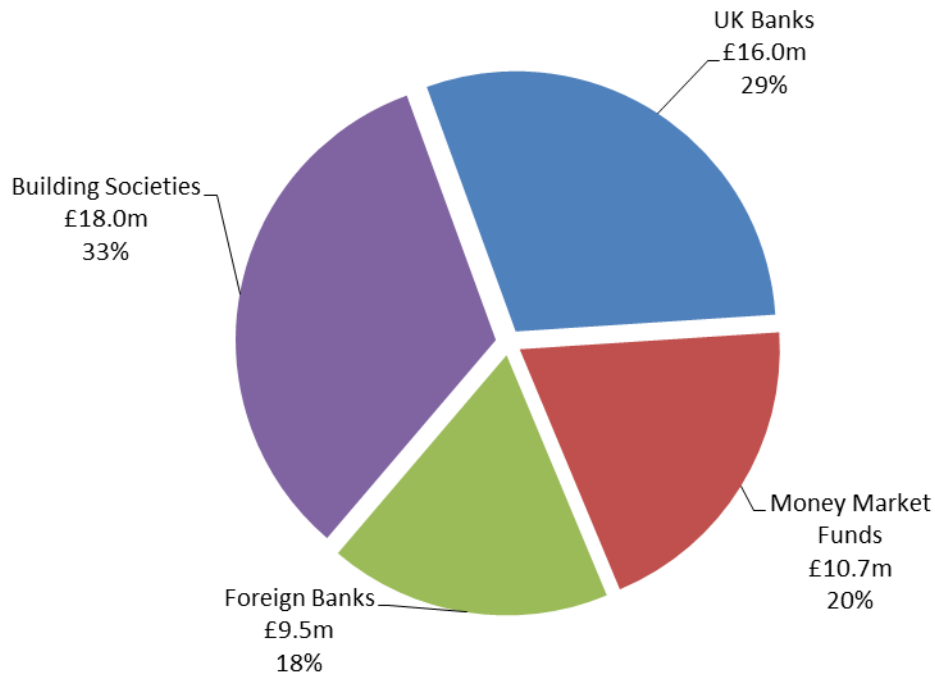


Chart 2: Council Investments (£58.9m) as at 30th June 2015



APPENDIX 3

Average rate of return on investments for 2015/16

	April %	May %	June %	July %	Aug. %	Sept. %	Average for Period
Average rate of interest earned	0.45%	0.46%	0.48%	0.48%	0.47%	0.48%	0.47%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Arlingclose)	0.40%	0.41%	0.41%	0.41%	0.41%	0.41%	0.41%
Performance against Benchmark %	+0.05%	+0.05%	+0.07%	+0.07%	+0.06%	+0.07%	+0.06%

APPENDIX 4

Councils External Borrowing at 30th September 2015

LONG TERM	Amount	Start Date	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/35	4.75%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/08/60	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	15/08/29	2.62%
PWLB	5,000,000	29/01/15	15/02/61	2.92%
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%
West Midland Police Authority	5,000,000	08/10/14	10/10/16	1.10%
Portsmouth City Council	3,000,000	15/10/14	17/10/16	1.08%
Wirral Metropolitan Borough Council	5,000,000	07/11/14	06/11/15	0.65%
Gloucestershire County Council	5,000,000	25/11/14	25/11/19	2.05%
Derbyshire County Council	5,000,000	28/11/14	27/11/15	0.65%
Gloucestershire County Council	5,000,000	19/12/14	19/12/19	2.05%
TOTAL	108,300,000			
TEMPORARY	Nil			
TOTAL	108,300,000			3.64%

*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 2015 (provided by Arlingclose)

On 12th July, following a weekend European Union Summit, it was announced that the terms for a third bailout of Greece had been reached. The deal amounting to €86 billion was agreed under the terms that Greece would see tax increases, pension reforms and privatisations; the very reforms Tsipras had vowed to resist. This U-turn saw a revolt within the ruling Syriza party and on 27th August, Alexis Tsipras resigned from his post as Prime Minister of Greece after just eight months in office by calling a snap election, held on 20th September. This gamble paid off as Tsipras led his party to victory once again, although a coalition with the Independent Greeks was needed for a slim parliamentary majority. That government must now continue with the unenviable task of guiding Greece through the continuing economic crisis – the Greek saga is far from over.

The summer also saw attention shift towards China as the Shanghai composite index (representing China's main stock market), which had risen a staggering 50%+ since the beginning of 2015, dropped by 43% in less than three months with a reported \$3.2 trillion loss to investors, on the back of concerns over growth and after regulators clamped down on margin lending activity in an effort to stop investors borrowing to invest and feeding the stock market bubble. Chinese authorities intensified their intervention in the markets by halting trading in many stocks in an attempt to maintain market confidence. They surprised global markets in August as the People's Bank of China changed the way the yuan is fixed each day against the US dollar and allowed an aggressive devaluation of the currency. This sent jitters through Asian, European and US markets impacting currencies, equities, commodities, oil and metals. On 24th August, Chinese stocks suffered their steepest one-day fall on record, driving down other equity markets around the world and soon becoming known as another 'Black Monday'. Chinese stocks have recovered marginally since and are trading around the same level as the start of the year. Concerns remain about slowing growth and potential deflationary effects.

UK Economy: The economy remained resilient over the quarter. GDP has now increased for nine consecutive quarters, breaking a pattern of slow and erratic growth from 2009. The annual rate for consumer price inflation (CPI) briefly turned negative in April, falling to -0.1%, before returning to 0.1%. In the May Quarterly Inflation Report, the Bank of England expected inflation to hover around zero in the near-term as falls in energy and food prices remained in the annual data series for now. The Bank was sanguine that that negative inflation would prove temporary without any damaging consequences for the UK economy. Further improvement in the labour market saw the ILO unemployment rate for March fall to 5.5% of the economically active population. Average earnings excluding bonuses rose 2.2% year/year.

The outcome of the UK general election, largely fought over the parties' approach to dealing with the consequences of the structural deficit and the pace of its removal, saw some very big shifts in the political landscape and put the key issue of the UK's relationship with the EU at the heart of future politics.

The US economy slowed to 0.6% in Q1 2015 due to bad weather, spending cuts by energy firms and the effects of a strong dollar. However, Q2 GDP showed a large improvement at a twice-revised 3.9% (annualised). This was largely due to a broad recovery in corporate investment alongside a stronger performance from consumer and government spending and construction and exports. With the Fed's decision on US interest rate dependent upon data, GDP is clearly supportive. However it is not as simple as that and the Fed are keen to see inflation rise alongside its headline economic growth

and also its labour markets. The Committee decided not to act at its September meeting as many had been anticipating but have signalled rates rising before the end of the year.

Market reaction: Equity markets initially reacted positively to the pickup in the expectations of global economic conditions, but were tempered by the breakdown of creditor negotiations in Greece. China led stock market turmoil around the globe in August, with the FTSE 100 falling by around 8% overnight on 'Black Monday'. Indices have not recovered to their previous levels but some improvement has been seen. Government bond markets were quite volatile with yields rising (i.e. prices falling) initially as the risks of deflation seemingly abated. Thereafter yields fell on the outcome of the UK general election and assisted by reappraisal of deflationary factors, before rising again. Concerns around China saw bond yields dropping again through August and September. Bond markets were also distorted by the size of the European Central Bank's QE programme, so large that it created illiquidity in the very markets in which it needed to acquire these bonds, notably German government bonds (bunds) where yields were in negative territory.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2015/16 (April to September)

April to September 2015	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	4,589	4,589	0	
- Internal Repayment of Loan Charges	(9,281)	(9,281)	0	
- Ex Avon Debt Costs	1,340	1,340	0	
- Minimum Revenue Provision (MRP)	6,559	6,559	0	
- Interest on Balances	(199)	(199)	0	
Sub Total - Capital Financing	3,008	3,008	0	

APPENDIX 7

Summary Guide to Credit Ratings

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

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	12 November 2015 (adjourned to 17th December 2015)
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>Annex A: Copy of responses received from the consultation exercise, including officer comments and recommendations</p> <p>Annex B: Copy of proposed Statement of Principles showing the proposed changes from the consultation document</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 Annex B.

2 RECOMMENDATION

2.1 The Council adopts the Statement of Principles provided in Annex 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 cost of reviewing 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.

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 2016.

5 THE REPORT

- 5.1 A public consultation was carried out which lasted for 12 weeks from June-September 2015. 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. 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 Annex A.
- 5.2 The Licensing Committee has agreed the officer recommendations and their inclusion in the revised Statement of Principles.
- 5.3 Council is asked to agree the revised Statement of Principles in Annex B and to recommend that the Statement is adopted.
- 5.4 The Statement of Principles will be reviewed again in 2018 so that it is in place for 31st January 2019.

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 Ward Councillors; Cabinet Member; Parish Council; Town Council; Local residents; Stakeholder/Partners; Other Public Sector bodies have been engaged in the consultation process on the draft statement.

8.4 In addition, the draft statement was circulated to various organisations and interested parties including:

- Bath Chamber of Commerce
- Business West
- 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.

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

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Responses to 2015 Review of Statement of Principles consultation**

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Name of Responder	Details	Officer Comment	Action
<p>A.G. Worth</p> <p style="text-align: center;">Page 125</p>	<p>Betting offices now exist primarily for the benefit of small punters and FOBT users. As you will no doubt be aware, heavy bettors, whatever their sport, will generally bet online. It is also the case that few young people bet on horse racing in betting offices; their interest is primarily in sports betting, mainly football, and FOBTs. In recognition of this, the major bookmaking chains target online betting through their advertising and marketing, invariably ignoring the betting shop punter.</p> <p>So the question B & NES has to answer is: how many betting shops do you need to license in order to accommodate the small punter and FOBT users? Or do you simply let the market decide? Within each betting shop how many FOBTs do you need?</p>	<p>The local authority has no powers to deal with on-line betting, this is dealt with by the Gambling Commission.</p> <p>The local authority has no powers to limit the numbers of betting shops in any location. Each application for a premises licence is dealt with on its own merits.</p> <p>Under current UK legislation, these machines are allowed to offer content classed as Category B2, Category B3 as well as Category C content. Betting Shops are allowed up to four terminals, although this number also includes traditional slot machines. Most shops</p>	<p>No action required.</p> <p>Unless there is a change to primary legislation no action is possible at this time.</p>

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Page 126	<p>Allied to this is whether B & NES is supposed to promote competition in its licensing policy, something which did not seem to receive a mention in the policy statement. It goes without saying that restriction invariably impedes competition.</p> <p>Incidentally, on a more peripheral issue, is it the case that betting offices have to provide toilets for their customers? This takes on greater significance given that public conveniences are now an endangered species and any member of the public can be a "customer".</p>	<p>favour the new FOBTs over the traditional slot machines. The <u>Gambling Commission</u> reports that there were 33,319 FOBTs in Britain's Betting Offices between October 2011 & September 2012.</p> <p>See above – each application will be dealt on its merits.</p> <p>It is not the licensing authority’s role to promote or limit competition.</p> <p>The provision of toilets is not a requirement under the Gambling Act 2005 and is therefore not relevant to this consultation.</p>	<p>Unless there is a change to primary legislation no action is possible at this time.</p> <p>Unless there is a change to primary legislation no action is possible at this time.</p>
Sam Cone Communications Executive	I am writing on behalf of the Racecourse Association, the trade association for horse	All noted.	No action required.

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<p>The Racecourse Association Ltd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 127</p>	<p>racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for Bath & North East Somerset Council, to which we would like the opportunity to respond on behalf of our members, which include Bath Racecourse.</p> <p>Door Supervision (Part 17) – The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the stipulation by the Council in Part 17.1 that they will seek to avoid duplication with other regulatory regimes, the Council should not impose any further provisions relating to door supervisors.</p> <p>Premises Licences (Part 25) – the Council is asked to note that the requirements of the Licence Conditions Codes of Practice (LCCP) apply to Operating Licence holders. As identified by the Council in Part 25, tracks are not required to hold an Operating Licence (unless they are providing facilities for betting</p>	<p>The licensing authority notes this and agrees.</p> <p>The licensing authority notes this and agrees.</p>	<p>No action required.</p> <p>No action required.</p>
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**Gambling Act 2005
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	<p>themselves) as betting facilities are provided by other operators.</p>		
<p>John Liddle Director of Development Coral Retail</p> <p>Page 128</p>	<p>Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.</p> <p>Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely note that when judging applications, the Council should not take into account of any moral objections to gambling.</p>	<p>All noted.</p> <p>Noted and agreed.</p>	<p>No action required.</p> <p>No action required.</p>

<p style="text-align: center;">Page 129</p>	<p>Coral Racing Limited recognises the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.</p> <p>Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.</p> <p>If we can provide any further information, we would be pleased to do so.</p>	<p>The licensing authority is encouraged to hear that Coral Racing Ltd is pleased to provide any further information where possible.</p>	<p>No action required.</p>
<p>Poppleston Allen on behalf of Power Leisure Bookmakers Ltd.</p>	<p>Power Leisure Bookmakers Limited response to Bath & North East Somerset Council's Consultation on its draft Statement of Gambling Principles</p> <p>Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an</p>	<p>All noted.</p> <p>Although the licensing authority</p>	<p>No action required.</p>

	<p>online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.</p> <p>Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.</p>	<p>acknowledges that Power Leisure Bookmakers Ltd. do not currently have any licences within the Bath & North East Council's licensing area, their views are welcome.</p> <p>All noted.</p>	<p>No action required.</p>
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<p>Page 131</p>	<p>The draft policy correctly refers to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Of particular note, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and where local risks are to be addressed, an evidenced based approach should be taken. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered. As the Gambling Commission is in the process of amending its Guidance to Licensing Authorities, should the Authority's policy require further revision, stakeholders should be consulted before any final changes are made.</p> <p>Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.</p>	<p>All noted.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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Page 132	<p>General Policy Commentary Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p>	All noted & agreed.	No action required.
	<p>Location and local area risk assessment Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority</p>	All noted & agreed.	No action required.

<p>Page 133</p>	<p>risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe that should the policy be amended to incorporate the requirement for risk assessment that these principles should be incorporated in order to adhere to better regulation.</p>		
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Page 134	<p>Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.</p>	All noted & agreed.	No action required.
	<p>The Authority must consider the extensive policies, already implemented by operators, in accordance with the Gambling Commission's LCCP. Without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportionate or</p>	All noted & agreed.	No action required.

<p>Page 135</p>	<p>necessary, as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.</p> <p>The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 13 and 15). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission’s LCCP, do not pose a gambling related risk to children and young people and additional measures,</p>	<p>All noted & agreed.</p>	<p>No action required.</p>
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Page 136	<p>controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.</p>		
	<p>When considering crime and disorder, although the policy identifies that there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.</p>	All noted & agreed.	No action required.
	<p>Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises (section</p>	All noted & agreed.	No action required.

	<p>12.6), thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.</p> <p>Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.</p> <p>Primary Authority Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people</p>	<p>All noted & agreed.</p> <p>All noted & agreed.</p>	<p>No action required.</p> <p>No action required.</p>
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<p>Page 138</p>	<p>from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p>Conditions Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p> <p>Conclusion We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.</p>	<p>All noted & agreed.</p> <p>The licensing authority is pleased to hear that Power Leisure Bookmakers Ltd. are committed in this way.</p>	<p>No action required.</p> <p>No action required.</p>
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Bath & North East
Somerset Council

Gambling Act 2005

Statement of Principles

January 2016

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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.

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 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 part of the Department for Business, Enterprise and Regulatory Reform (BERR) and is responsible for the regulatory reform agenda across government.
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 Compliance 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; ▪ 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 multimedia 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; 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.

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

Tel: 01225 477531
E-mail: 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 Equalities 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.

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 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.

PART C: PREMISES LICENCES - SPECIFIC

19 Best Practice

19.1 Risk assessments sharing

Premises license holders are also 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.

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:
- www.gamblingcommission.gov.uk/pdf/part%2017.pdf
- 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 allows up to four machines to be sited on betting premises.

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 than 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 Environmental Services Enforcement Policy (see paragraph 7.10 above).

<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
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

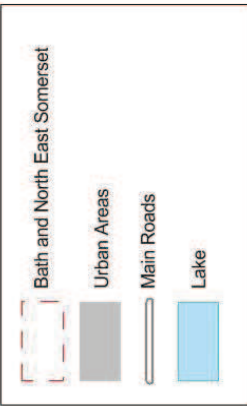
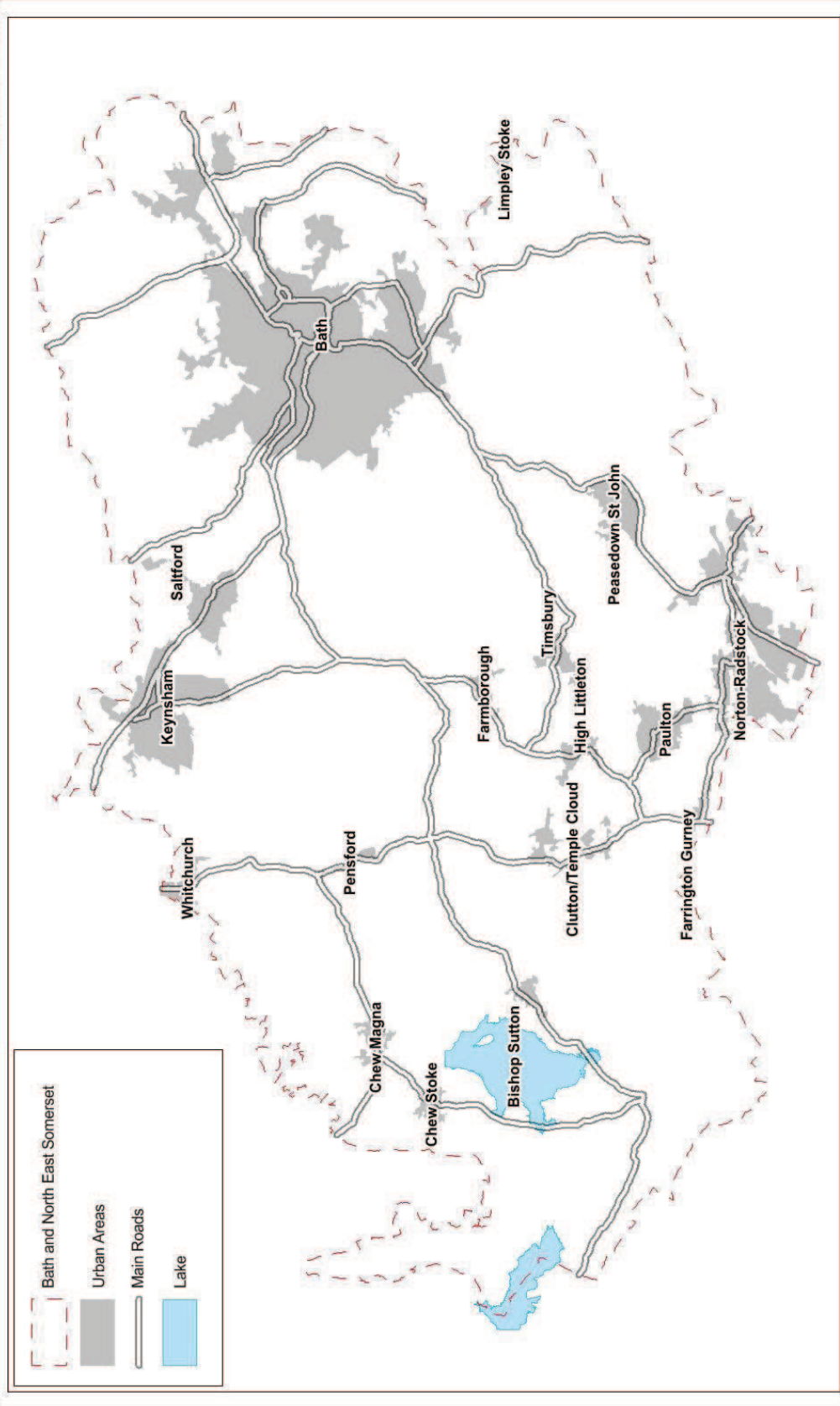
Bath and North East Somerset

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Compiled by Alison Szajdzicka on 10 September 2012



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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 licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X
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

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Council	
MEETING/ DECISION DATE:	12th November 2015 (adjourned to 17th December 2015)	:
TITLE:	REQUIRED AND PROPOSED AMENDMENTS TO THE CONSTITUTION	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Summary of Reasons for Key Changes</p> <p>Appendix 2 – Summary of Changes to Procurement Regulations</p> <p>Appendix 3 – Summary of Delegations under Contract Standing Orders</p> <p>Appendix 4 – Revised Contract Standing Orders</p> <p>Appendix 5 – Revised Budget Management</p> <p>Appendix 6 – Revised Financial Regulations</p> <p>Appendix 7 – Constitution Working group proposed amendments</p> <p>Appendix 8 – Revised debating flowchart</p>		

1 THE ISSUE

- 1.1 This report sets out several proposed amendments to the Constitution. Appendices 1 – 6 deal with updates required to Contract Standing orders; Procurement Regulations, Budget Management and Financial Regulations, following scrutiny by the Corporate Audit Committee, Appendices 7 – 8 were drawn up following discussions with the Constitution Working Group.

It recommends that Council consider and approve the proposed revisions,

2 RECOMMENDATION

- 2.1 That the amendments to the Council's Constitution as set out in Appendices 1 to 8 to the report be approved.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no direct financial implications relevant to this report, however the rules and regulations under review enable the Council to adopt sound financial management arrangements and establish value for money, so have an indirect impact on all Council Services.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

5 THE REPORT

- 5.1 The Constitution is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 5.2 At its most recent meeting in September 2015, the Corporate Audit Committee reviewed all the proposed changes being made to full council and have made a formal recommendation that they be approved..

5.3 Why do we have Financial and Contractual Rules and Regulations?

This Council is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.

- 5.4 The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one of their officers be responsible for the administration of those affairs. The Divisional Director – Finance is the Council's designated Chief Finance Officer and hence the Section 151 Officer.
- 5.5 Under powers contained in the Local Government Finance Act 1982 (s23 and 35) the Secretary of State also makes regulations as to the accounts themselves and requires them to be audited. The "Accounts and Audit Regulations" 2011 require that the "Responsible Financial Officer" must determine and be responsible for the accounting systems and the form of both the accounts and all supporting records of the authority.
- 5.6 Further to maintain independence from the responsible financial officer 'a relevant body' must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.
- 5.7 The relevant body must therefore ensure (by maintaining an effective and adequate internal audit) that rules so made are observed and that all records are maintained in a satisfactory manner.

5.8 To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are adhered to. Part of this process is the establishment of Financial Regulations that set out the financial policies of the Authority, Budget Management Scheme that controls how the budget is managed in detail and Contract Standing Orders to set out the rules and guidance for how the Council commissions and procures goods and services.

The Principles of our Key Financial and Contractual Rules and Regulations

5.9 As the Council is responsible for the stewardship of public money it needs to make arrangements to safeguard the interests of taxpayers and other stakeholders. The following eight principles therefore set out at a high level the overriding expectations that Members and Officers must follow to give confidence to all of its stakeholders –

- a) **Openness and Transparency** - The Council expects its elected Members and officers to exercise high standards in financial and contract management and administration and aims to stimulate openness and a climate of transparency that it will support through policies and regulations.
- b) **Leadership & Management** - The importance of developing clear objectives for the organisation and subsequent prioritisation planning, monitoring and controlling of its resources to achieve its objectives is of vital importance to the Council and it will therefore make arrangements for these activities to be undertaken effectively.
- c) **Integrity** - Issues of probity will be dealt with effectively and the Council will work to meet its duty to maintain proper accounts and related records.
- d) **Value for Money** - Value for money is at the core of the Council's financial activity and the way in which it administers its financial affairs.
- e) **Compliance** - Compliance with statutory requirements, directives, accounting standards and appropriate codes of practice will be inherent in the Council's arrangements for financial and contractual matters. The assets and resources of the Council must be protected from loss, damage and theft
- f) **Accountability** - Allocation of responsibility and authority in relation to financial and contractual matters will be clearly identified.
- g) **Risk Management** - Identifying and quantifying risks to the Council is of key importance and arrangements must be made to reduce, eliminate or insure against them as appropriate.
- h) **One Council Approach** - The Council is a large organisation and is mindful of the need for consistent standards in financial and contractual administration and management across all its operations and will set in place guidance to be adhered to by all its directorates. In particular, it expects staff to consult with and use all of the expertise in financial, legal and contractual matters that it has available and act on advice from such sources.

Financial Regulations

- 5.10** Financial Regulations identify the financial responsibilities of Council Members, Corporate Audit Committee, Head of Paid Service, Monitoring Officer, Chief Finance Officer, Chief Internal Auditor, Strategic Directors, Divisional Directors and employees.
- 5.11** All elected Members and officers have a responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 5.12** The Chief Financial Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the full Council for approval. He is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the Council and / or to the members of the Cabinet.
- 5.13** The key reasons for changes to Financial Regulations are set out in Appendix 1 and revolve specifically around significant changes to financial management systems, structures and the overall framework of risk management.

Contract Standing Orders (CSO's)

- 5.14 CSO's provide the framework that governs the Council's commissioning and procurement of Contracts for works, services and goods / supplies. Up to date CSO's will help maintain good internal governance, stewardship and the proper spending of public monies, value for money and compliance with relevant law.
- 5.15 The last significant review of CSO's was undertaken 2006 in order to adopt the Public Contract Regulations 2006. Technical adjustments have been made subsequently to ensure that they reflected legislative changes.
- 5.16 The Public Contract Regulations 2015 implement the new EU Procurement Directives. Many of the changes are codification of public procurement case law since the implementation of the previous Directives, however there are some significant changes including the abolition of Part B services and the introduction of the "Light Touch" regime.
- 5.17 The Government has also used the opportunity to implement a number of other changes to create greater opportunities for SME's (known as the Lord Young reforms). Many of these changes have an impact on lower value procurement rules (under EU thresholds).
- 5.18 Public Contract law is a very complex area and the Council has taken external legal advice in drafting the revised CSO's in order to ensure that they are comprehensive but at the same time practical to implement and use.
- 5.19 **Appendices 2 & 3** are taken directly from the new CSO's and summarise the revised delegation arrangements as well as the revised procurement processes required at varying financial thresholds. The revised thresholds reflect the new regulations, local government transparency requirements and the Council's "Think Local" priority (the local market is given first opportunity for contracts up to £50,000).

Budget Management Scheme (BMS)

- 5.20 Budgets (spending plans) are needed so that the Council can plan, monitor and control the way resources are allocated and spent. Budgets reflect Council, Portfolio, Service and local priorities and give authority to Local Managers to incur expenditure to meet targets.
- 5.21 Budget management ensures that once the budget has been approved by the full Council, resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, which reviews and manages spending against budget during the financial year. In addition, it provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 5.22 The Budget Management Scheme is therefore the detailed rules which ensure that income and expenditure are in line with the agreed Council budgets and service plans (consistency of purpose) and there is overall financial control of the Council's income and expenditure.
- 5.23 Not having a scheme in place would put the Council at significant risk that -
- a) The Council may not be operating within the law;
 - b) Policies and objectives may not be achieved;
 - c) Resources may not be used in accordance with agreed authority;
 - d) Failure to secure value for money (efficient & effective use of resources);
 - e) Decisions made without the benefit of full or appropriate information;
 - f) Inability to take appropriate action at the right time.
- 5.24 The current Budget Management Scheme was last refreshed and approved by Council in November 2007. The reason for updating at this time is to reflect changes in officer structure, align the scheme with the current reporting framework and to reflect the current risk based approach now used in assessing adequacy of reserves. More detail on the changes is provided in Appendix 1.

Various amendments set out in Appendices 7 and 8

- 5.25 Following suggestions for amendments to various constitutional rules and a need to clarify some procedures, a Constitution Member Working Group was established to review the suggested amendments, comprising Councillors Rob Appleyard, Sally Davis, Robin Moss, Paul Myers, Dine Romero, Tim Warren and Lin Patterson.
- 5.26 The majority of the proposed amendments relate to the conduct of the Council meeting, with one relating to a revision needed to the call-in rules. Appendix 7 contains a list of the suggested amendments, with a rationale for the proposed change. Appendix 8 is an amended debating flowchart.

6 RATIONALE

- 6.1 Council is requested to agree the amendments to ensure that the Constitution is legally compliant and up to date with best practice. The amendments will also ensure transparency and openness of decision making and facilitate the efficient

administration of the Council's functions. It will provide robust arrangements to facilitate effective debate and decision making. An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

7 OTHER OPTIONS CONSIDERED

7.1 If the Constitution is not amended, it will not be up to date or reflect the correct legal position and therefore open to challenge.

8 CONSULTATION

8.1 Consultation has taken place in relation to the amendments to the Scheme as set out in Appendices 1 – 6 with a wide range of officer groups and also through the Audit Committee on three separate occasions. Consultation has taken place on Appendices 7 and 8 with the Member Working Group, the Group Leaders, the Monitoring Officer and the Chief Executive.

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. The risk of not having appropriate rules and regulations has been laid out in Section 4 of the report and would put the Council at serious risk of not being able to provide key services; deliver poor value for money; be subject to fines and penalties for non-compliance with statute and legal challenge. Therefore having an up-to-date, core set of financial and contractual rules and regulations and constitution mitigates these risks.

10 EQUALITIES

10.1 A proportionate equalities impact assessment has been carried out in relation to this report. There are no significant issues to report to the Committee.

Contact person	<p><i>Maria Lucas</i> maria.lucas@bathnes.gov.uk 01225 395171</p> <p><i>Tim Richens</i> tim_richens@bathnes.gov.uk 01225 477468</p> <p><i>Jeff Wring</i> jeff_wring@bathnes.gov.uk 01225 477323</p> <p><i>Jo Morrison</i> jo.morrison@bathnes.gov.uk 01225 394358</p>
Background papers	<p>Report to Corporate Audit Committee – Revisions to Key Financial and Corporate Governance Rules & Regulations - 28th September 2015</p>
<p>Please contact the report author if you need to access this report in an alternative format</p>	

Appendix 1 – Summary of Reasons for Key Changes

Contract Standing Orders

- Ensure they reflect the requirements of the new Public Contract Regulations 2015 (replacing the Public Contract Regulations 2006) that implement Directive 2014/24/EU on public procurement.
- Implement the Lord Young reforms for supporting SME's. This is the first time that Public Contract Regulations have been used to regulate procurement processes at below EU threshold levels.
- Ensure that they reflect other changes in legislation including:-
 - the Bribery Act 2010
 - the Public Services (Social Value) Act 2012
 - the Equalities Act 2012
 - the Small Business, Employment and Enterprise Act 2015
 - the Modern Slavery Act 2015
- Provide members and officers with greater clarity on their roles and responsibilities. This is particularly important as the award of any contract may be subject to legal challenge.
- Review financial delegation limits for contracts ensuring they are aligned to the Public Procurement Regulations 2015, Council's statutory transparency requirements and the Council's Procurement Strategy (giving the local market greater opportunities for contracts up to £50,000)
- Signpost staff to templates, documents, guidance etc. that have been updated to meet the requirements of the legislation.

Budget Management Scheme

- Updating references to "Divisional Director", "Chief Financial Officer" and revised Portfolio holder titles for consistency throughout the document.
- Increase in level of permitted use of un-earmarked reserves from £25k to £50k before Council approval required with overall annual limit increased from £50k to £100k. This remains a Cabinet decision which must consider the advice of the Chief Financial Officer.
- Removal of any specific ring fencing of reserves for individual service carry forwards recognising the risk based approach now used in calculating the adequacy of reserves.
- The 'Invest to Save' scheme is now covered through the Annual Budget Report.
- Reporting sections updated to align to current practices and timetables.
- Capital Scheme substitution level increased where specified conditions are met.
- Removal of the Capital Incentive Schemes section to reflect current approach of not ring-fencing capital receipts unless a specific Council decision has been made to do so.
- Service and virement cashlimits are now referenced to the Council's Budget and Budget Monitoring reports rather than listing these within the Budget Management Scheme document.
- Expanded definition of transactions not classified as virements.

Appendix 1 – Summary of Reasons for Key Changes

Financial Regulations (Council and Schools)

- New/Revised Financial Systems (Agresso)
- New/Revised Financial Controls and Processes
- New/Revised IT environment and controls
- New Procurement Strategy and EU Directives
- Revised Counter Fraud Arrangements
- Revised Internal Reporting and Planning Arrangements
- Revised Legislative requirements (Accounts and Audit Regs, Bribery Act, Money Laundering)
- Revised structure and roles and responsibilities

Appendix 2 – Changes to Public Contract Regulations

The Public Contract Regulations 2015 supersede the Public Contract Regulations 2006.

What does not Change

- No change in the bodies covered by the regulations – these are “contracting authorities”;
- No immediate change to thresholds of application of the directive (but Commission commitment to review by 2019 the economic effects on the internal market as a result of the application of the thresholds which could lead to an increase in the thresholds);
- As now authorities must comply with principles of transparency, non-discrimination, equal treatment and proportionality;
- No changes to remedies;
- The regulations will continue to provide a transparent process aimed at maximising opportunity for suppliers whilst allowing achievement of value for money by authorities;

Key Changes

- Introduction of a new innovation partnership procedure to allow for the development of innovative solutions;
- “Light touch” regime for health, social, legal and other services with a higher threshold and limited procedural requirements;
- Shorter timescales to speed up straightforward award procedures;
- Possibility for sub-central authorities to use a PIN notice as a call for competition;
- Express permission to conduct market consultations;
- Encouragement to divide contracts into lots;
- Prohibition to set minimum annual turnover threshold higher than twice the annual contract value;
- Expanded list of mandatory and discretionary exclusion grounds including poor performance. The extended exclusion grounds are counterbalanced by the introduction of new self-cleaning provisions which allow operators to show that they have implemented remedial measures to demonstrate reliability despite the existence of an exclusion ground;
- Introduction of the European Single Procurement Document to allow operators to self-declare compliance with prequalification requirements in lieu of certificates;
- Award of all public contracts on the basis of MEAT and a new meaning of MEAT which encourages evaluation on the basis of the best quality/price ratio, including life-cycle costs;
- Permission to use experience as an award criterion;
- New rules on modification of contracts which allow for the change of an operator without a new procurement in case of a corporate restructuring or insolvency;
- New record keeping and reporting obligations.

Appendix 2 – Changes to Public Contract Regulations

The Lord Young reforms

These reforms go further than the EU Public Sector Procurement Directive, implementing specific SME-friendly recommendations (Regulations 105-114). They introduce rules that must be followed by authorities when awarding below threshold contracts but which are above £25,000.

These requirements are summarised below.

Above-threshold contracts

- to publish any contract notice sent to the EU's Publications Office for publication within 24 hours of when the authority is entitled to publish the notice at a national level;
- to comply with Cabinet Office guidance on qualitative selection at the pre-qualification stage of the tender process, including avoiding burdensome and disproportionate questions;
- to publish certain contract award information on Contracts Finder within a reasonable time (note this obligation extends to the award of call-off contracts under framework agreements).

Below-threshold contracts

- to publish information on the contract opportunity on Contracts Finder within 24 hours of the time it first advertises the opportunity;
- not to include a pre-qualification stage if procuring a contract below €134,000 (central Government contracts) or €207,000 (sub-central Government contracts);
- to publish information on contract award within a reasonable time on Contracts Finder;
- a requirement to include in every public contract (whether or not subject to the 2015 Regulations) provisions stipulating that the authority will pay the contractor no later than 30 days from the date on which the invoice is "valid and undisputed" (a concept to be elaborated upon by the Cabinet Office in guidance in due course);
- a requirement to "have regard" to any guidance published by the Cabinet Office in relation to these new requirements.

Appendix 3 Scheme of Delegations

The following people / positions / committees have delegated authority to agree or approve expenditure:

Contract Value	Authority For OBC	Authority To Agree Procurement Process	Place On Forward Plan (Y/N)	Approval Docs Required	Authority To Award The Contract	Authority To Sign An Exemption	Authority For Signing/Sealing
Up to £500	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Cost Centre Manager	Cost Centre Manager (signing)
£501 to £5,000	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Cost Centre Manager	Cost Centre Manager (signing)
£5,001 to £50,000	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Divisional Director	Cost Centre Manager (Signing)
£50,001 to £100,000	Divisional Director	Service Area Manager	Y	Tender Evaluation Document	Divisional Director	Divisional Director	Divisional Director (Signing) and Head of Legal (Sealing)

£100,001 to EU Thresholds	Strategic Director	Divisional Director	Y	Tender Evaluation Document	Strategic Director (Recorded Officer Decision)	Strategic Director	Head of Legal (Sealing)
Above EU Thresholds/ Emergency Purchases	Strategic Director	Divisional Director	Y (but not emergency purchases)	Tender Evaluation Document	Strategic Director (Recorded Officer Decision) with Cabinet Member approval (within budget)	NOT ALLOWED above EU threshold	Head of Legal (Sealing)

**Bath & North East
Somerset Council**

Contract Standing Orders

7 December 2015

DRAFT

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A Statement of Principles

1. Mandatory Compliance

1. Council Officers **MUST** comply with these Contract Standing Orders in all instances when buying goods, services and works on behalf of the Council and failure to comply may result in disciplinary procedures.

2. General Principles

- 2.1 These Contract Standing Orders (“**CSOs**”) provide the framework that governs the Council’s commissioning and procurement of Contracts for works, services and goods / supplies. Following these CSOs helps the Council to demonstrate:

- 2.1.1 good internal governance;
- 2.1.2 stewardship and the proper spending of public monies;
- 2.1.3 Value for Money in the Council’s Contracts;
- 2.1.4 compliance with relevant law.

- 2.2 The purpose of all contracting activity is to:

- 2.2.1 seek continuous improvement of the Council’s functions having regard to the optimum combination of economy, efficiency and effectiveness in keeping with the Council’s duty to seek Best Value (and Value for Money);
- 2.2.2 achieve Value for Money for the Council and the Residents, with reference to the economic, social and environmental value of each Contract;
- 2.2.3 promote the well-being of the Council’s Residents and Area through the effective functioning of the Council, the efficient use of the Council’s resources, and a universal concentration on the Social Value that can be achieved.

- 2.3 Every Contract and official order made by the Council (or any part of it) shall be for the purpose of achieving fulfilment of the Council’s statutory functions or the furtherance of the Council’s strategic or policy goals.

- 2.4 The Appendices to these CSOs provide further detail and form part of these CSOs as if they were drafted as one document. The Head of Legal and Democratic Services has the delegated authority to alter these CSOs accordingly. Any questions about the application of these CSOs should be

directed to the Head of Legal and Democratic Services and/or the Head of Strategic Procurement & Commissioning.

2.5 All figures in these CSOs are **exclusive** of VAT unless stated otherwise.

2.6 Directors will:

2.6.1 ensure that the appropriate member, Cabinet or full Council (as appropriate given the Scheme of Delegations) is consulted on any procurement activity prior to its publications in the Council's Forward Plan;

2.6.2 ensure that audit trails are in place for all procurement activity in accordance with these CSOs.

3. What these CSOs Cover

3.1 These CSOs apply:

3.1.1 whenever the Council intends to spend money (or provide other payments in kind) under Contracts for goods (supplies), works or services;

3.1.2 to expenditure from either capital or revenue sources;

3.1.3 concessions (see [Guidance on Concessions Contracts](#));

3.1.4 to grants (see [Guidance on Grant Agreements](#));

3.1.5 to goods for re-sale (see [Goods For Resale Policy](#));

3.1.6 to both Officers and Members;

3.1.7 to all bodies where the Council acts as the Lead Authority including the Avon Pension Fund.

3.2 These CSOs **do not** apply:

3.2.1 to contracts of employment;

3.2.2 to acquisitions and disposals of land or buildings (these are covered by the **Financial Regulations**) – unless related to a Contract for works, services or goods;

3.2.3 to the seeking of offers in relation to financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, in particular transactions by the Council to raise money or capital;

3.2.4 to internal “contracts” between departments within the Council.

- 3.2.5 In the case of civil contingencies
 - 3.2.6 In the case of individual investments which are not deemed as the purchase of goods or services for the purposes of the Council's CSO's
- 3.3 The following entities have their own rules and are not bound by these CSOs, except where they participate in joint purchasing with the Council:
- 3.3.1 maintained schools within the Area;
 - 3.3.2 companies in which the Council has an interest **except for** Local Housing Development Vehicles and situations where there is a Local Authority Controlled Company;
- 3.4 In exceptional circumstances only, certain exemptions can be approved by following the process set out at **Appendix 2 (CSO Exemptions)**. The persons who are authorised to approve the exemptions are set out in **Appendix 12 (Scheme of Delegations)**. Seeking an exemption of these CSOs **does not** exempt the Council from complying with the General Principles or with general law.
- 3.5 These CSOs can only be amended by the Head of Legal and Democratic Services in consultation with the Head of Strategic Procurement.

4. Other Key Documents

- 4.1 These CSOs should be read alongside the following:
- 4.1.1 the Council's Procurement Strategy (see [Procurement Strategy Final](#));
 - 4.1.2 the Council's Financial Regulations which can be found at <http://intranet/financial-regulations>;
 - 4.1.3 the Council's procurement guide (see [Selling to the Council Guide](#));
 - 4.1.4 the Council's Social Value in Procurement Policy (see [Social Value Policy](#)) and Toolkit (see [BANES Toolkit - Final Social Value](#))
 - 4.1.5 Transparency Code (see [Transparency Code 2015](#))
 - 4.1.6 Pro-Contract Guidance (see [FinalCFGuidance](#))
 - 4.1.7 Any other guidance provided by the Strategic Procurement & Commissioning Team including:

- (see Appendix 3 - Business Ethics)
- (see Appendix 4- Confidentiality, Intellectual Property, Data Protection, Transparency & Redaction)

4.2 Anyone undertaking purchasing activity on behalf of the Council (but especially in the context of purchasing value above the EU Thresholds) **MUST** refer to the following documents, where appropriate:

- 4.2.1 the Public Contracts Regulations 2015, and Directive 2014/24/EU on public procurement;
- 4.2.2 the Public Services (Social Value) Act 2012;
- 4.2.3 the Bribery Act 2010;
- 4.2.4 the Small Business, Employment and Enterprise Act 2015;
- 4.2.5 the Equalities Act 2012;
- 4.2.6 the Modern Slavery Act 2015
- 4.2.7 any other relevant legislation.

5. Commissioning Intentions

- 5.1 All procurements over £50k in value **MUST** be entered on the Commissioning Intentions list. This enables the Council to keep track of budgets and plan for future expenditure and it allows suppliers and the local community awareness of upcoming projects.
- 5.2 The Commissioning Intentions list can be found at the B&NES internet site <http://www.bathnes.gov.uk/services/business/selling-council/right-challenge-0> and the document can be found at the right hand bottom of the page.
- 5.3 Applications to make an entry on the Commissioning Intentions list **MUST** be made via the Divisional Directors Group or through Joint Commissioning.

B Developing the Commissioning Plan

6. General

6.1 What is the Commissioning Plan?

Prior to entering into any procurement you **MUST** develop your business case by researching the procurement and speaking to all relevant parties, obtaining all relevant information. The Commissioning Plan falls out of this research and forms the business case that is approved prior to commencing the procurement.

6.2 The requirement for goods and/or services **MUST** start with an identifiable need which reflects the Council's overall objectives identified within Directorate, Service and Team Plans. You **MUST** understand the business requirements and how it impacts all levels of the organisation and local community. Consider the relevance of Council policies and procedures and how they have a bearing on the requirement.

7. Budget

7.1 Before starting the procurement, you **MUST** have budgetary approval. You **MUST** establish the aggregated monetary value of your requirement early, as this identifies the process that you follow, influences the amount of work you do and indicates the level of interest that will be generated.

8. Key stakeholders

8.1 You **MUST** identify the key stakeholders for the project including anyone impacted by the requirement. You should consider doing a Communications Plan for larger projects. You **MUST** be mindful of any Conflict of Interest and take necessary precautions to ensure that if there is a conflict, it is mitigated and/or managed. You **MUST** get Legal, Procurement and Financial advice prior to commencing any procurement.

9. Proportionality

9.1 You **MUST** provide the suppliers the information they need to understand the requirement but not overload them with unnecessary information.

10. Market Analysis

10.1 Consider talking to suppliers before starting the procurement, trialling products, visiting supplier premises or the premises of a supplier's customer. The Regulations explicitly permit preliminary market consultation. This type of pre-procurement engagement or consultation could focus on:

What is being purchased?

Is the specification realistic? Is it too ambitious? Not ambitious enough?

What will the process look like?

Do potential bidders have any concerns about timescales, for example?

You **MUST** keep adequate records of market research carried out.

10.2 You **MUST** complete the [Procurement Business Case Approval](#) for any procurement above £50k prior to commencing the next stage. If the procurement is below £50k, you should provide evidence of authorisation by the budget holder.

11. Bidders' conflicts of interest

11.1 If a potential candidate has advised the Council or been involved in the preparation of the procurement procedure, the Council is expected to take "appropriate measures" to ensure the resulting competition is not distorted by that candidate's pre-procurement involvement. This might include, for example, communicating relevant information to other candidates / tenderers. The Council cannot exclude a candidate from a procurement unless there is genuinely no other way to ensure that there is equal treatment of tenderers in the procurement process.

C Developing the Procurement Plan

12. Procurement Plan

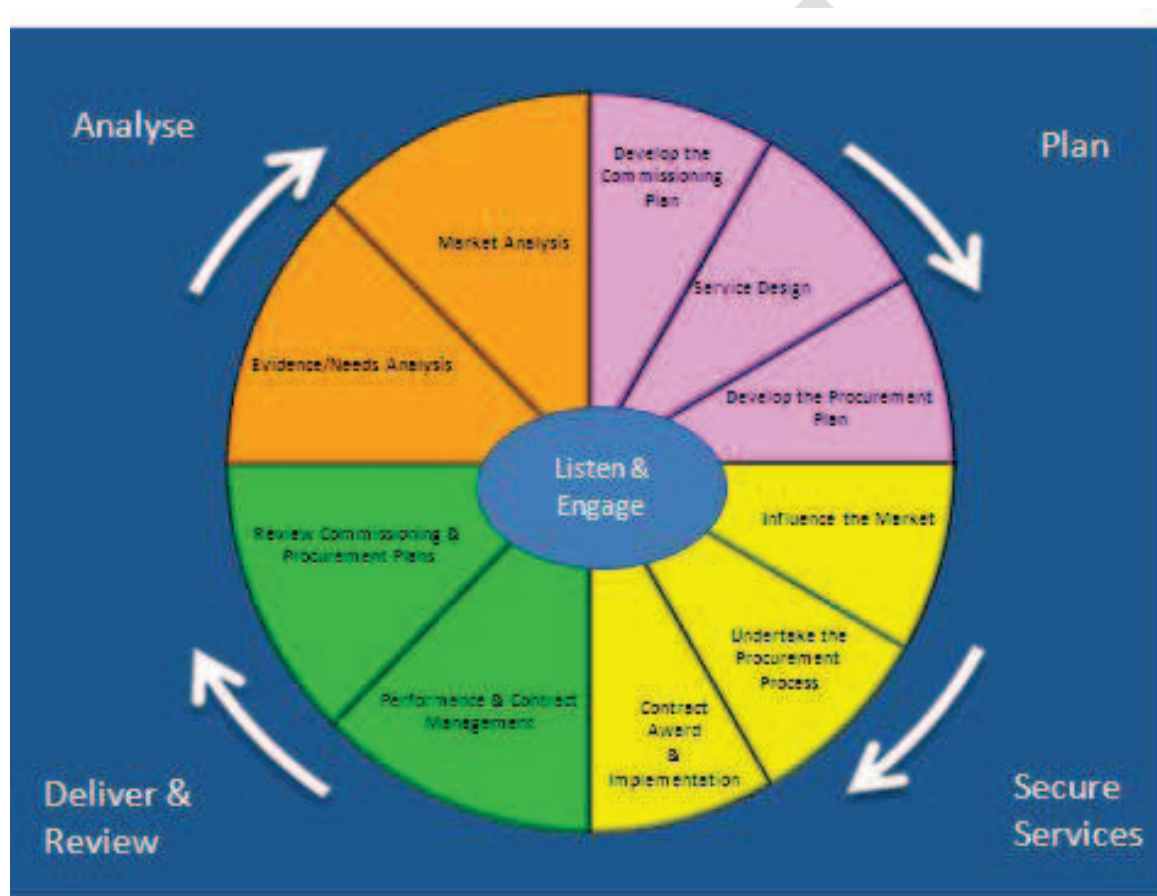
DO YOU REALLY NEED IT? IF YOU WANT TO SAVE, DON'T SPEND!
Allow plenty of time to draft the specification and the detail it will need
How can Think Local apply to what you are buying? (see Think Local One Year On Report)
Does the scope include Social Value for Residents or the Area? see Appendix 6 (Social Value)
Does the Council already have in place any Contract or Framework in scope which you should be using? Check the Contract Register see Appendix 7 (Contract Register)
Is there an external Framework or Contract that you should be using? see Appendix 8 (Framework Agreements)
How will you decide on the procurement route? – see Appendix 9 (Procurement Options)
Should we be leasing rather than buying? See Appendix 10 (Asset Leasing)
If buying, what form of Contract are you going to use? see Appendix 11 (Contract Forms and Terms & Conditions)
Who has the delegated authority to agree the purchase/approve the procurement method and process/approve the Contract award? – see Appendix 12 (Scheme of Delegations)
How will you decide who will win the Contract? – see Appendix 13 (Evaluation Criteria & Debriefing)

12.1 Before you commence any Procurement exercise, you **MUST** complete the report (see **Approval to Procure [Goods, Works, Services]**) and obtain authorisation to proceed for all procurements above £50k in value.

D Undertake the Procurement Process

13. Procurement Process

13.1 The flowchart below illustrates the procurement and commissioning process from planning, through contracting with the supplier, performance monitoring and reviews and finally analysis of the outcomes and the market for future needs.



13.2 Summary Financial Thresholds

The table below defines the procurement process run by the procurer, dependent on the Contract value (see **Appendix 15 (Minimum Requirements)** for further details.

If you are purchasing IT Hardware or Software, you **MUST** do so in accordance with the IT Procurement Policy available on the intranet.

1. BELOW £500:
1.1 <i>Have you followed “Developing the Procurement Plan”?</i>
1.2 Consider use of a purchasing card .
1.3 Apply Think Local (Preference will be given to local suppliers where they exist and provided they offer Value for Money)
1.4 Demonstrate Value for Money by testing the market
2. £501 – £5,000:
2.1 <i>Have you followed “Developing the Procurement Plan”?</i>
2.2 Apply Think Local . (Preference will be given to local suppliers where they exist and provided they offer Value for Money)
2.3 Consider the Social Value Policy (and use Toolkit where relevant)
2.4 Demonstrate Value for Money by testing the market
2.5 [Recommended that you] record the new Contract on Contract Register.
3. £5,001 – £50,000:
3.1 <i>Have you followed “Developing the Procurement Plan”?</i>
3.2 Apply Think Local (Preference will be given to local suppliers where they exist and provided they offer Value for Money)

3.3 Consider the Social Value Policy (and use Toolkit where relevant)
3.4 Obtain at least 3 written Quotes through ProContract if below £25k or advertise in Contracts Finder if contract is above £25K (see Appendix 20 Below Threshold Contracts)
3.5 DO NOT use a PQQ. Consider what suitability questions to ask instead (see Appendix 14 (Capability and Financial Checks))
3.6 Award the Contract based on your chosen criteria (price or price and quality).
3.7 You MUST record the new Contract on Contract Register
3.8 Advertise the Contract award via Contracts Finder
4. £50,001 – £100,000:
4.1 <i>Have you followed “Developing the Procurement Plan”?</i>
4.2 You MUST add to Commissioning Intentions List
4.3 Consider the Social Value Policy (and use Toolkit where relevant)
4.4 Complete the Business Case Approval Report
4.5 Consider whether to call off from an existing framework
4.6 Before commencing any procurement complete the Approval to Procure Report
4.7 Advertise in Contracts Finder (see Appendix 20 Below Threshold Contracts)
4.8 DO NOT use a PQQ. Consider what suitability questions to ask instead (see Appendix 14 (Capability and Financial Checks))
4.9 You MUST take up references for the preferred bidder before award (see Reference Questionnaire)
4.10 Award the Contract based on your chosen criteria (price and quality) and complete the Procurement Evaluation Report.
4.11 You MUST record the new Contract on Contract Register

4.12 Advertise the Contract award via Contracts Finder
5. £100,001 – EU Threshold*:
5.1 <i>Have you followed “Developing the Procurement Plan”?</i>
5.2 You MUST add to Commissioning Intentions List
5.3 You MUST apply the Social Value Policy (and use Toolkit where relevant)
5.4 Advertise in Contracts Finder (see Appendix 20 Below Threshold Contracts)
5.5 Complete the Business Case Approval Report
5.6 Consider whether to call off from an existing framework
5.7 Before commencing any procurement complete the Approval to Procure Report
5.8 DO NOT use a PQQ. Consider what suitability questions to ask instead (see Appendix 14 (Capability and Financial Checks))
5.9 You MUST take up references for the preferred bidder before award (see Reference Questionnaire)
5.10 Award the Contract based on your chosen criteria (price and quality) and complete the Procurement Evaluation Report.
5.11 You MUST record the new Contract on Contract Register
5.12 You MUST get the Contract sealed
5.13 Advertise the Contract award via Contracts Finder
6. Works contracts between goods and services threshold value and works Threshold*:
6.1 <i>Have you followed “Developing the Procurement Plan”?</i>
6.2 You MUST add to Commissioning Intentions List

6.3	You MUST apply the Social Value Policy and Toolkit
6.4	Complete the Business Case Approval Report
6.5	Consider whether to call off from an existing framework
6.6	Before commencing any procurement complete the Approval to Procure Report
6.7	If not using an existing framework, advertise the Contract and invite tenders through ProContract (no need to follow an OJEU process)
6.8	You MUST evaluate the financial standing of the tenderers (See Appendix 14(Capability and Financial Checks)). You CAN use a PQQ. (see PQQ for Works)
6.9	You MUST take up references for the preferred bidder before award (see Reference Questionnaire)
6.10	You MUST complete the Procurement Evaluation Report (see Procurement Evaluation & Approval OJEU)
6.11	Award the Contract based on your chosen criteria (price and quality)
6.12	You MUST get the Contract sealed
6.13	You MUST record the new Contract on Contract Register
7.	Above EU Threshold:
7.1	<i>Have you followed “Developing the Procurement Plan”?</i>
7.2	You MUST add to Commissioning Intentions List
7.3	You MUST apply the Social Value Policy and Toolkit
7.4	Complete the Business Case Approval Report
7.5	Consider whether to call off from an existing framework
7.6	Before commencing any procurement complete the Approval to Procure Report

7.7	If not using an existing framework, follow an EU-compliant procedure – see Appendix 19 (<i>Procurement Options</i>) – through ProContract
7.8	You MUST evaluate the financial standing of the tenderers (Appendix 14 (Capability and Financial Checks)). If using a PQQ, you MUST use the Cabinet Office Standard PQQ (see PQQ for Goods and Services) or (PQQ for Works)
7.9	You MUST take up references for the preferred bidder before award (see Reference Questionnaire)
7.10	You MUST complete the Procurement Evaluation Report (see Procurement Evaluation & Approval OJEU)
7.11	Award the Contract based on your chosen criteria (price and quality)
7.12	You MUST get the Contract sealed
7.13	You MUST record the new Contract on Contract Register

*The EU Threshold levels are given in **Appendix 16**. The Light Touch Regime for Health and Social Services type Contracts is explained at **Appendix 9 (Procurement Options)** and has different threshold levels.

Be aware that it is vital that you carefully estimate the value of the contract. If you have issued tenders for a below threshold contract and the tender responses indicate that the value of the successful tender will go above the threshold, you **MUST** stop the process and re-tender under OJEU. To avoid this, it is better to consider tendering under OJEU in the first instance.

E Contract Award & Implementation

14. General

14.1 It is critical that the Contract award and implementation are carried out effectively. Prior to contract award you **MUST** ensure that your objectives are fully addressed and that all approvals to award issues are covered.

15. Approval to Award

15.1 The Procurement Evaluation and Approval Report **MUST** be completed in line with the Public Procurement Regulations (see [Procurement Evaluation & Approval OJEU](#)). The report **MUST** explain in full how you have come to the decision to award to the particular supplier in question for all procurements above £50k.

15.2 The report concludes with an approval signatory to award the Contract. You **MUST** have the appropriate sign-off prior to notifying the supplier(s) of your decision. See **Appendix 12 Scheme of Delegations** for further details.

16. Notifying Suppliers

16.1 Above the EU Thresholds there are strict rules on how to debrief suppliers including a **Mandatory** 10 day Standstill Period prior to confirming Contract award. **Appendix 14 Contract Award & Debriefing** gives more information.

16.2 If the supplier requests a face to face debrief, it is normal and courteous to do this where the Contract is complex, of high value and/or has taken a long time to complete, so long as you do so in a transparent and non-discriminatory way.

17. Publications

17.1 For Contracts above the EU Thresholds, you **MUST** submit a Contract Award Notice in the OJEU.

17.2 All Contracts above £25K in value **MUST** be published on Contracts Finder. **See Appendix 20 (Below Threshold Contracts caught by Part 4 of the Regulations).**

17.3 You **MUST** update the Contract Register (see **Appendix 7 (The Council's Contract Register)**)

17.4 You ***MUST*** file documents in the Contract Register in line with document retention policies (see **Appendix 17 Document Retention**).

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F Post Contract Award

18. General

18.1 Once the Contract has been awarded you **MUST** put into place the agreed contract management controls and measures. You **MUST** review the process to ensure the Contract achieves its objectives and future benefits.

19. Contract Management

- 19.1 You **MUST** establish processes for recording the receipt of goods and progress of work, reviewing performance reports etc.
- 19.2 You **MUST** put in place both formal and informal communications to manage the relationship, as appropriate.
- 19.3 You **MUST** put in place a method of capturing the views of the service users/interested stakeholders including feedback to them on the service performance

20. Reviews

- 20.1 You **MUST** review the commissioning plan (against any changes in priorities/ objectives)
- 20.2 You **MUST** review the risk assessments and make any amendments to resource assumptions
- 20.3 You **MUST** review procurement plans to identify any changes or improvements to methodology for next time (see [Lessons Learned Log](#))
- 20.4 All answers to above **MUST** be used to inform future commissions

21. Continuous Improvement

- 21.1 You should review your success against your original plans, i.e. did you achieve the outcomes you set out to achieve and do you understand what contributed to or prevented success?
- 21.2 You should share your learning with colleagues, service users and stakeholders to ensure you are continuously improving your processes and skills.
- 21.3 Reflect on the views of service users/stakeholders when reviewing whether the Commissioning and Procurement Plans were successful.

22. Contract Extensions

- 22.1 Extending a Contract ***MUST*** only happen in particular circumstances (see Appendix 18 Contract Variations and Extensions).

If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

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Appendix 1. Glossary

Appendices	The appendices to these CSOs
Area	The administrative area of Bath & North East Somerset Council
Best Value	The Council's duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with section 3(1) of the Local Government Act 1999 and associated statutory guidance
Buying	Purchasing goods, services or works through an external supplier or contractor
Commissioning Intentions	The Council's published list of future procurement and commissioning activities above £50,000 found on the B&NES website. The intention is to highlight to potential suppliers the forthcoming opportunities for tendering. This is a statutory requirement under Localism Act.
Conflict of Interests	A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is or could be, impaired or influenced by a secondary interest.
Contract	An agreement to supply Goods/Services/Works formed when there is an offer by one party and an acceptance of that offer by a second party. A Contract can be formed verbally as well as in writing.
Contract Award Notice	An advertisement entered by a buyer in the OJEU to advise interested parties that a Contract has been awarded by the buyer to a named supplier.
Contract Notice	An advertisement entered by a buyer in the OJEU to advise interested parties of the intention of the buyer to go to market to buy goods/services/works. It gives details of the requirements of the buyer.
Contract Register	The Council's repository for all its current Contracts and Framework Agreements, located on ProContract.
Contracts Finder	The Government's website on which all opportunities that are advertised for Contracts and Framework Agreements

	(and call-offs from Framework Agreements) for goods services and works above £25,000 MUST be published. You advertise on Contracts Finder via the ProContract system.
Council Executive	The body of local Councillors elected by the community to decide on how the Council will carry out its various activities.
Council Members	The elected councillors who sit on the Council Executive.
CSOs	These Contract Standing Orders (including the Appendices)
EU Thresholds	The financial thresholds above which a procurement via OJEU will normally be required, as set out at Appendix 15 (Minimum Requirements and Thresholds)
Financial Regulations	The Council's Financial Regulations, which can be found on the intranet.
FOIA	The Freedom of Information Act 2000 and the Environmental Information Regulations 2004
Forward Plan	The Council's Forward Plan, which can be found on the intranet.
Framework Agreement	An 'umbrella' agreement that sets out the prices, service levels, and terms and conditions for subsequent call-off orders. (See Guide for Framework Agreements)
General Principles	The General Principles set out at A – Statement of Principles.
Grant	An arrangement will be a grant when the Council gives a donation to an organisation without receiving a benefit in return. The organisation is not obliged to provide the service. It can decide not to provide the service but would then have to repay the donation.
Invitation to Tender or ITT	The invitation to tender is sent at the stage of the procurement process when you invite selected bidders to

	present their tenders in response to the stated requirements and evaluation criteria.
Light Touch Regime	The Light-Touch Regime is a specific set of rules for Contracts for certain services that tend to be of lower interest to cross-border providers. It includes certain social, health and education services. The list of services to which LTR applies is covered in Appendix 10 .
Local	Within the Area
Local Authority Controlled Company	Where a contracting authority sets up a separate legal entity and then awards contracts to that legal entity. A two part test has to be satisfied, relating to control and activity: <ul style="list-style-type: none"> • Control: the controlling authority has to exercise sufficient control over the controlled body; and • Activity: the controlled body has to carry out the essential part of its activities for its owner authority. <p>In addition there is a requirement that there is no private sector participation in the body which satisfies the two part test.</p>
Most Economically Advantageous Tender or MEAT	Awarding a Contract for works, goods or services based on a combination of both overall cost AND service elements and not just cost alone.
NBO	The Named Buying Officer with responsibility for the procurement process from start to finish
OBC	Outline Business Case
Officer	Employees of the Council
OJEU	The Official Journal of the European Union, where Contracts and Framework Agreements are advertised to potential suppliers across the EU.

OJEU Compliant Process	A procurement exercise that has been carried out in accordance with the rules of the European Union under the Public Contracts Regulations 2015 and the Directive 2014/24/EU on public procurement. See Appendix 20 Procurement Processes for a list of the main types of procurement procedures.
Pre-Qualification Questionnaire or PQQ	A questionnaire which is used in certain procurement procedures which allow procurers to shortlist the number of companies that will be invited to Tender. Above EU Thresholds this MUST reflect the Cabinet Office standard PQQ and associated guidance : A PQQ is NOT permitted for procurements valued between £25k and £172,514 (see Appendix 20 Procurement Processes for more details).
ProContract	The Council's procurement portal
Quote/Quotation	A request for pricing and/or quality bid from a potential supplier for goods/services/works below £50,000. Similar to a Tender but with more limited detail generally required from bidders.
Regulations	The Public Contracts Regulations 2015
Residents	Means residents of the Area
Scheme of Delegations	The scheme of delegations set out at Appendix 12 (Scheme of Delegations)
Select lists	Lists of approved suppliers
Social Value	Described in the Social Value Act as improvements to the economic, social and/or environmental well-being of the Area. So the benefits sought could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment), or environmental benefits (for example reducing local congestion).

Social Value Act	The Public Services (Social Value) Act 2012, which requires the Council to consider, pre-procurement, how what it procures might improve the economic, social and environmental well-being of the Area, and how best to use the procurement process to secure that improvement. There is also a duty to consider whether to undertake any consultation in making its decisions.
Standstill Period	A Mandatory 10 day period (which MUST be applied to above EU Thresholds procurements) between the notification to suppliers of the decision to award the Contract and the date of signing/entering into the Contract. The period is intended to give unsuccessful tenderers the opportunity to challenge the award if they wish. The period is longer if notifications are not sent electronically.
Tender	A request for pricing and/or quality bid from a potential supplier for goods/services/works above £50,000. Similar to a Quote but more detailed proposals are generally required from tenderers..
Think Local	The Council's policy on local purchasing (see Think Local Procurement Strategy)
Threshold level	The total contract value at which you MUST advertise your contract in the OJEU. See Appendix 16 for the 2016-17 levels.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations 2006. Legislation which protects employment rights of those whose job will be transferred to a new employer upon change of contractor by award of a Contract.
Value for Money or VfM	the optimum combination of whole-of-life costs and quality (or fitness for purpose) of the goods, works or Services to meet the Council's requirement
VAT	Value Added Tax

Appendix 2 CSO Exemptions

1. Contracts below the EU Thresholds

Specific Officers may approve exemptions to these CSOs (to the extent that it is lawfully able to do so) in genuinely urgent situations and/or where there is a sound legal, financial or Value for Money reason (See **Appendix 12 Scheme of Delegations**). They **MUST**:

- give reasons for doing so on the Exemption Form (and record these in the minutes of the relevant meeting);
- The completed and signed exemption form **MUST** be entered in the Contract Register (see **Appendix 7 Contract Register**) (see [Exemption Form](#))

The following are considered acceptable reasons for seeking an exemption:

- quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route;
- reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to Council services;
- the Council would otherwise be exposed to immediate and significant financial, legal or reputational risk that has been identified in the relevant risk register (see [Risk Register](#));
- only one Contractor is objectively able to provide the works, services or supplies in question, for example where the supplier has exclusive Intellectual Property, artistic or other rights, is a monopoly or where the goods bought are for re-sale (in which case the exemption **MUST** be to the number of Quotes / Tenders that are sought);
- additional or new services, supplies or works are required which, through unforeseen circumstances, were not included in an existing Council Contract and are necessary for the completion of the Contract and/or cannot be carried out separately.
- new works or services/supplies are required which are a repetition of works, services/supplies carried out under the original Contract, provided they are required within 1 year of the original Contract.
- goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another source would result in incompatibility or disproportional technical difficulties in operation or maintenance.

- the Council has the benefit of a Local Authority Controlled Company under Regulation 12, and exercises over the company concerned a control which is similar to that which it exercises over its own departments and, at the same time, that company carries out the essential part of its activities with the Council's control.

You are reminded that an exemption will **not** be granted where this means the Council would not be complying with the General Principles or general law.

2. Contracts above the EU Thresholds

You cannot exempt the application of the EU procurement rules. You may need to consider other procurement routes. See **Appendix 19 (Procurement above the EU Thresholds)** for details. If you are having difficulty you **MUST** consult with Corporate Procurement for more information.

Appendix 3 Business Ethics

1. General

Business ethics focuses on what constitutes right or wrong behaviour in the world of business. The following will help you to address ethical dilemmas during your procurement process.

2. Code of Conduct

All procurement exercises **MUST** be carried out with openness and transparency and with integrity and fairness to all suppliers.

Officers of the Council **MUST** conduct themselves in line with the Council's HR Code of Conduct including with regards to the receiving of hospitality and gifts and the giving and receiving of sponsorship.

3. Separation of Roles during Tendering

Council Members and employees involved in the tendering process and dealing with contractors **MUST** be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility **MUST** be aware of the need for accountability and openness.

Council Member and employees who are privy to confidential information on Tenders or costs for either internal or external contractors **MUST** not disclose that information to any unauthorised party or organisation. For further information, see the Members' Code of Practice guidance document (LINK).

4. Conflicts of Interest

There **MUST** be no conflict of interest with any suppliers or contractors. Where a conflict is identified, the member of staff concerned **MUST** not take any further part in the tendering process, to preserve the integrity of the process. For further advice, contact the Legal Department or the Procurement team.

5. Corruption

Council Members and employees **MUST** be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the individual to demonstrate that any such rewards have not been corruptly obtained. For further guidance, see the B&NES Gifts and Hospitality policy on the intranet.

6. Use of Financial Resources

Council Members and Officers **MUST** ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with the Council's Financial Regulations. They should strive to ensure Value for Money to the Area and to avoid legal challenge to the Council.

7. Lobbying

It is recognised that lobbying is a normal and perfectly legitimate element of the process of local governance however it is important that Members protect their impartiality and integrity when dealing with external contractors and suppliers.

Members **MUST NOT** breach the Bath & North East Somerset Code of Conduct by listening to or receiving viewpoints from contractors and suppliers or other interested parties unless they make it clear that they are keeping an open mind. Indicating a bias toward a particular product, supplier or contractor would prejudice impartiality and could lead to a legal challenge against the Council.

8. Former Council Employees

Council Members and employees should endeavour to ensure that where they contract with a supplier to provide services or works to the Council, that the supplier does not employ a former Council employee when producing and submitting the response to the tender. This will ensure that all suppliers in the tendering process are treated fairly and that no one supplier is given a tendering advantage and respects Council confidentiality.

Appendix 4 Confidentiality, Intellectual Property, Data Protection, Transparency and Redaction

1. Confidentiality

- 1.1 The Council has a responsibility to ensure that information provided to suppliers and provided by suppliers is treated confidentially. This is not only good practice but also gives the suppliers confidence that they are being treated fairly and without discrimination. Information provided by the Council is given to suppliers in confidence and only to those whom they need to consult for the purpose of preparing the Tender, such as professional advisors or joint bidders.
- 1.2 If a Conflict of Interest arises or if at any time during the procurement it is discovered that the tenderer has not acted confidentially, the Council has the right to eliminate them from the procurement exercise.
- 1.3 Tenderers have the right to state what elements of their Tender response they want to remain confidential however under the Freedom of Information Act the Council **MUST** provide information requested with some exceptions such as commercially confidential items (pricing, intellectual property etc.) which can be redacted from the version published in the public domain. Contractors' cooperation may be needed to ensure the Council complies with requests for information.

2. Intellectual Property

- 2.1 "Intellectual Property Rights" includes patents, inventions, trade-marks, service marks, logos, design rights, copyright, database rights, domain names, trade or business names, moral rights and other similar rights or obligations.
- 2.2 Generally speaking, all intellectual property rights in all works or supplies provided under a Contract which are written or produced on a bespoke or customized basis would be owned by the Council and the contractor should be required to ensure that it allows such ownership.
- 2.3 However, where the supplier provides existing intellectual property right protected material to the Council under a Contract, it has to warrant it has the right to do so and it fully indemnifies the Council against all loss or liability arising from any third party intellectual property rights claims

arising both from such existing material and in relation to any such bespoke work.

3. Data Protection

- 3.1 The Data Protection Act 1998 (DPA) is an Act of Parliament which defines UK law on the processing of data on **identifiable living people**. It is the main piece of legislation that governs the protection of personal data in the UK. All Officers are legally obliged to comply with the Act.
- 3.2 The Council's Terms and Conditions of Contract contain a data protection clause which states what contractors can and can't do with any personal data provided to them under a Contract.
- 3.3 In certain Contracts where a supplier is required to process personal data or hold personal information for the purpose of executing the Contract, then Officers should include a questionnaire relating to Information Governance issues and evaluate the responses. Guidance can be obtained from the Information Governance Manager.

4. Transparency

4.1 Under the Local Government Transparency Code (see [Local Government Transparency code 2015](#)) the following items **MUST** be published.

- all individual items of expenditure above £500;
- every transaction made using a Government Procurement Card;
- a list of all Invitations to Tender for goods and services exceeding £5000;
- a list of all contracts, Framework Agreements, purchase orders and commissioned activity in excess of £5000.

The Corporate Procurement department arrange for this information to be published on the Council website and www.gov.uk.

5. Redaction of Data

- 5.1 It is the responsibility of the service department to ensure that the information provided for publication under the transparency code has been cleansed and any personal or sensitive information has been redacted prior to publication. No responsibility for this redaction exercise will be taken by the Corporate Procurement Team.

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Appendix 5 Specifications

For a compliant OJEU procurement process, the Council **MUST** draft the technical specifications for a Contract upfront, before starting the procurement process. This is good practice even when you do not have to comply with the Regulations.

What the technical specifications look like will vary widely depending on the nature of the Contract. If you are having difficulty drafting a specification for the Contract guidance is available (see [Guide for How to Write a Specification](#)).

The following links give guidance on TUPE, Health & Safety and Insurance when related to specification drafting.

(see [Guide on Health and Safety Issues](#))

(see [Guide on TUPE](#))

(see [Guide on Insurance](#))

Appendix 6 Social Value

The Social Value Act requires the procurer to consider securing economic, social, or environmental benefits when buying services above the EU Thresholds through what is being bought, and how it is procured.

This duty relates to:

- **all** service Contracts to which the Regulations apply (including those under the Light Touch Regime);
- services Contracts with a works / supplies element that is so incidental that the Contract would ordinarily be considered a services Contract under the Regulations; and
- Frameworks Agreements for such Contracts.

The Council **MUST** also think about whether **consultation** on Social Value matters is needed.

The Council has a Social Value Policy and Toolkit (see [Social Value Policy](#)) and ([BANES Social Value Toolkit](#)). You **MUST** apply the Social Value Policy and Toolkit to:

- **all** works Contracts (including Contracts for a mixture of works and services or supplies) where the value of the Contract is expected to exceed **£500,000**;
- **all** services Contracts and supplies Contracts (including Contracts for a mixture of works and supplies or services, and regardless of whether the full EU procurement regime applies) where the value of the Contract is expected to exceed **£100,000**;
- **all** Framework Agreements where the anticipated spend in any financial year is expected to exceed £500,000 for works and £100,000 for goods and services;
- **all** joint Contracts with other purchasers where the value of the Council expenditure is expected to exceed £500,000 for works and £100,000 for goods and services.

The Social Value Policy focuses on achieving targeted recruitment and training through Contracts as the Council's priority, but where other aspects of Social Value are relevant to a Contract they should of course be considered.

Appendix 7 The Council's Contract Register

The Council's Contract Register is the section of ProContract which records and stores information on the Council's Contracts. It:

- provides key information to Council Members and Officers on existing current and expired Contracts;
- provides limited information to the general public (including start and end dates, Contract value, and key contact details);
- interacts with the rest of ProContract, and so can help to ensure Contracts are renewed or re-procured in good time.

When should I put something on Contract Register?

Recording of Contracts on Contract Register is **Mandatory** for all Contracts valued above **£5,000**. However, it is recommended for Contracts of any value.

Any agreed exemptions **MUST** be placed on Contract Register.

You **MUST** also try to keep the information on Contract Register up to date, for example if:

- a Contract is extended;
- the key contact for a Contract changes (e.g. if an Officer leaves).

Before you Purchase Anything

You **MUST** check the Contract Register before you start any procurement activity, in case there is an existing Council Contract which covers your need. Saving time and expense by using an existing Contract will almost always represent Value for Money.

Appendix 8 Framework Agreements and Dynamic Purchasing Systems

Framework Agreements

A Framework Agreement is an ‘umbrella’ agreement negotiated with suppliers whereby at the start of the agreement the exact quantity of goods or services required over the period of the agreement cannot be determined.

1. For example, when you put together an agreement with a supplier to buy stationery, you won't know exactly how many pens, pencils, rulers etc. you will need over the period of the agreement, or when you will place the orders.
2. The intention behind a framework is to streamline the competitive process by enabling one OJEU process to set up the protocol by which multiple Contracts can be called off. They can be created so that one, or many, purchasers are able to benefit from the arrangements. Equally they can be created with one provider, or a number (in which case often a “mini-competition” is used to decide which provider is used each time there is a call-off.
3. Frameworks are therefore useful when you anticipate that you are likely to need the same – or similar- provision on a number of occasions over time. They are normally limited to four years in length.
4. There is no obligation to buy anything from a Framework Agreement and you are not committing the Council to any spend. However every time you place an order from a Framework Agreement, you are entering into a legally binding Contract.

For more information on Framework Agreements, (see [Guide for Framework Agreements](#)) and ([Terms and conditions for frameworks](#)).

Dynamic Purchasing Systems

A DPS is similar to a framework agreement however whereas a framework is set once the award has been made and no new suppliers can be added to it, a DPS will allow new suppliers to be added, PROVIDED that they meet the objective selection criteria laid out in the original contract notice or advertisement. (See [Guide for Dynamic Purchasing Systems](#))

Appendix 9 Procurement Options

1. Below the EU Thresholds

Below the EU Thresholds, the procurement process is more flexible. See the main body of the CSOs, and **Appendix 15 (Minimum Requirements)** for details of the requirements for different values of spend.

However before you commence any Procurement exercise, you **MUST** complete the report (see [Approval to Procure \[Goods, Works, Services\]](#)) and obtain authorisation to proceed for all procurements above £50k.

Firstly you **MUST** consider if there is an existing Contract or Framework you could use, either one established by the Council, or one procured by a central purchasing body.

Use of ProContract is **Mandatory** for Contracts above £5000, and it steers you through the process including:

- Advertising the Contract
- Tender stage
- Contract award.

In the absence of an existing agreement, all opportunities for Contracts and Framework Agreements above £25,000 that are advertised **MUST** be advertised on Contracts Finder and an Award Notice published within 30 days of the Contract award date. See Appendix 20 for further details.

2. Above the EU Thresholds

Please see **Appendix 19 (Procurement above the EU Thresholds)**.

3. Health and “Social” Services - (Light Touch Regime)

This section applies to Contracts for the following Services:

- Health, social and related Services
- Administrative, social, education, healthcare and cultural Services
- Compulsory Social Security Services
- Benefit Services
- School Meals and Catering Services

- Other community, social and personal Services including Services furnished by trade unions, political organisations, youth associations and other membership organisation Services
- Religious Services
- Hotel and Restaurant Services
- Legal Services
- Other administrative and government Services
- Provision of Services to the community
- Prison related Services, public security and rescue Services to the extent not excluded pursuant to point (h) of Article 10
- Investigation and security Services
- International Services
- Postal Services
- Miscellaneous Services

When you are buying these sorts of services, the “Light Touch Regime” will apply if the Contract is valued above the EU Threshold. The Threshold for LTR is £589,148. The Light Touch Regime requires you to:

- issue a Contract Notice or Prior Information Notice in OJEU
- follow a transparent and fair procedure which treats potential service providers equally; and
- issue a Contract Award Notice (as for any “full” OJEU procedure).

The Regulations require the Council to:

- give information in the Contract Notice about:
 - any conditions for participating in the competition (e.g. “prequalification” criteria);
 - any time limits for contacting the Council;
 - the award procedure that the Council will apply.
- ensure that any time limits imposed on interested providers are reasonable and proportionate.

The Council can choose to apply a procedure that looks similar to one of the “main” EU procurement procedures (see **Appendix 19 (Procurement above the EU Thresholds)**), but does not have to.

The Council **MUST** apply the Guidance of the new Light Touch Regime for Health, Social Education and certain other Service Contracts published by Crown Commercial Service.

Appendix 10 Asset Leasing

1. General

1.1 The implementation of the Prudential Code introduced new freedoms for local authorities to pursue various capital and revenue options for the funding of asset acquisitions. It is therefore important to ensure the most cost effective form of funding is sourced for each acquisition.

1.2 Objectives of controlling

Asset leases are to ensure-:

- (a) compliance with the Prudential Code
- (b) terms and conditions of leases are appropriate.
- (c) the lease is correctly recorded in the Council's accounts.
- (d) compliance with the Regulations.

1.3 Implications if the above objectives are not achieved:

- (a) non-compliance with the Prudential Code Value for Money requirements.
- (b) the cost of leasing the asset is greater than alternative finance options.
- (c) the Council's accounts are incorrectly stated.
- (d) legal challenge as a result of a breach of the Regulations.

1.4 Key Responsibilities for Members and Officers:

- (a) every Strategic and Divisional Director **MUST** refer all proposed leasing arrangements, within their Services, to the Chief Finance Officer-: and
- (b) approval **MUST** be obtained from the Chief Finance Officer for all asset leases.

1.5 More information on the Prudential Code can be obtained from www.cipfa.org

1.6 Asset leases are treated as supplies Contracts for the purpose of the Regulations and so the Regulations will apply in the normal way.

Appendix 11 Contract Forms and Terms & Conditions

1. General

The Regulations require the Council to make its procurement documents available electronically from the published date of the Contract Notice (Regulation 53). Procurement documents include the proposed Terms and Conditions of Contract (T&Cs) as well as PQQs and ITTs. This means that the PQQ, ITT and T&Cs, for any EU procurement process ***MUST*** be drafted **before the Contract Notice is issued**.

The Council considers it good practice to apply this rule to all Contracts, whether or not the Regulations are followed. It is therefore the expectation that the Contract form will have been decided on before the procurement / tendering process starts.

2. Contracts below the EU Thresholds

For the majority of Contracts under the EU Thresholds it will normally be appropriate to use the Council's standard Terms and Conditions (see [Terms & Conditions for goods \(small draft\)](#))

OR

[Terms & Conditions for Services \(small draft\)](#)

3. Contracts above the EU Thresholds

For Contracts valued above the EU Thresholds you can use the Council's standard Terms and Conditions

(see [Terms & Conditions for Goods Contracts \(main\)](#) or

[Terms & Conditions for Service Contracts \(main\)](#) or it may be more suitable to use an industry standard form of Contract, or a bespoke Contract drafted for the particular Contract in question.

When considering which type of Contract to use, you should consider the points in the guidance document attached, and if appropriate discuss with the Head of Strategic Procurement.

(See [Guide for Contract Forms and Terms & Conditions](#))

Appendix 12 Scheme of Delegations

The following people / positions / committees have delegated authority to agree or approve expenditure:

Contract Value	Authority For OBC	Authority To Agree Procurement Process	Place On Forward Plan (Y/N)	Approval Docs Required	Authority To Award The Contract	Authority To Sign An Exemption	Authority For Signing/Sealing
Up to £500	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Cost Centre Manager	Cost Centre Manager (signing)
£501 to £5,000	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Cost Centre Manager	Cost Centre Manager (signing)
£5,001 to £50,000	n/a	Cost Centre Manager	N	Bid Evaluation	Cost Centre Manager	Divisional Director	Cost Centre Manager (Signing)
£50,001 to £100,000	Divisional Director	Service Area Manager	Y	Tender Evaluation Document	Divisional Director	Divisional Director	Divisional Director (Signing) and Head of Legal (Sealing)
£100,001 to EU	Strategic Director	Divisional Director	Y	Tender Evaluation	Strategic Director	Strategic Director	Head of Legal (Sealing)

Thresholds	Strategic Director	Divisional Director	Y (but not emergency purchases)	Document	(Recorded Officer Decision)	NOT ALLOWED above EU threshold	Head of Legal (Sealing)
Above EU Thresholds/ Emergency Purchases	Strategic Director	Divisional Director	Y (but not emergency purchases)	Tender Evaluation Document	Strategic Director (Recorded Officer Decision) with Cabinet Member approval (within budget)	NOT ALLOWED above EU threshold	Head of Legal (Sealing)

Appendix 13 Evaluation Criteria & Debriefing

1. General

The Council **MUST** make its “procurement documents” available electronically from the date of the Contract Notice. The evaluation criteria and the weightings **MUST** be included in either the Contract Notice itself, or in the procurement documents. This means that you **MUST** have agreed the evaluation criteria for the Tender before the Contract Notice is issued.

2. Most Economically Advantageous Tender

Evaluation criteria **MUST** be based on the “Most Economically Advantageous Tender”. This can be identified by:

- price or cost (using life-cycle costing)
- the best price-quality ratio (taking into account qualitative, environmental and/or social aspects linked to the subject matter of the Contract), including:
 - quality: technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;
 - organisation, qualification and experience of staff assigned to performing the Contract (where this can have a significant impact on the level of the performance of the Contract);
 - after-sales service and technical assistance, delivery conditions such as delivery date, process and period, or period of completion.

If a Contract is for a fixed price, you can use just quality criteria.

For evaluation criteria and scoring matrices for above threshold procurements (see [Scoring Methodology - OJEU](#)) or for below-OJEU (see [Scoring Methodology - Non OJEU](#)).

3. Debriefing

The guidance document at the attached link details what you **MUST** do when debriefing suppliers following the Tender/Quote exercise (see [Guide on Debriefing Suppliers](#))

Appendix 14 Capability & Financial Checks

1. General

You **MUST** ensure that any supplier interested in doing business with the Council has both the technical capability and the financial capacity to be able to perform the Contract.

2. Below EU Thresholds

Below the EU threshold you **MUST NOT** use a PQQ to shortlist tenderers. You can ask “suitability assessment questions” that are relevant to the subject matter of the contract and are proportionate. These can relate to minimum standards of suitability and capability. For financial assessments please see the guideline document [Guidance on Supplier Financial Assessments](#)

3. Above EU Thresholds

Procurements above the EU Thresholds using one of the procedures described in **Appendix 19 Procurements above the EU Threshold – Options and Procedures**. This includes procedures which use a Pre-Qualification Questionnaire to shortlist candidates before inviting Tenders.

When using a PQQ stage, you **MUST** use the Cabinet Office standard PQQ. This includes standard questions on financial standing:

- (a) a minimum yearly turnover which does not exceed twice the estimated Contract value;
- (b) information on their annual accounts showing the ratios, for example, between assets and liabilities; and
- (c) appropriate levels of insurance.

For financial assessments please see the guideline document [Guidance on Supplier Financial Assessments](#)

4. Framework Agreements and Lots

There are specific rules that **MUST** be applied for Framework Agreements and lots. (See [Guide for Framework Agreements](#)).

Appendix 15 Minimum Requirements

1. Contracts Minimum Requirements

VALUE OF CONTRACT	MINIMUM PURCHASING REQUIREMENTS	MINIMUM CONTRACT REQUIREMENTS	ENTER ON COMMISSIONING INTENTIONS Y/N	USE OF PROCONTRACT	ENTER CONTRACT ON CONTRACT REGISTER
£1 - £500	<ul style="list-style-type: none"> - Use purchasing card if accepted by supplier - Demonstrate VfM by testing the market - Think Local 	Ensure written record of purchase	No	Recommended	n/a
£501 - £5,000	<ul style="list-style-type: none"> - Demonstrate VfM by testing the market - Think Local - Consider the Social Value Policy & Toolkit 	Ensure written record of purchase	No	Recommended	Recommended
£5,001 - £50,000	<ul style="list-style-type: none"> - Think Local - 3 written Quotes via ProContract if below £25k - Advertise on Contracts Finder if more than £25K 	Council's Standard Contract Terms (unless agreed with the Legal or Procurement departments)	No	Mandatory	Yes

	(or 3 quotes if using local market) <ul style="list-style-type: none"> - Consider the Social Value Policy & Toolkit - Do NOT use a PQQ but can ask suitability questions - State award criteria - Award Contract on Contracts Finder if >£25K 				
£50,001 £100,000	<ul style="list-style-type: none"> - Think Local - Advertise on Contracts Finder - Consider the Social Value Policy & Toolkit - Do NOT use a PQQ but can ask suitability questions - State award criteria - Award Contract on Contracts Finder 	Council's Standard Contract Terms (unless agreed with the Legal or Procurement departments)	Yes	Mandatory	Yes
£100,001 – EU Threshold (£164,176 goods and	<ul style="list-style-type: none"> - Advertise on Contracts Finder - Apply the Social Value Policy and Toolkit 	Follow guidance at Appendix 11 (Contract Forms and Terms &	Yes	Mandatory	Yes

<p>services or £4.1m works)</p>	<ul style="list-style-type: none"> - Works can use a PQQ but NOT for Goods and Services below the threshold - State award criteria - Award Contract on Contracts Finder - Contract must be sealed 	<p>Conditions)</p>		
<p>Above Threshold (£164,176 goods and services or £4.1m works)</p>	<ul style="list-style-type: none"> - Follow an EU compliant procedure (see Appendix 9 (Procurement Options), Appendix 5 (Drafting Specifications) and Appendix 13 (Evaluation Criteria) and Appendix 20 (Procurement above the EU Thresholds - Options) - Apply the Social Value Policy and Toolkit - Advertise on Contracts Finder and in OJEU - Contract MUST be 	<p>Follow guidance at Appendix 11 (Contract Forms and Terms & Conditions)</p>	<p>Yes</p> <p>Mandatory</p>	<p>Yes</p>

<p>Light Touch Regime Below threshold (£589,148)</p>	<p>sealed</p> <ul style="list-style-type: none"> - Award Contract in OJEU - Think Local - Advertise on Contracts Finder if >£25k or 3 written tenders if using local market - Apply the Social Value Policy and Toolkit - State award criteria 	<p>Council's Standard Contract Terms (unless agreed by the Legal or Procurement Departments)</p>	<p>Yes (above £50K)</p>	<p>Mandatory</p>	<p>Yes</p>
<p>Light Touch Regime above threshold (£589,148)</p>	<ul style="list-style-type: none"> - Follow a procedure compliant with EU procurement rules for LTR (see Appendix 7 Procurement Options) - Apply the Social Value Policy and Toolkit - Advertise on Contracts Finder - Award Contract in OJEU - Contract MUST be sealed 	<p>Follow guidance at Appendix 11 (Contract Forms and Terms & Conditions)</p>	<p>Yes</p>	<p>Mandatory</p>	<p>Yes</p>

Appendix 16 EU Procurement Thresholds & Timescales 2016-2017

TYPE OF CONTRACT	THRESHOLD (£)
Works	£4,104,394
Supplies and/or (most) Services (for Local Government)	£164,176
Social and other specific Services (Light Touch regime applies)	£589,148

	SELECTION STAGE	TENDER STAGE	IF ELECTRONIC TENDER ACCEPTED	TENDER FOLLOWING PIN	TENDER BY AGREEMENT	URGENCY
Open Procedure	n/a	35 days	30 days	15 days	n/a	15 days
Restricted Procedure	30 days	30 days	25 days	10 days	At least 10 days	15/10 days
Competitive Procedure with Negotiation	30 days	30 days	25 days	10 days	At least 10 days	15/10 days
Competitive Dialogue	30 days	n/a	n/a	n/a	n/a	n/a
Innovation Partnership	30 days	n/a	n/a	n/a	n/a	n/a

The timeframes above are MINIMUM number of days from date the notice is sent. It is recommended you allow 3 extra days to allow for notice publication.

Appendix 17 Document Retention

Retention Classification	Retention Period
Contracts under seal (above OJEU Threshold)	12 years from Contract end This includes all Contract documents (specifications, drawings, certificates, Contract instructions and all relevant correspondence
Contracts not under seal	6 years from Contract end This includes all Contract documents (specifications, drawings, certificates, Contract instructions and all relevant correspondence
Unsuccessful Tenders and Quotes	4 years from the award of Contract
Abandoned Tenders and Quotes	4 years from the date of abandonment
Purchase files	MUST be kept up to date at all times within the Council's e-tendering system and Contract Register
Hard copies of Contracts	Store locally for 6 years after date of purchase then archive 12 years after purchase, review for possible destruction/recycling

For more information about the sealing process (see [Guide to Sealing contracts](#))

Appendix 18 Tender and Contract Variations, Extensions & Termination

1. Tender Variations/Variant Bids

You can request tenderers to submit variant bids linked to the subject matter of the bid, however you **MUST** indicate in the Contract Notice or the ITT the minimum requirements to be met by the variants and any specific requirements for their presentation, in particular whether variants may be submitted only where a Tender which is not a variant has also been submitted.

You **MUST** ensure that the award criteria can be applied to variants meeting those minimum requirements as well as to conforming “core” Tenders which are not variants. Only variants meeting the minimum requirements laid down by the Council shall be taken into consideration.

2. Contract Extensions

When you award a Contract/Framework, you **MUST** state the start and end dates and whether there is an option to extend beyond the ‘initial term’. If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

For further details on extensions and for a template letter that can be used (see [Guide on Extending a Contract or Framework Agreement](#)) and [Contract Extension Letter](#)).

3. Contract Variation

Contract variations should be treated with caution because of the risk that they can trigger the need for a new procurement exercise. The Regulations set out the changes that can be made to a Contract or Framework Agreement. You **MUST** read the guidance note and seek advice from either the Legal Department or the Procurement Department before making any Contract variation that could fall foul of the Regulations. (See [Guide to Contract Variations](#))

4. Contract Termination

For any Contract above the EU Thresholds, early termination ***MUST*** be approved by the Head of Strategic Procurement. Contracts of a lesser value may be terminated early by agreement prior to the expiry date of the Contract or in accordance with the termination provisions set out in the Contract following consultation with the Head of Strategic Procurement.

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Appendix 19 Procurement above the EU Thresholds – Options & Procedures

This Appendix lists the main choices of procurement procedure and the other routes available. You **MUST** seek the support of Procurement and Legal when you undertake any “OJEU” procurement. However, below are set out in brief some of the options available to the Council. (See [Guide to the EU Procurement Procedures](#))

Main Choices of Procedure

Open Procedure

Restricted Procedure

Other Routes

Competitive Procedure with Negotiation

Competitive Dialogue

Innovation Partnership

Negotiation Procedure without Notice

Reserved Contracts

Reserving Contracts to sheltered workshops

Reserving Contracts (for certain Services only) for “public Service bodies”

Concession Contracts

Dynamic purchasing systems

Electronic auction

Electronic catalogue

Lots - if you do not divide the Contract up into lots, you **MUST** explain why in the Contract Notice or procurement documents.

Appendix 20 Below Threshold Contracts (caught by Part 4 of the Regulations)

This appendix applies to Contracts between £25,000 and £164,176.¹

1. Using Contracts Finder to Advertise Contracts

- 1.1 **If** you advertise an opportunity, then you **MUST** place an advert on Contracts Finder (www.contractsfinder.service.gov.uk).
- 1.2 This does **not** include where you call off from a Framework Agreement or another select/approved list.
- 1.3 This **does** include when you issue a Prior Information Notice (PIN) or similar – you **MUST** advertise “*regardless of how specific the opportunity is*”.
- 1.4 Adverts on Contract Finder **MUST** include the following information:
 - (a) the date and time by which an interested supplier **MUST** respond if it wishes to be considered (the time period allowed for responses but be sufficient but proportionate);
 - (b) how a supplier **MUST** respond to the advert, and to whom; and
 - (c) any other requirements for participating in the procurement.
- 1.5 In reality, Contracts Finder requires more information than this, including an (estimated) Contract value.
- 1.6 When you advertise on Contracts Finder, you **MUST** offer unrestricted and full direct internet access free of charge to any relevant Contract and procurement documents, and specify in the notice the internet address where those documents can be accessed.

2. Prequalification Questionnaire

- 2.1 You **MUST not** use a PQQ for Contracts between £25,000 and £164,176 **unless** you are following a full OJEU procurement exercise.
- 2.2 Instead, you **can** ask “suitability assessment” questions that are relevant to the subject matter of the procurement and are proportionate. These questions should relate to information / evidence you need that the candidate meet requirements / minimum standards for:
 - (a) suitability;

¹ In this case, this threshold applies to works contracts as well as services and supplies.

- (b) legal status;
- (c) financial standing.

3. Contract Award Notices on Contracts Finder

- 3.1 The following requirements apply when you award a public Contract – **whether or not** it was advertised on Contracts Finder. This includes when you call off from a Framework Agreement.
- 3.2 You **MUST**, within a reasonable time, publish the following information on Contracts Finder:
 - (a) the name of the contractor awarded the Contract;
 - (b) the date on which the Contract was entered into;
 - (c) the value of the Contract;
 - (d) whether the contractor is an “SME” or “VCSE”.
- 3.3 “VCSE” means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives”.
- 3.4 You can withhold any of this information where its release:
 - (a) would impede law enforcement or would otherwise be contrary to the public interest;
 - (b) would prejudice the legitimate commercial interests of a particular economic operator (whether public or private); or
 - (c) might prejudice fair competition between suppliers.
- 3.5 This is most likely to apply to the value of the Contract awarded.

BUDGET MANAGEMENT SCHEME

(Proposed for approval at November 2015 Council)

Overall

The purpose of the Budget Management Scheme rules are:

- a) To ensure that income and expenditure is in line with the agreed Council budgets and service plans (consistency of purpose), and,**
- b) To maintain overall Financial control of Council income and expenditure**

Section A: REVENUE BUDGETS

Budget Management

- 1) Divisional Directors are responsible for budget management. For the purposes of the Budget Management Scheme, the term 'Divisional Director' shall include a Head of Service reporting directly to a Strategic Director.**
- 2) The Chief Executive and Strategic Directors have overall responsibility for the delivery of the strategic objectives for their areas of responsibility, and thus have a responsibility for effective performance monitoring of Divisional Directors on matters of budget management.**
- 3) Each Divisional Director will develop and maintain effective arrangements for financial management within his/her service area. Delegation is to be encouraged to service managers, although this will not remove ultimate responsibility for budget management and performance from the budget holder.**
- 4) Services are to be managed within their budgets, using virement and carry forward, as appropriate. The scheme applies equally to all the Council's trading activities.**
- 5) In exceptional circumstances, the Chief Financial Officer may, following consultation with the Senior Management Team and Cabinet, suspend the carry-forward and virement rules within the Scheme, pending a full report to the next meeting of full Council.**

Virement (see Annex 1 for definitions of Cabinet Portfolios and Services, and Annex 2 for clarification of virement rules application)

- 6) Any virement which has the effect of changing a Council policy must be approved by the Cabinet or Council as appropriate.**

7) Divisional Directors may independently approve virements between their Services and within Cabinet Portfolios:

7.1 following consultation with their Strategic Director where each individual virement does not exceed £25,000, or,

7.2 following consultation with their Strategic Director and the Chief Financial Officer, and the relevant Cabinet Member, where each individual virement exceeds £25,000 but does not exceed £50,000,

provided that the virement does not represent a change in policy or commit the Council to increased costs (both within the current financial year and on an on-going full year basis).

8) The Divisional Director shall notify the relevant Finance Manager of any virement, and shall seek approval from the relevant Cabinet Member of any virement exceeding £25,000.

9) Cabinet Members may approve virements within and between Portfolios. Where a virement is between Portfolios, all the relevant Cabinet Members must agree to the virement being made.

10) The relevant Divisional Directors may approve virements between services falling within the responsibilities of more than one Divisional Director and within Portfolio,

10.1 following consultation with relevant Strategic Directors and Cabinet Member where each individual virement does not exceed £25,000.

10.2 following consultation with the relevant Strategic Directors, the Chief Finance Officer and the relevant Cabinet Member where each individual virement exceeds £25,000 but does not exceed £50,000.

Any such virement must be agreed by all the relevant Divisional Directors

11) Virements shall not be used to create a commitment over and above existing cash limits beyond the end of the financial year in which it is exercised. All proposed virements should make clear the effects in the current financial year and future years, and whether or not it is proposed to change future year's base budgets.

12) Divisional Directors may only agree / recommend virements if they are satisfied that they understand the implications for the service/s from which funding is being taken, and the service objectives of the relevant Services will not be impaired.

13) All virements must be reported to the Cabinet on a quarterly / four times per year basis.

Use of General Fund Balances

14) Any proposed use of un-earmarked general balances in excess of £50,000 must be recommended by the Cabinet and/or approved by the Council. The Cabinet must consider the advice of the Chief Financial Officer in recommending such uses. The Cabinet may approve a use of balances below £50,000, subject to a maximum total allocation of £100,000 in any one financial year.

15) Additional approved use of general fund balances below £100,000 will be kept on a decision register for inspection by any members of the Council.

16) In cases of emergency, money may be drawn from balances by the Chief Executive in consultation with the Chief Financial Officer (or nominees of both when both/either is absent). Recovery of these sums will then take precedence over any future carry forwards of under spend or spending on "non-urgent" items. For cases where use of balances in any one financial year has exceeded £100,000, a plan setting out the recovery of balances to a minimum agreed level should be made to the full Council at the earliest opportunity after the balances have been depleted (unless the Council waives this on the advice of the Chief Executive, Chief Financial Officer & Cabinet Member for Finance & Efficiency, subject to reserves being adequate).

Earmarked Reserves

17) Any Council earmarked reserve set aside by Council for a specific purpose may not be spent on any other purpose without the permission of Council.

18) The specific arrangements for the governance and release of reserves are delegated to the Council's Chief Financial Officer in consultation with the Cabinet Member for Finance & Efficiency and the Chief Executive.

Carry Forward

19) With effective budget planning and management, overspending should not occur. If, however, one occurs it must normally be recovered.

1) The Divisional Director is responsible for making proposals for the recovery of any overspend to their Strategic Director in the first instance. Further reporting requirements will then be determined, depending on the size and nature of the problem.

2) Overspends will normally be expected to be recovered within the following year. However, a period of up to 3 years may be allowed for the recovery of overspends, depending on the level of overspend and the subsequent impact of recovery on service delivery.

3) All formal recovery plans will be submitted by the relevant Strategic Director to the Cabinet for approval.

20) (1) Divisional Directors may, following consultation with their Strategic Director and the relevant Cabinet Member, put forward proposals for the utilisation of any underspends arising within their services, before the end of the financial year in which the underspend arises.

(2) The Cabinet may approve proposals reported to it provided, in each case, the underspend

- a) is not a windfall,
- b) does not relate to a matter funded as a service development that has not occurred, and
- c) occurs in the financial year in which it is reported.

(3) No proposal to carry forward any underspend will be reported to Cabinet unless the Strategic Director has sought to manage the overspend within the services falling within their remit, and Senior Management Team have agreed to recommend the proposal.

(4) An underspend will be considered to be a windfall if it has not been identified and reported to the Cabinet by the end of January in the financial year in which it occurs, based on the April to December budget monitoring report.

(5) Senior Management Team and Cabinet, in consultation with the Chief Financial Officer, will consider the overall corporate outturn position and may consider writing off overspends.

Reporting

21) The Senior Management Team and Cabinet Members will receive a monthly financial report (including capital monitoring) from the Chief Financial Officer. This report will contain information on the progress on the implementation of budget items, including capital schemes.

22) Reports will focus on the key issues. Under or over spends are to be flagged up at an early stage, with Divisional Directors making proposals for the recovery of overspends or utilisation of under spends, regardless of the fact of any 'netting off' effect.

23) The Cabinet is to consider the overall revenue & capital outturn budget position four times a year.

24) The Cabinet is required to approve the outturn position within 4 months of the end of a financial year. Any action that officers are required to take to manage a budget that affects a change in policy and/or a reduction or increase in service will be reported to Council at the earliest opportunity.

25) The Corporate Audit Committee will approve the Council's Statement of Accounts in line with statutory requirements and timescales.

Section B: **CAPITAL BUDGETS**

Budget Management

1) Divisional Directors are responsible for budget management of all capital schemes within their service area. Divisional Directors may delegate to other officers responsibility for all or some budget heads, but they will retain overall accountability.

2) Before any scheme is included in any programme, budget management responsibility must be assigned to a Divisional Director. Divisional Directors will be required to follow guidance issued by the Chief Financial Officer from time to time on budget approval process. The Cabinet will agree and keep under review a Project Board Governance structure covering the entire capital programme.

3) Capital budgets are to be managed by individual scheme, with flexibility to combine smaller (up to £500k), schemes into a block of similar schemes (e.g. Highways Maintenance capital block).

4) The capital programme is to be approved and managed on a rolling basis over at least a 5-year period.

5) The Capital Programme is agreed by Council. The Cabinet will, during the year, monitor the programme and resources and may approve additional schemes for inclusion in the Programme, subject to analysis of the financial implications and a prudent view of resource availability. Schemes attracting 100% grant or 3rd party contribution can be incorporated into the Programme by the Cabinet and do not require the specific approval of the Council, provided the financial (including risk) implications are fully identified. All other additional schemes, including those funded by borrowing, will require the approval of the Council.

6) No decision can be made by an officer, Councillor or the Cabinet that will incur future net total scheme capital costs to the Council over and above a previously agreed capital scheme (or group of schemes that constitute an agreed programme) within the financial plan totals without the approval of Council.

Scheme Substitution

7) Within block schemes, the substitution of one scheme for another that is unable to proceed will be allowed following consultation and approval with the Chief Financial Officer, and subject of any specific provisions agreed as part of the budget approval.

8) For other schemes, scheme substitution of up to £500,000 will be allowed following consultation and approval of the Chief Financial Officer, if the following conditions are met:

- a) The new scheme closely resembles the original scheme
- b) The scheme can make use of the same type of funding approved for the original scheme
- c) The new scheme does not require significant additional design or "work-up" costs to be incurred before it can commence.

9) Approval of the Council will be required for the substitution of a capital scheme not meeting the criteria within paras 7-8.

10) If funding has been allocated for specific schemes by Government Departments or the European Commission, then approval must be obtained from the relevant body, as required under the terms and conditions of the funding.

Carry Forward

11) With effective budget planning and management, overspending should not occur. If, however, one occurs it must be recovered. The Divisional Director is responsible for making proposals for the avoidance or recovery of any overspending to their Strategic Director in the first instance. Further reporting requirements will then be determined, depending on the size and nature of the problem. Significant overspendings must be reported to the Cabinet at the earliest possible stage.

12) Within block schemes overspendings on payments during the year will be carried forward and the following year's capital programme correspondingly reduced.

13) On other schemes a Service will normally be expected to absorb any overspending by virement from other budgets or by deferral of other planned schemes.

14) Divisional Directors are encouraged to utilise resources in the year in which they are provided, especially where projects are funded through the receipt of grant with conditions that require this.

15) Planned spending should be profiled realistically across the 5-year Programme to ensure that the Council overall is able to make best use of its capital resources. Where a scheme (or block of schemes) slips, the in-year under-spending will normally be carried forward in order to ensure completion of the scheme. If a scheme is expected to under spend against its planned total capital scheme cost, then this should be reported as part of the outturn for consideration by Cabinet.

Reporting

16) Capital Strategy Group will receive regular (at least quarterly) reports of progress on capital schemes in order to focus on the key issues and to identify project spend in both the current financial year and over the lifetime of

each project, and associated funding and revenue implications. Key issues arising from this will be reported to the Cabinet and Senior Management Team via the monthly monitoring process.

Capital Contingency

17) Council will approve a sum that is to be set aside to reflect the overall risk from capital projects it has approved. The contingency will be set by Council following a report from the Chief Financial Officer on the appropriate level of reserve to mitigate the potential threat of financial exposure after considering the known risks of each scheme on an individual basis. The contingency will then be managed by the Cabinet Member for Finance & Efficiency in consultation with other Cabinet members, who will be required to report back to Council if and when he considers that this is likely to be insufficient. The contingency will be reviewed by Council on an annual basis as part of the financial plan review, unless requested to do so more frequently by the Chief Financial Officer, or the Cabinet.

18) The Cabinet must manage the contingency taking into account the lifetime and profile of expected risk exposure of the programme to which the fund relates. The Cabinet must consider the advice of the Chief Financial Officer in recommending such uses.

19) In exceptional circumstances of extreme urgency, additional expenditure may be approved by the Chief Financial Officer in consultation with the Cabinet Member for Finance & Efficiency and Chief Executive. Recovery of this sum will then take precedence over any future capital programmes on "non-urgent" items.

Approval to Spend Procedure

Commitments can be made as follows

Scenario	Consultation / Reporting / Approvals Requirements
Divisional Director wants to vary between subjective expenditure headings within the project total (excluding use of project contingency)	The Divisional Director can vary subjectively within the project total.
Divisional Director wants to draw down on project specific	Proposals for any such drawdown should be reported to the Capital Strategy Group and are subject to agreement with the relevant Cabinet Member. The rationale will need to consider the adequacy of the remaining

Scenario	Consultation / Reporting / Approvals Requirements
contingency.	contingency.
Outside the Project specific Contingency (i.e. drawdown of the overall capital programme contingency)	Divisional Director and relevant Cabinet Member must request draw down of general provision from the Cabinet Member for Finance & Efficiency, in consultation with the Chief Financial Officer and Chief Executive.
Outside the overall capital programme contingency General Provision	If there is likely to be a potential overspend on the general provision, an immediate report to Council is necessary

The above rules apply within a financial year as well as in relation to the total scheme cost (over the period of the project). These rules also apply to changes in funding (which may offset the spending variations or may be independent of them)

ACCOUNTABILITY

- 1) Strategic Directors will be responsible for ensuring the principles of this scheme are understood and enforced within their service areas.
- 2) **“Chief Financial Officer”** for the purposes of this scheme means the Chief Financial Officer under s151 of the 1972 Act (and s114 of the 1988 Act) or their nominated deputy insofar as the legislation allows the deputy to act in the absence of the CFO.

Annex 1**Revenue Service and Virement Cash Limits:**

A service cash limit (as referred to in the Budget Management Scheme above) is a budget heading line in the Revenue Cash Limits appendix to the Budget Report approved each year by February Council. These are also reported in the Budget Monitoring reports to Cabinet four times per year (including the Outturn report).

These Cash Limits are designed to assist with the determination of virements as set out in the section on Revenue Budgets (Section A) parts 6-13 above.

Each cash limit has a Divisional Director, Strategic Director and Cabinet Member assigned, and an individual cash limit may not have multiples of these assigned to it.

Annex 2**Summary of Virement Limits and Required Approval**

Inter service/portfolio = between Services/Portfolios,

Intra service/portfolio = within a Service/Portfolio

Amount	Intra service, Intra portfolio	Inter service, intra portfolio	Intra service, inter portfolio	Inter service, inter portfolio
Less than £25k	DD can approve, consult SD	DDs can approve, consult SDs	DD can approve, consult SD & Cabinet Members	DDs can approve, consult SDs & Cabinet Members
£25-50k	DD can approve, consults SD & CFO, consult portfolio holder.	DDs can approve, consult SD & CFO and portfolio holder.	DD can approve, consults SD & CFO, Single member decision by Cabinet Members (or included in quarterly Cabinet Budget Monitoring report)	DDs can approve, consult SD & CFO and Single member decision by Cabinet Members (or included in quarterly Cabinet Budget Monitoring report).
Over £50k	Included in quarterly Cabinet Budget Monitoring report)			

a) Virement Definition

A Virement is defined by CIPFA (Chartered Institute Public Finance & Accountancy) as “a transfer of an under spending on one budget head to finance additional spending on another budget head in accordance with an authority’s finance regulations”. For the purposes of this scheme a budget head is considered to be an equivalent level to the Cash Limit (as defined in

Annex 1). This could also be allied to standard service subdivision as defined by CIPFA's Service Expenditure Analysis.

b) Transactions that are not classified as virements

- Where there is no net transfer between budget heads. This can arise from new grant funding changes & associated expenditure, but also from adjustments within budgets within the same Service. The key principle reflected is there is no policy change or future year additional commitment to the Council.
- Re-assignment of budget heads between Divisional Directors or Portfolios. These are generally termed Technical adjustments, and reflect the purpose and amount of expenditure remains unchanged but management responsibility has been re-assigned. Typically this happened from new management structures of services / departments have been made, or different treatment of overhead budgets are altered from being held centrally or recharged to services, or vice versa.

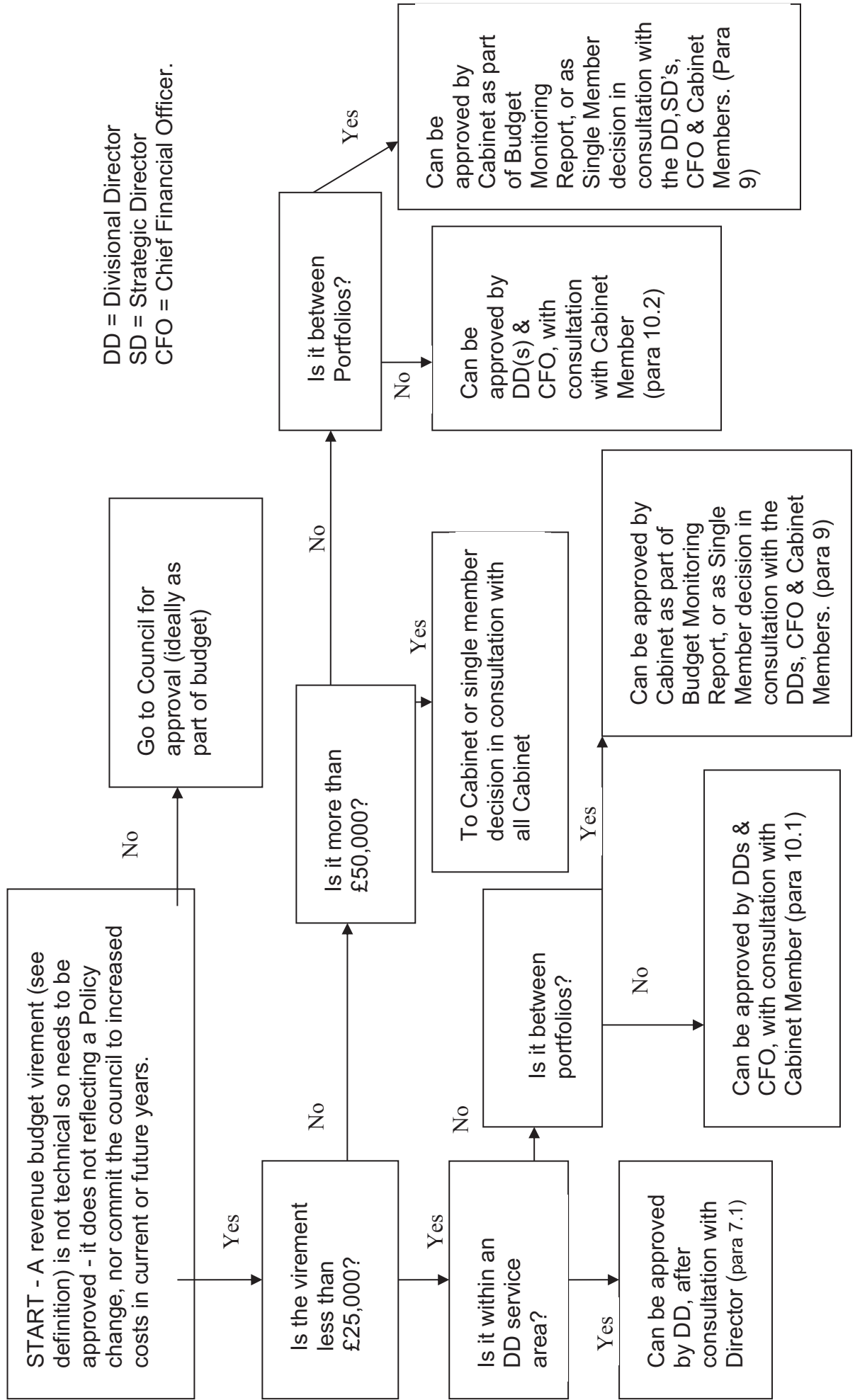
The technical adjustments described above will be reported to Cabinet retrospectively if they are cross Cash Limit, to ensure that Cash Limit control is maintained.

c) Policy Change

Policy is a plan of action adopted by the Council and implemented by the Cabinet. Hence outsourcing a service would define a policy change, as would using different delivery methods, or stopping a service or starting a new one, or extending an existing service.

d) Future years

There is no delegated authority for any officer to approve any virements which have a non-zero full year effect and/or create a future year commitment. Proposals can be made as part of the Corporate monitoring process to the Cabinet, so that they can be considered in the Council's future year budget planning.





Financial Regulations

(Excluding all Schools)

November 2015

**A component of good financial
management**



**Officers' & Members' roles &
responsibilities explained**

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Section 1 - Introduction

Why do we need Financial Regulations?

The challenges faced by the Council to provide and maintain high quality services will continually change. In order to respond effectively to these challenges there is a need to effectively manage the resources used by the Council on behalf of the local taxpayer. Stewardship of Council finances requires high standards of financial integrity and accountability.

The Financial Regulations define the boundaries within which we operate to effectively manage risk. They clarify roles and responsibilities and provide a framework for decision making.

All large organisations have a set of rules to regulate their finances and to protect the interests of their stakeholders and staff. However, the rules themselves are not of any use unless they are known and understood.

Who should read and understand Financial Regulations?

The Council's Section 151 Officer, as the Council's statutory Chief Financial Officer is ultimately responsible for ensuring the proper administration of the Council's financial affairs. These regulations form part of the arrangements that the Council's Section 151 Officer has put in place to discharge his statutory responsibilities and compliance is required by Members, Officers and other individuals carrying out work on behalf of the Council. This includes Council employees working for the Avon Pension Fund. LEA Schools are required to comply with specific School Financial Regulations which have been incorporated into the Schools Financial Manual.

Strategic Directors and Divisional Directors are responsible for bringing the regulations to the attention of every member of staff, providing the necessary training and monitoring compliance.

Any known breaches of Financial Regulations must be reported via the relevant Divisional Director / Strategic Director to the Chief Finance Officer (Section 151 Officer- Local Government Act 1972). Failure to comply with Financial Regulations and Codes of Practice will be subject to investigation and may result in disciplinary action.

Codes of Practice

The Financial Regulations must be read in conjunction with the various Council Policies, Financial Standards and Codes of Practice, which provide details of the processes, procedures and controls, and which must be adhered to.

The Financial Regulations will be found on the Council's Internal Web site along with copies of all related Council Codes of Practice, Policies, Procedures and Financial Standards.

Compliance

Divisional Directors are responsible for ensuring that all staff (including non-permanent staff) in their services are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. Divisional Directors are responsible for reporting any breaches of the Financial Regulations to the Chief Finance Officer, who is also responsible for reporting, where appropriate, breaches of the financial regulations to Council and Cabinet. The Council's Disciplinary Policies / Procedures will be used if non-compliance is identified.

Maintenance

The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. He / she may issue advice, guidance and procedures to underpin the financial regulations that members, officers and others acting on behalf of the Council are required to follow. Divisional Directors must advise the Chief Finance Officer on circumstances that may require the development of supplementary advice and guidance on financial procedures or systems of internal control.

Section 2 - Financial Management Roles & Responsibilities explained

The Council's Financial Regulations, Budget Management Scheme and the Codes of Practice on Matters of Financial Administration (including Officers' Code of Conduct) are bound separately but form part of the formal Constitution of the Council. The Council's Constitution is accessible through the [Council Website](#).

Sound financial management is critical to the Council in successfully achieving its plans, objectives and quality standards. Financial management is essential in order to:

- plan and maintain effective use of resources to achieve agreed service delivery standards;
- comply with legislation, related professional Codes of Practice and accounting standards;
- provide accurate, complete and valid accounts and information which demonstrate accountability to the public;
- ensure the appropriate use and security of financial and physical assets;
- help the Council conduct its affairs in an efficient, effective and economic manner.

Financial management is, therefore, concerned with the policies, processes, procedures and standards of the Council. Within this context the key areas of responsibility, and associated specific financial regulations, are as follows:

Council Members	<p>Approve Financial Regulations and Contract Standing Orders.</p> <p>Set the overall budget framework and monitor performance against agreed targets.</p> <p>Provide the reporting framework to monitor the achievement of Service objectives within the resources allocated.</p> <p>Determine the level of responsibility for financial management given to Services, Chief Officers and Local Managers.</p> <p>Administer the Avon Pension Fund on behalf of all four Unitary Authorities and other Fund employers.</p>
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<p>Corporate Audit Committee</p>	<p>The Council has delegated to the Corporate Audit Committee its powers and duties relating to the following matters:</p> <p>A) To consider and approve for publication on behalf of the Council, the Annual Accounts in accordance with the Accounts and Audit Regulations and any other relevant legislation or statutory guidance.</p> <p>B) To consider the Annual Governance Statement and Action Plan in accordance with the Accounts and Audit Regulations and any other relevant legislation or statutory guidance and make recommendations on this to the Executive or other appropriate body.</p> <p>C) To promote good governance arrangements within the Council and in its dealings with partner bodies and contractors, including compliance with legal and professional standards, in accordance with the Code of Corporate Governance.</p> <p>D) To agree the Council's External Audit Plan and proposed fees, within the budget agreed by the Council, and to monitor the delivery of that Plan.</p> <p>E) To agree the Internal Audit Plan, within the budget agreed by the Council, to monitor its delivery and effectiveness and to consider and make recommendations on any significant matters arising from Internal Audit work.</p> <p>F) To approve the Council's statutory accounting statements and policies.</p>
<p>Chief Executive</p>	<p>Provides strategic management and establishes a framework for management direction, style and standards.</p> <p>Secures a process for resource allocation that ensures due consideration of policy.</p> <p>Monitors the performance of the Council.</p>
<p>Chief Finance Officer</p>	<p>The Divisional Director (Business Support) carries out the statutory role of Chief Finance Officer:</p> <p>(a) The proper administration of the Council's financial affairs and advising on effective systems of internal control.</p> <p>(b) Setting and monitoring compliance with financial management standards.</p> <p>(c) Issuing advice, guidance and procedures to underpin the financial regulations.</p>

	<p>(d) Determining the accounting procedures and financial records for the Council.</p> <p>(e) Selecting accounting policies and ensuring that they are applied consistently.</p> <p>(f) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.</p> <p>(g) Providing financial information.</p> <p>(h) Preparing the revenue budget, supplementary revenue estimates and capital programme.</p> <p>(i) Treasury management.</p> <p>(j) The preparation and consolidation of the Council's accounts</p> <p>(k) Reporting to the Council on the robustness of the annual budget and the adequacy of the Council's financial reserves.</p> <p>(l) Report to the Council, Cabinet and external auditor if the Council or one of its officers :</p> <ul style="list-style-type: none"> • has made, or is about to make, a decision which involves incurring unlawful expenditure. • has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council. • is about to make an unlawful entry in the Council's accounts. <p>(m) Advising the Pension Committee on all matters of policy concerned with the administration of the Avon Pension Fund, including the investment management arrangements.</p>
<p>Strategic Directors</p>	<p>Establish clear accountabilities for all managers that include objectives of and responsibility for systems and information.</p> <p>Implement processes for considering the financial effects of policy and relating policy to resources.</p> <p>Monitor the delivery of policy and the use of resources, ensuring that appropriate action is taken where there is a mismatch.</p> <p>Clearly understand the consequences of a lack of control and ensure that Local Managers have effective procedures for safeguarding the Council's resources.</p> <p>Operate processes to check that established internal controls are in place and evaluate their effectiveness.</p>

Monitoring Officer	<p>The Divisional Director (Legal & Democratic) carries out the statutory role of Monitoring Officer. The Monitoring Officer reports to the Council if a contravention of law, Code of Practice or any maladministration has arisen through any decision or omission by the Council, by any Member, Committee or Officer of the Council.</p>
Divisional Directors	<p>Determine the appropriate level of control within their areas of responsibility in accordance with advice and guidance provided by the Chief Finance Officer, their Strategic Director and the Council's auditors.</p> <p>Ensure all their staff understand and comply with Financial Regulations, Contract Standing Orders, Council policies and procedures and Service specific instructions.</p> <p>Monitor compliance with these regulations, policies and instructions.</p>
Chief Internal Auditor (Chief Audit Executive)	<p>Provide an independent Internal Audit Service which has unfettered access to the Chief Executive and Senior Management and is able to access all relevant records and information within the Authority to carry out its role.</p> <p>Provide independent, objective assurance / advice to management on the operation of internal controls (including financial) to improve an organisation's operations.</p> <p>Provide an annual opinion on the framework of internal control and risk management.</p> <p>Investigate on behalf of the organisation any suspected financial irregularities or misuse of resources and ensure that there is a system in place to allow staff, contractors or the public at large to report serious concerns confidentially.</p>
External Audit	<p>Report on whether the Council's accounts and statements present fairly the Council's financial position.</p> <p>Report on whether the Council has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the Value for Money (VfM) conclusion.</p> <p>Grant Claim certification.</p>

All Employees	<p>Have a responsibility for following Financial Regulations and other Council policies & adopted regulations (including Contract Standing Orders, Code of Conduct) and Service specific instructions.</p> <p>Help the Council achieve open and honest administration by supporting approved fraud prevention strategies and avoiding potential conflicts of interest.</p> <p>Assist the Council's audit processes.</p> <p>Keep accurate and comprehensive records to support the transactions undertaken on the Council's behalf.</p>
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In addition, please refer to:

[The Council's Constitution](#)

Section 3 – Internal Audit

Why is this important?

The purpose of this section of the regulations is to highlight the authority delegated to the Council's Chief Audit Executive (term used by the Public Sector Internal Audit Standards), when reviewing the accounting and financial arrangements within the Council.

Statutory Requirements:

The Accounts and Audit Regulations 2011, Part 2 (6), require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”. These Regulations cover the requirements of Section 151 of the Local Government Act 1972, which states that authorities must “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for administration of those affairs.”

Objectives & Role of Internal Audit:

Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

1. The organisation is responsible for maintaining an adequate and effective internal audit of the accounting and financial transactions, including any operations that affect the financial arrangements of the Council.
2. Internal Audit is independent in its planning and operation.
3. Internal Audit complies with the United Kingdom Public Sector Internal Audit Standards.
4. The Chief Audit Executive or their authorised representative, shall have authority to:
 - a) Enter at any reasonable times, any operational or administrative Council premises or land and have access to all Council property.
 - b) Have access to (and where necessary to copy or retain) all records whether manually or electronically held, documentation, correspondence and computer systems relating to any transaction of the Council, or non-official funds operated by Council staff,
 - c) Require and receive such explanations as are necessary concerning any matter under examination,
 - d) Require any employee of the Council to produce or account for cash, stores or any other property under their custody or control,
 - e) Examine any work or services carried out for the council by an employee or contractor, and any goods purchased on behalf of the Council,
 - f) Review appraise and report on the soundness, adequacy and application of internal controls. This includes those controls to protect Council resources, property and assets from loss / waste.

5. The Council's Chief Audit Executive shall have direct access and the right of report to the Chief Executive, Strategic Directors, Chief Finance Officer, the External Auditor, Leader of the Council, Chair of the Corporate Audit Committee and Chair of the Council's Policy Development & Scrutiny Panels, where appropriate.

In addition, please refer to:

[Internal Audit Service Charter](#)

Section 4 – Risk Management

Why is this important?

Risk management is an integral part of the corporate governance framework for Local Government. This is detailed in the Council's Local Code of Corporate Governance which is reviewed annually and reported in the Council's Annual Governance Statement.

The Council's Risk Management Strategy will help support and underpin the delivery of its Vision & Values.

Objectives of risk management processes:

- Protecting and adding value by supporting the achievement of the Sustainable Community Strategy.
- Improved strategic, operational and financial management.
- Contributing to more efficient use/allocation of resources.
- Mitigation of key threats and taking advantage of key opportunities.
- Protecting and enhancing assets and image.
- Improving decision-making (making the right decisions).
- Safeguarding of tangible and intangible assets.
- Promotion of innovation and change.
- Optimising operational efficiency and therefore delivering efficiency gains and value for money.
- Allocating time and management effort based on formal assessment of threats and opportunities.
- Avoid nasty surprises, shocks, crises and the time taken to 'fire fight' these.
- Improved customer service delivery.

Key Responsibilities for Staff & Members:

1. Council Members gain an understanding and promote risk management and its benefits throughout the Council & its partners, ensuring Members take risk management into consideration when making decisions.
2. Both the Cabinet and Elected Members oversee the effective management of risk throughout the Council and its partnerships, and gain an understanding of its benefits, ensuring officers develop and implement a comprehensive approach to risk management.
3. The Corporate Audit Committee provides independent assurance of the risk management framework and associated control environment, independent scrutiny of the Council and partners financial and non-financial performance, and oversee the financial reporting process.
4. The Cabinet Member for Resources is responsible for approving the Council's risk management strategy, and promoting a culture of risk management and awareness throughout the Council.

5. The Directorate Management Teams gain an understanding and promote the risk management process and its benefits, oversee the implementation of the risk management strategy and agree any inputs and resources required supporting the work corporately.
6. Strategic and Divisional Directors ensure that the risk management process is promoted, managed and implemented effectively in their service areas within the organisation. Liaising with external agencies to identify and manage risk. Disseminating relevant information to service managers and employees.
7. Service Managers raise awareness, manage and implement the risk management process effectively in their service areas, recommending any necessary training for employees on risk management. Incorporating risk ownership through the appraisal scheme with employees and share relevant information with colleagues in other service areas.
8. All employees of the Council manage risk effectively in their jobs, liaising with their line manager to assess areas of risk in their job. Identify new or changing risks in their job and feed these back to their line manager.
9. The Audit & Risk Team challenge the risk management process, including the identification and evaluation of risk and provide assurance to Officers and Members on the effectiveness of controls.
10. The Chief Finance Officer supports the Council and its services in the effective development, implementation and review of the Council's risk management processes. Identify and communicate risk management issues to services, and assist in undertaking risk management activity through training or direct support.

In addition, please refer to:

[The Council's Risk Management Strategy](#)

Section 5 – Fraud Prevention

Why is this important?

“Keeping our House in Order” - Bath and North East Somerset’s Fraud Prevention Statement

We all have a special responsibility for dealing with public funds and assets. The Council controls millions of pounds of public money and we must take very seriously the high expectations of the public and the degree of scrutiny to which the affairs of the Council are subject.

Bath and North East Somerset acknowledges the responsibility it has for the administration of public funds and wishes to emphasise to the public and its staff the importance it places upon probity, financial control and transparency in its administration.

The Council is committed to prevention, deterrence, detection and investigation of all forms of fraud and corruption.

The Council recognises that fraud and corruption undermine the high standards of public service, which it promotes, and reduces the resources available for the good of the whole community.

The statement applies to all Members and employees of the Council and demonstrates to the community of Bath and North East Somerset Council our commitment to combating fraud and corruption wherever it is found.

The Fraud Prevention Statement – Key Principles:

Leading by example, our Council will ensure that:

- Everyone within the organisation takes responsibility for the prevention and detection of fraud and corruption.
- There is compliance with key policies and procedures.
- Fraud is not tolerated and that all such cases are thoroughly investigated.
- All officers and Members have proper training and guidance regarding anti-fraud and corruption issues.
- High standards of internal control are promoted.
- There is a safe environment to report suspected cases of fraud and corruption.
- Rigorous action is taken against anyone found guilty of fraud or corruption. This will be through the Council’s disciplinary process and by taking legal action as appropriate.

Key Responsibilities for Members and Staff:

1. Strategic & Divisional Directors are responsible for the prevention and detection of fraud, error and wasteful practices within their Service environment.
2. They must inform the Chief Finance Officer and / or the 'Chief Audit Executive', immediately of any suspected financial irregularity.
3. The Council's Chief Finance Officer and / or the 'Chief Audit Executive', shall report to the Chief Executive and relevant Strategic Directors any circumstances which could involve the Council in unlawful expenditure or action which could result in a potential loss or deficiency to the Council or unlawful entries in the accounts.
4. All employees have an important part to play in reporting concerns about wrong doing at work by other employees, Councillors, suppliers, contractors or others acting on behalf of the Council.
5. In this respect, employees are under a duty to assist with the discharge of these responsibilities by reporting to their managers, or through the Council's Whistleblowing Policy, any instance where financial irregularity is suspected.
6. Abuse of the Whistleblowing Policy by raising malicious, unfounded allegations will be treated as a serious disciplinary matter.
7. In addition, the Council has a legal duty to implement a procedure to enable the reporting of suspicions of money laundering. Accordingly, any Member or employee, who in the course of Council business becomes aware that criminal property or funds could be involved, should report their suspicion promptly, in accordance with the Anti-Money Laundering Policy. Failure to do this may result in a criminal offence being committed.
8. The UK Bribery Act, 2010 which came into force on the 1st July 2011 introduces a corporate offence of failure to prevent bribery.

The three key offences under the Act which may have an impact on the authority are:

- Bribery of another person
- Accepting a bribe
- Failing to prevent bribery

The offences carry criminal penalties for individuals and organisations. Individuals can be imprisoned for up to a maximum of ten years. Both individuals and organisations can be subject to an unlimited fine.

The Act states that organisations will be responsible for their employees' corrupt acts unless they can show they had adequate policies and procedures in place to combat bribery.

Staff are responsible for the prevention, detection and reporting of bribery and other forms of corruption. If any member of staff or Council Member has concerns regarding a suspected instance of bribery they must refer to the Council's Whistleblowing Policy and report the matter.

In addition, please refer to:

[The Council's Anti-fraud and Corruption Policy](#)
[Whistleblowing Policy](#)
[Fraud Response Plan](#)
[Anti-Money Laundering Policy](#)
[Council's Employee's Code of Conduct](#)
[Council's General Employment Standards and Rules](#)

Section 6 - Budget Management and Control

Why is this important?

Budgets (spending plans) are needed so that the Council can plan, monitor and control the way resources are allocated and spent. Budgets reflect Council, Portfolio, Service and local priorities and give authority to Local Managers to incur expenditure to meet targets.

Budget management ensures that once the budget has been approved by the full Council, resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, which reviews and manages spending against budget during the financial year. In addition, it provides the mechanism that calls to account managers responsible for defined elements of the budget.

The purpose of the Budget Management Scheme rules

- a) To ensure that income and expenditure are in line with the agreed Council budgets and service plans (consistency of purpose),
- b) Overall Financial control of Council income and expenditure.

The implications of poor budget management

1. The Council may not be operating within the law;
2. Policies and objectives may not be achieved;
3. Resources may not be used in accordance with agreed authority;
4. Failure to secure value for money (efficient & effective use of resources);
5. Decisions made without the benefit of full or appropriate information;
6. Inability to take appropriate action at the right time.

Key requirements for budget management and control

Section A: Revenue Budgets:

- Budget approval is required for all expenditure.
- The Chief Executive and Strategic Directors have overall responsibility for the delivery of the strategic objectives for their areas of responsibility and thus have a responsibility for effective performance monitoring of Divisional Directors on matters of budget management.
- Divisional Directors are responsible for Budget Management.
- Each Divisional Director will develop and maintain effective arrangements for financial management within his/her Service area.
- Each Divisional Director will nominate a Budget Manager for each cost centre heading, as appropriate.
- Budget Managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- Budget Managers follow an approved certification process for all expenditure.

Appendix 6

- Income and expenditure must be properly recorded and accounted for by all Budget Managers. This is achieved by ensuring the accurate use of accounting codes and timely monitoring of financial information.
- Budget Managers are responsible for maintaining a current forecast of their budget and communicating this to their Finance Team. Where a Variance, the difference between forecast and budget, is recurrent this should be identified for future correction.
- Services are to be managed within their budgets using financial forecasting, virement and carry forward, as appropriate.
- Expenditure is committed only against an approved budget head.
- Any virement which has the effect of changing a policy contained in the Policy Framework must be approved by the Council.
- All virements must be reported to the Cabinet on a quarterly basis.
- Any proposed use of general balances, in excess of limits set by the Budget Management Scheme, must be recommended by the Cabinet and/or approved by the Council.
- Any Council earmarked reserve set aside by Council for a specific purpose may not be spent on any other purpose without the permission of the Council.
- Informal Cabinet and Senior Management Team will receive monthly finance dashboard reports starting with actual v budgets for May to be reported in June.
- The Cabinet will receive budget monitoring reports (including capital monitoring) at its public meetings four times a year (normally in September, November, February and July).
- The Cabinet is required to approve the outturn position in July following the financial year end.

Section B: Capital Budgets:

- Divisional Directors are generally responsible for budget management of all capital schemes (including major and other projects) within their service area, but all capital schemes must have a designated responsible Budget Manager who may or may not be a Divisional Director.
- Before any scheme is included in any programme, budget management responsibility must be assigned.
- The Capital Programme is agreed by Council.
- The Project Management Handbook sets out the process for managing a project of any type or value, along with roles and responsibilities of all parties involved and provides the necessary templates and guidance to manage a project through to completion.
- With effective budget planning and management, overspending should not occur. If, however, one occurs it must be recovered. The Divisional Director is responsible for making proposals for the avoidance or recovery of any overspending to their Strategic Director in the first instance.
- Capital schemes must have a review and reporting process. For example, Directors Reviews will receive reports of progress in order to focus on the key issues and project spend, and associated funding and revenue implications.
- Council will approve a sum that is to be set aside to reflect the overall risk from capital projects it has approved

Appendix 6

- Strategic Directors will be responsible for ensuring the principles of this scheme are understood and enforced within their Service areas.

In addition, please refer to:
[The Budget Management Scheme](#)

Section 7 – Revenue Budget Preparation

Why is this important?

The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The annual Revenue and Capital budgets are the financial expression of the Council's plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Council to budget for a deficit. All key decisions on revenue expenditure must be made by Cabinet Members.

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around how virements / journals operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

A report on new proposals should explain the full financial implications, following consultation with the Chief Finance Officer or designated Finance Manager. Strategic Directors must present a balanced budget and plan to contain the financial implications of such proposals within their cash limit.

Key Responsibilities for Members and Staff:

1. Specific budget approval is required for all expenditure.
2. Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Strategic Director for their budgets and the level of service to be delivered. Key savings and developments are included in service delivery plans (for subsequent monitoring) and individual employee's Performance Development Review.
3. Preparation of the budget complies with all legal requirements.
4. The format complies with the requirements of the Chief Finance Officer and, where necessary, has regard to relevant accounting standards.
5. The format reflects the accountabilities of service delivery
6. The Chief Finance Officer will:
 - (a) Advise the Cabinet and Council on the format and timing of the budget to be approved by the full Council.
 - (b) Prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
 - (c) Determine the detailed form of revenue budgets and the guidelines for their preparation, after consultation with the Cabinet and Strategic Directors.

- (d) Prepare and submit reports to the Cabinet on the aggregate spending plans of directorates and on the resources available to fund them, identifying, the implications for the level of Council Tax to be levied.
- (e) Advise on the medium-term implications of spending decisions.
- (f) Encourage the best use of resources and value for money by working with Strategic Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

7. Strategic Directors will:

- (a) Prepare draft budgets of income and expenditure, in consultation with the Chief Finance Officer, to be submitted to the Cabinet.
- (b) Prepare draft budgets that are timely, balanced and consistent with any relevant cash limits, and with guidelines issued by the Cabinet. The format should be prescribed by the Chief Finance Officer, in consultation with the Cabinet.
- (c) Integrate financial and budget plans into service planning, so that budget plans are reflected, where appropriate, by financial and non-financial performance measures.
- (d) In consultation with the Chief Finance Officer and in accordance with the laid-down guidance and timetable, prepare detailed draft revenue and capital budgets for consideration by the appropriate Cabinet Member.
- (e) When drawing up draft budget requirements, Strategic Directors will have regard to:
 - spending patterns and pressures revealed through the budget monitoring process
 - targets for growth/reduction set out in the medium term financial plan
 - fall out of external funding
 - legal requirements
 - other policy requirements as defined by the full Council in the approved policy framework
 - initiatives already under way.

In addition, please refer to:

[The Budget Management Scheme](#)
[Medium Term Financial Plan](#)
Service Plans

Section 8 – Capital Expenditure

Why is this important?

1. Capital expenditure involves acquisition or enhancement of fixed assets which have a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure must comply with the Council's Contract Standing Orders.
2. The Local Government Act 2000, as amended in March 2002, requires local authorities to determine expenditure limits above which such expenditure would be a key decision. All key decisions on capital expenditure must be taken by Cabinet Members.
3. The Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Responsibilities for Members and Staff:

1. The Chief Finance Officer will bring together Directorate estimates for capital schemes and to report them to the Cabinet for approval or prioritisation within existing resources. Council approval is required where a Strategic Director proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
2. The Chief Finance Officer will submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
3. The Chief Finance Officer will issue guidance concerning capital schemes and controls. The definition of 'capital' will be determined by the Chief Finance Officer having regard to government regulations and accounting requirements.
4. The Chief Finance Officer will obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision by more than the specified amount.
5. Divisional Directors must comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer, including ensuring that all capital proposals have undergone a full project appraisal, through submission of Project Initiation Document to Divisional Directors Group.
6. Divisional Directors must prepare regular reports reviewing the capital programme provisions for their Services. They must prepare at least quarterly returns of estimated final costs of those schemes in the approved capital programme for submission to the Cabinet and to the Chief Finance Officer.
7. Divisional Directors must ensure that full records are maintained for all capital contracts.
8. Divisional Directors must proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Finance Officer.

9. Divisional Directors must consult with the Chief Finance Officer, and to obtain authorisation from the relevant Cabinet Member, prior to the implementation of key decisions as part of the capital programme.
10. Divisional Directors must prepare and submit reports to the Cabinet Member, of any variation in contract costs greater than the approved limits. The Cabinet Member must meet cost increases by virement from savings elsewhere within their overall capital programme.
11. Divisional Directors must prepare and submit reports to the Cabinet Member, on completion of all projects where the final expenditure exceeds the approved budget by more than an agreed amount.
12. Divisional Directors must ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance Officer and, if applicable, approval of the scheme through the capital programme.
13. Divisional Directors must consult with the Chief Finance Officer and to seek appropriate approval (Council / Cabinet) where the Strategic Director proposes to bid for capital financing to support expenditure that has not been included in the current year's capital programme.
14. Divisional Directors in service areas which generate VAT exempt income must liaise with the Council's VAT and Project Accountant at the earliest opportunity, to ensure impact on partial exemption is properly managed.

In addition, please refer to:

[The Budget Management Scheme](#)
[Medium Term Financial Plan](#)
Service Plans

Section 9 - Treasury Management (Investments & Borrowing)

Why is this important?

Significant sums pass through the Council's accounts each year which need to be securely managed and controlled to maximise the Council's income. This is done in accordance with codes of practice that have been established with the aim of providing assurance that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's funds.

Key Objective: The Council's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management in Local Authorities and with the Council's Treasury Management Policy statement.

Key Responsibilities of Staff & Members:

1. **The Chief Finance Officer will:**
 - Prepare the Council's Treasury Management Policy Statement and Strategy in accordance with the CIPFA Code of Practice on Treasury Management in Local Authorities and to arrange for all Council borrowing and investment in such a manner as to comply with this Statement/Strategy.
 - Ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the full Council.
 - Ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Strategic Director.
 - Authorise all borrowings in the name of the Council.
 - Act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.
 - Report to the Council, as requested, on Treasury Management activities.

2. **Strategic Directors will:**
 - Ensure that loans are not made to, and that interests are not acquired in, companies, joint ventures or other enterprises without the approval of the full Council, following consultation with the Chief Finance Officer.

In addition, please refer to:

[Code of Practice No.1 – Investments & Borrowing](#)
Treasury Management Strategy
Treasury Management Policy Statement

Section 10 – Accounting Systems and Processes

Why is this important?

It is important to ensure that the Council maintains effective & efficient systems of accounting and financial control are in place in order that its assets and interests are effectively safeguarded against loss. It is important that all stakeholders have confidence in the integrity of the Council's financial administration.

Objectives of Accounting Systems and processes:

- To ensure that a true and complete record of all Council transactions is maintained.
- To ensure that the Council complies with legislation / regulations.

Implications if above objectives are not achieved:

1. The Council may not operate within the law;
2. Incorrect management information, leading to poor decision making;
3. Financial loss;
4. Reputational loss, e.g. through publication of a critical External Auditors report;

Key Responsibilities for Staff & Members:

1. The Chief Finance Officer will be responsible for maintaining the accounts of the Council and for the approval of all accounting records and financial systems.
2. All Divisional Directors must ensure that responsibility for the preparation and processing of accounting information e.g. coding of income and expenditure is assigned to specified Officers, transactions are authorised / approved by responsible officers and an audit trail is maintained.
3. Capital expenditure must be accounted for separately from revenue expenditure and must, therefore, be coded to the appropriate capital expenditure code.
4. The Chief Finance Officer will be responsible for producing the timetable and standards for the production of final accounts each year.
5. The Chief Finance Officer shall agree all borrowing and lending arrangements and these shall operate in accordance with the Council's Treasury Management Policy Statement and the appropriate accounting bodies' Codes of Practice. All investments, borrowing, leasing and other capital financing arrangements shall be effected in the name of the Council.

6. The Head of Property, shall hold all securities that are the property of or are in the name of the Council or its nominees and the title deeds of all properties in its ownership, in safe custody.
7. The Chief Finance Officer will:
 - Ensure that the Council does not enter into leasing contracts which compromise the Council's spending limits set with regard to its Prudential Indicators.
 - Provide financial expertise and advice on leasing arrangements and contracts.
 - Ensure that best value is achieved in leasing contracts, including aggregation of the Council's leasing requirement where appropriate.

All Strategic and Divisional Directors must refer all proposed leasing arrangements, within their Services, to the Chief Finance Officer.

8. All Trust Funds shall, wherever possible, be in the name of the Council and all officers acting as trustees by virtue of their official position shall deposit all securities and other documentation relating to the Trust Fund with the Chief Finance Officer.
9. The Chief Finance Officer will ensure that all Finance Managers and their teams work to recognised Financial Standards and will ensure that clear instructions are issued to all relevant members of staff on key processes, including:
 - Control Accounts
 - Coding Protocols
 - Cash Flow Management
 - Capital Grants
 - Capital Expenditure
 - Capital Charges
 - Balance Sheet Balances
 - BACS Payments
 - Accounting statements
 - Monthly Accruals
 - Year End Accruals
 - Interfaces with the Financial Management System
 - Suspense Accounts

In addition, please refer to:

[Code of Practice No.2 – Petty Cash Accounts / Client Cash Floats](#)

Section 11 - Payroll

Why is this important?

Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only to the right people and that payments accord with individuals' conditions of employment.

It is important that all payments are accurately and completely recorded and accounted for, as this ensures accurate information for budget holders.

Income Tax and National Insurance contributions to HM Revenue & Customs must be complete and accurate. Individuals defined as employees must be paid through the Council's Payroll System.

Objectives of payroll processing:

- Payments are only made to those entitled to payments, (i.e. employees or pensioners) at the correct rate and time.
- All payments and associated deductions are properly accounted for.
- Processes are in place to meet Corporate and Service needs for accurate and timely management information regarding payroll costs.

Implications if above objectives are not achieved:

1. Payments are made:
 - for work not undertaken,
 - to a person not entitled,
 - at the wrong rate,
 - that contravene employment legislation,
 - leading to potential financial loss;
2. Adverse publicity because of failure to pay efficiently and effectively;
3. Untimely and inaccurate information to budget holders;
4. The Council being penalised by the HM Revenue & Customs for failure to account for statutory deductions, e.g. Income Tax and National Insurance contributions.

Key Responsibilities for Staff & Members:

1. The payment of salaries, wages, allowances, pensions and other emoluments must be made under arrangements approved and controlled by the Chief Finance Officer.
2. Divisional Directors are responsible for providing the Payroll Service with the details of those Officers (4th tier Officers and above), in that Service area, that can authorise payroll documents / transactions.
3. All salary and wages notifications must be properly authorised and in accordance with the employment contract.

4. All travelling, subsistence and other allowances (including staff Professional Subscriptions), for both staff and Members, must be paid through the Council's Payroll system.
5. The use of Petty Cash Account or other non-PAYE payment systems are not permitted under any circumstances, for the payment of salaries, wages, travelling and subsistence expenses.
6. No payments should be made to Self Employed Individuals without an assessment of that individual's employment status first being made in line with the HM Revenue & Customs criteria.
7. Each Divisional Director is responsible for ensuring that the person engaging someone to perform a task determines their employment status and whether they should be paid via payroll.
8. All Payroll documents / forms submitted must be the latest approved version.
9. Appropriate budget provision must be available.
10. Salary payments are made in accordance with employment law.
11. Statutory deductions are made in accordance with regulations and properly paid over to appropriate bodies.
12. Other non-statutory deductions, e.g. Union subscriptions, are made in accordance with authorised requests.
13. Pension enhancements are awarded in accordance with approved policies.
14. All payments made are properly recorded and correctly charged to the appropriate expenditure codes and management information issued in a timely manner.
15. Members of staff who owe debts to the Council will have these debts deducted promptly from salary.
16. It is the responsibility of all Council Members and members of staff to immediately contact both their Manager and the Payroll administrators when they discover that any overpayment of salary, wage or allowance has occurred.

Failure to do this knowingly will be regarded as theft, under the law, and will be the subject of disciplinary action by the Council against the Member or officer concerned

In addition, please refer to:
[Code of Practice No.3 – Payroll](#)
[Code of Practice No.4 – Employment Status](#)
[HR Policies & Procedures – Pay & Benefits](#)

Section 12 – Ordering and Paying for Works, Goods & Services

Why is this important?

The Council must be able to demonstrate probity and value for money in spending public money, in accordance with its Procurement Strategy and Contract Standing Orders.

All Council Members and employees of the Council have a responsibility for spending public funds wisely and ensuring that all payments are valid, legal and represent the best use of resources.

Objectives of order and payment processes:

- To secure value for money by obtaining the best price for the quality of works, goods and services required.
- The Council only pays bona-fide organisations or individuals the correct amount at the appropriate time in line with appropriate contractual terms and conditions
- The Council properly accounts for works goods & services ordered and payments due or made.
- The Council complies with legislation covering VAT, payments to Sub-Contractors and other taxable payments
- The Council undertakes appropriate employment status checks on organisations or individuals in line with HM Revenue & Customs requirements

Implications if above objectives are not achieved:

1. Council pays more than necessary for goods or services.
2. Payments are made for goods / services not required or not received.
3. Duplicate payments are made.
4. Council fails to pay for goods or services in a timely basis resulting in adverse publicity, loss of goodwill.
5. Incorrect recovery of VAT leading to assessments and penalties from HM Revenue & Customs or loss of recoverable VAT.
6. Incurring HM Revenue & Customs penalties for failing to assess employment status appropriately.
7. Inaccurate and untimely information provided to budget holders.

Placing Official Orders:

1. Officers **must** only use Council monies for the purchase of works, goods & services which are for the express use of the Council. Elected Members, employees or others engaged with the Council **must not** use the Council's ordering or payments systems for personal use or benefit.

2. Members, Officers and individuals engaged to work for the Council **must** declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with these Financial Regulations (Section 20) and the relevant Council's Code of Conduct.
3. Officers **must** issue Official Orders for all goods and services unless there is a specific exemption or alternative as outlined in the Procurement Strategy and / or Contract Standing Order.
4. Divisional Directors **must** designate specific employees who are authorised to place orders on their behalf and operate procedures which secure value for money. The procedures **must** be properly recorded, communicated to staff and continuously monitored.
5. All Official Orders **must** be raised through the Council's Financial Management System.
6. There may be occasions, in cases of emergency only, when a verbal order is placed. These must be the exception rather than the rule and **must** always be confirmed by the issue of an Official Order.
7. Before placing orders for goods and services the budget holder responsible **must** ensure that there is sufficient budget available.
8. All orders placed **must** comply with the Council's Contract Standing Orders, which provides guidance on obtaining alternative prices, seeking value for money and complying with National and European requirements.

Receiving Goods & Services:

9. When receiving works, goods or services, the budget holder is responsible for ensuring that timely checks are made to ensure that:
 - The works goods or services are in accordance with the order placed,
 - Any faults or deficiencies are reported to the contractor/supplier and remedial action taken,
 - Where necessary, inventories or stock records have been updated,
 - Goods delivered are placed in the safe custody of their authorised recipient.

Making Payments:

10. All payments on behalf of the Council will be made with the authority of the Chief Finance Officer.
11. Payments **must not** be made unless the works, goods and/or services have been received by the Council to the correct price, quantity and quality standards, and that an invoice for the same works, goods and/or services has not been previously passed for payment.

12. Divisional Directors **must** designate specific employees who are authorised to approve invoices for payment on their behalf.
13. There must be a separation of duties between the Officer raising the Purchase Requisition and the Officer authorising the Requisition to enable a Purchase Order to be generated. This is important because invoices linked to an Official Purchase Order will be processed and paid without any further authorisation. If for reasons of efficiency a Divisional Director enables an Officer to both generate and approve a Purchase Requisition then that Divisional Director must ensure that the expenditure is scrutinised by another Officer within a reasonable period of time, this could be linked to the 'goods / services received' recording system.
14. All Divisional Directors **must** ensure adherence to all instructions issued by the Chief Finance Officer in respect of year-end accounting arrangements.
15. Payments to employees of salaries, wages, and travel & subsistence expenses **must** be made through the Payroll system and not via any other payment system.
16. Where appropriate Corporate Purchasing Cards can be used to make payments (see Section 21).
17. Officers must ensure that appropriate VAT documentation is obtained from the contractor / supplier to ensure that VAT is correctly accounted for and that the Council can maximise recovery of recoverable VAT.
18. The Council must comply with the requirements of the Construction Industry Scheme when paying construction industry subcontractors, as described in Code of Practice No.7.

Making Payments through Petty Cash Accounts / Client Cash Floats:

19. All payments through Petty Cash Accounts / Client Cash Floats must be made in accordance with guidelines set down in the Code of Practice No.2.
20. The Chief Finance Officer will authorise the use of a Petty Cash / Client Cash Floats or change float.
21. The Service operating the Petty Cash Account / Client Cash Float must arrange for a nominated Responsible Officer to keep and maintain the account. The name of the Responsible Officer and the purpose of the account must be notified to the Chief Finance Officer.
22. Responsible officers must maintain records and operate the account in accordance with the Petty Cash Accounts / Client Cash Floats Code of Practice.
23. Receipts, vouchers and invoices must be retained to substantiate every transaction.

24. Personal loans must never be given or personal cheques cashed from the Petty Cash Account / Client Cash Float.
25. Wherever possible VAT should be identified on payments made, so that the Council can recover the VAT. VAT may only be claimed where the Council has a valid VAT invoice bearing the VAT registration number of the supplier. For further details on whether VAT should be claimed please refer to the VAT guidelines.

In addition, please refer to:

[Code of Practice No.2 – Petty Cash Accounts / Client Cash Floats](#)
[Code of Practice No.5 – Ordering of Goods & Services](#)
[Code of Practice No.6 – Payment of Accounts](#)
[Code of Practice No.7 – Construction Industry Scheme](#)
[Council Contract Standing Orders](#)
[VAT Guidance](#)

Section 13 – Income Collection

Why is this important?

Income can be vulnerable to loss. Effective income collection systems are necessary to ensure that all income due is properly identified, collected, receipted, banked, and brought to account.

Objectives of income processes:

- To ensure that all sources of income that may be due to the Council are identified, claimed and collected at the right time.
- All payments received are accepted, recorded, reconciled and banked promptly and correctly.
- Local Managers and employees have a clear understanding of their responsibilities regarding the identification, collection, banking and reconciliation of income due to the Council.

Implications if above objectives are not achieved:

1. Income being lost to the Council;
2. Resources may be wasted by the failure to collect income quickly and economically;
3. Adverse publicity caused by the failure to collect income efficiently and effectively;
4. Theft, misappropriation or loss of income;
5. High levels of bad debt leading to a large number of write-offs.
6. Failure to deal with VAT correctly results in assessments and penalties from HM Revenue & Customs or a loss of income to the Council

Key Responsibilities for Staff & Members:

1. All arrangements for the collection, accounting and banking of income due to the Council must be subject to the approval of the Chief Finance Officer.
2. The appropriate Divisional Director will be directly responsible for the safe custody, recording, control, issue and use of official receipting systems, receipt books, tickets, account books and other income documentation in their specific Service area.
3. Responsibility for income collection must be separated from the person raising the debtor account on the accounting system.
4. Only payment or write-off shall discharge all sums due to the Council.
5. All refunds of overpayments must be made through the Council's Creditors system and NOT out of income. To help prevent money laundering activity refunds must always be paid back to the same bank account as the original payment. Any large cash payments to be refunded must be considered in

terms of potential money laundering prior to authorisation of the refund amount.

6. Individuals must not borrow Council monies. Borrowing monies includes holding or banking personal cheques in exchange for Council cash.
7. All amounts written-off will be authorised by the Chief Finance Officer and the Head of Legal Services (or their nominated representatives) and / or the appropriate Cabinet Member, in accordance with the Council's Code of Practice.
8. Sums due to the Council as debts from members of staff shall be deducted promptly from salary. Divisional Directors will ensure that all debts due are recovered promptly and any outstanding balances due, at the time of cessation of employment, are deducted from employee's final salary or any other monies due to that employee.
9. VAT is charged where appropriate, in accordance with the HM Revenue & Customs regulations. Where an individual Service makes a new type of charge for any reason they must consult the Council's VAT Analyst before setting prices.
10. Divisional Directors must ensure that all members of staff, within their Service, responsible for the collection and reconciliation of income, comply with the requirements of the Council's Anti-Money Laundering Policy.

In addition, please refer to:

[Code of Practice No.8 – Income Collection](#)
[Council's Anti-Money Laundering Policy](#)
[VAT Guidance](#)

Section 14 – Bank Accounts, Banking and Cash Handling

Why is this important?

Local Managers and employees need to have a clear understanding of their responsibilities regarding the setting up and use of Council Bank Accounts, banking processes and cash handling. Most bank accounts are held and managed centrally. However, there will be Local Managers who are responsible for voluntary funds, petty cash accounts and other bank accounts.

Objectives of Banking & Cash Handling processes:

- To ensure that all income and expenditure is transacted through authorised bank accounts.
- To ensure that all money is held securely.
- To ensure monies are banked in an authorised bank account in a timely manner and accurately recorded.
- To ensure all transactions are bone fide, accurate and within predetermined limits.

Implications if above objectives are not achieved:

1. Theft or loss;
2. Staff and premises vulnerable to attack;
3. Resources wasted due to poor cash flow management;
4. Inability to prove that deposits have been made into the bank account or that payments have been made by debtors;
5. Damage to the Council's reputation through adverse publicity;
6. Failure to deal with VAT correctly results in assessments and penalties from HM Revenues & Customs or a loss of income to the Council.

Key Responsibilities for Staff & Members:

1. The Chief Finance Officer will be responsible for making such arrangements as are appropriate and necessary with the Council's Bankers relating to all financial transactions.
2. The Chief Finance Officer will ensure that proper arrangements are made for the secure printing, secure retention and issue of cheques.
3. All bank accounts must be opened and closed by the Chief Finance Officer. Any subsidiary Bank Accounts can only be opened with the express authority of the Chief Finance Officer, who will provide specific instructions on the control and use of such accounts.
4. Any overdraft on the aggregated Council's main bank accounts is permitted only to the extent authorised by the Chief Finance Officer. Overdrafts are not permitted on any other bank accounts.

5. The Chief Finance Officer will make available written guidance on the processes to be followed to transfer monies electronically (CHAPS / BACS).
6. The Chief Finance Officer will specify arrangements for the collection and banking of all income due to the Council, and to approve the procedures, systems and documentation for its collection, security and banking.
7. All money received by an employee, on behalf of the Council, must be properly recorded and paid without delay into the Council's bank account.
8. Where third parties are contracted to bank income on behalf of the Council, the Chief Finance Officer will specify and agree the contract arrangements, prior to entering into any such contract.
9. The Chief Finance Officer shall ensure that the reconciliation of all bank accounts held by the Council is undertaken at regular intervals to ensure the prompt investigation of discrepancies.
10. All keys to safes and similar receptacles must be carried by the person responsible at all times; loss of such keys must be reported, without delay, to the Chief Finance Officer (Internal Audit Function).
11. The Chief Finance Officer will authorise the use of a petty cash account or change float.

In addition, please refer to:

[Code of Practice No.2 – Petty Cash Accounts / Client Cash Floats](#)
[Code of Practice No.9– Bank Accounts, Banking & Cash Handling](#)

Section 15 – Asset Management

Why is this important?

The Council holds fixed and moveable assets in the form of land, buildings, plant and machinery, vehicles, equipment, software, and other items with significant value. It is important that all assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.

An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management. Inventories of moveable items are particularly important in connection with potential insurance claims.

Objective of asset management:

- To ensure that assets are used to achieve the approved policies and objectives of the Council with the minimum level of waste, inefficiency or loss for other reasons.

Implications if above objective is not achieved:

1. Money may be wasted by acquiring inappropriate assets;
2. Assets may be used inefficiently;
3. Loss or damage;
4. Money may be wasted by maintaining obsolete or unnecessary assets;
5. Income may be lost by not achieving best terms for disposal of assets.

Key Responsibilities for Staff & Members:

1. Every Divisional Director shall be responsible for the custody of all buildings, equipment, stocks, stores, vehicles, furniture and cash used within their Service environment and for their general security.
2. Official inventories and stores records shall be kept under arrangements approved by the Chief Finance Officer, and all desirable and portable property shall be securely marked "Property of Bath & North East Somerset Council".
3. Items recorded in official inventories must subject to a regular independent physical check (at least annually). All discrepancies should be investigated and pursued to a satisfactory conclusion. Any discrepancies not resolved must be reported to the appropriate Divisional Director and Internal Audit.
4. The Chief Finance Officer (or their authorised representative) has the right of access to all Council establishments, to verify stores, records or accounts.
5. Divisional Directors should ensure that stocks and stores are not carried in excess of economic requirements.

6. All 'moveable' property will only be disposed of in accordance with the Council's Stocks and Stores and Inventories Codes of Practice.
7. The Chief Finance Officer will maintain a register of all assets owned by the Council.
8. Divisional Directors shall inform the Chief Finance Officer of all relevant details, including financial implications, relating to the purchase, lease, holding or sale of assets held on the Council's behalf. In particular, the Head of Property will use Valuation Schedules for property assets to enable annual verification of the value of these Council assets.
9. All Divisional Directors responsible for the private property of a person under their guardianship or supervision shall arrange for an inventory / record of items / amounts held and ensure the safe custody of this property.
10. All Council assets must be used solely for official Council business. Council assets must not be used for personal use.
11. Where any irregularity is suspected in the custody or use of a Council asset, the matter must be treated as a financial irregularity and reported immediately to the appropriate Divisional Director and Internal Audit function.

In addition, please refer to:

[Code of Practice No.10 – Stocks and Stores](#)

[Code of Practice No.11 – Inventories](#)

Asset Management Strategy

Section 16 – Asset Leasing

Why is this important?

The Council has freedoms to pursue various capital and revenue options for the funding of asset acquisitions. It is therefore important to ensure the most cost effective form of funding is sourced for each acquisition. This may or may not be leasing, but where leasing is pursued the reporting requirement must be carefully considered.

Objectives of controlling Asset Leases:

- To ensure terms and conditions of leases are appropriate.
- To ensure the lease is correctly recorded in the Council's accounts.
- To ensure compliance with Procurement Regulations.

Implications if above objectives are not achieved:

1. The cost of leasing the asset is greater than alternative finance options.
2. The Council's accounts are incorrectly stated.
3. Legal challenge as a result of a breach in Procurement Regulations.

Key Responsibilities for Staff & Members:

1. Every Strategic and Divisional Director must refer all proposed leasing arrangements, within their Services, to the Chief Finance Officer.
2. Approval must be obtained from the Chief Finance Officer for all asset leases.

Section 17 – Insurance

Why is this important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Insurance, either through external providers or through the Council's own fund, form a vital part of the management of these risks.

Objectives of Insurance:

- To ensure that risks exceeding acceptable levels are determined and adequately insured against where appropriate.
- Material risks are monitored on an ongoing basis, and the level of insurance cover (external or internal) adjusted accordingly.

Implications if above objectives are not achieved:

1. The Council maintains insufficient risk reserves or insurance policies to cover the potential financial costs of replacement.
2. Claims are not processed efficiently or effectively.
3. Adverse publicity for the Council.

Key Responsibilities for Staff & Members:

1. The Chief Finance Officer shall be responsible for:
 - a) Effecting appropriate insurance cover and maintaining the relevant administrative systems.
 - b) To manage the Council's internal funding, including prescribing how claims on the Council's Insurance Fund should be made.
 - c) To negotiate all claims in consultation with the Insurers, Legal Services and other officers, as necessary.
 - d) To include all appropriate employees of the authority in a suitable fidelity guarantee insurance, and provide adequate public liability, and employer's liability cover.
 - e) To offer insurance cover to schools in accordance with the Scheme of Delegation.
 - f) To periodically undertake a general revaluation of Council buildings and effect appropriate changes to the corresponding insurance cover following revaluation.
 - g) To identify claims trends and implement appropriate risk management measures.
2. Divisional Directors shall notify the Chief Finance Officer (or their Insurance representative) promptly on any matters affecting insurance cover, including all new risks and amendments to existing risks.
3. Divisional Directors shall notify the Chief Finance Officer (or their Insurance representative) immediately, in writing, of any accident, loss, liability or

damage or any event likely to lead to a claim on or by the Council whether covered by insurance or not. An admission of liability or blame should not be made either verbally or in writing.

4. Divisional Directors shall take all reasonable measures to reduce risk and liability within their Service areas. In addition, they shall ensure that work for external organisations is appropriately covered by professional indemnity insurance.
5. Members and Officers of the Council who intend to travel abroad on official business must ensure that the necessary insurance cover has been arranged.

In addition, please refer to:

[Code of Practice No.12 – Insurance](#)
[Code of Practice No.13 – International Travel](#)

Section 18 – Value Added Tax (VAT)

Why is this important?

The purpose of this section of the regulations is to ensure that service managers and employees have a clear understanding of their responsibilities regarding VAT.

Like all organisations, the Council is responsible for ensuring that its VAT affairs are managed efficiently and in accordance with legislation. Tax issues are often very complex and the penalties for incorrect accounting for VAT can be severe. It is therefore very important that all officers are aware of their role so that the Council adheres to current VAT law and best practice.

In particular the Council can only recover VAT incurred on 'VAT-exempt' business activities if the total falls below its 'partial exemption' limit. Detailed planning is required to ensure that the Council can continue to recover this VAT, on both new schemes and existing expenditure.

Objectives of taxation control processes:

To ensure that the Council only pays the correct amount of VAT and accounts for it in accordance with statutory requirements:

- budget managers are provided with relevant information and kept up to date on VAT issues
- budget managers are instructed on required record keeping
- all taxable charges and payments are identified, properly carried out and accounted for within stipulated timescales
- records are maintained in accordance with Council instructions and subject to internal checks
- accurate returns are made to the appropriate authorities within the stipulated timescale.

Implications if above objectives are not achieved:

1. Unnecessary payment of taxes or under-recovery of tax due, leading to wasted resources;
2. Failure to identify taxable income and pay over the tax due, leading to possible assessments, interest and penalties, as well as considerable extra work;
3. Incorrect or duplicate recovery of VAT paid to suppliers, again leading to additional costs and work;
4. Inadequate planning or lack of consultation leads to poor decisions, resulting in errors or a loss of income;
5. Failure to consult early on expenditure related to VAT-exempt income adding to the risk of the Council breaching its 'partial exemption' limit at a cost of over £1m

Key Responsibilities:

1. The Chief Finance Officer will:

- Maintain up to date guidance about VAT for Council employees on the intranet, and provide updates and advice to staff.
- Respond to all queries from Services, seeking external advice if necessary.
- Make checks of VAT charged to customers and to be reclaimed, then ensure completion of a monthly return of VAT inputs and outputs to Her Majesty's Revenue & Customs (HM Revenue & Customs).
- Deal with all visits and correspondence from HM Revenue & Customs.
- Ensure that the VAT incurred in relation to 'exempt' business income is not at risk of exceeding the partial exemption limit in any financial year, and undertake the annual calculation after the year end.

2. Divisional Directors will have responsibility:

- To ensure that staff are trained to deal with VAT correctly
- To ensure that the correct VAT is paid from income due to the Council, and that VAT on purchases is recovered in line with HM Revenue & Customs regulations.
- To follow the instructions on taxation issued by the Chief Finance Officer on the Council's VAT intranet site and in other documents.
- To check the VAT status of any new type of income with the VAT Analyst
- To ensure that all new schemes, in particular involving capital expenditure or changes to current arrangements, that in service areas which involve VAT-exempt income, are notified to the Council's VAT Analyst at the earliest opportunity.
- To liaise with the Council's VAT Analyst if there is any type of query concerning VAT or if it is believed that an error may have occurred.

In addition, please refer to:

[VAT Guidance](#)

Section 19 - Information Systems Management

Why is this important?

Information is a key business enabler and Services are heavily reliant on information and information systems (electronic or manual) to deliver services and manage business processes. As such, reliable and well managed information systems are an essential element of service provision.

The purpose of this section of Financial Regulations is to ensure that users of the Council's information and information systems are aware of their role and responsibilities relating to the processing, handling and storage of information.

Objectives and Risks

The principle objectives of good information systems management are to ensure that:

- All information systems conform to Council policies and standards;
- Systems are reliable and well managed, information is secured and protected and that confidentiality, integrity and availability are maintained;
- Systems are procured, developed, implemented and maintained to ensure that maximum benefit is obtained by using them to their full potential; and
- Contingency plans are developed and maintained so that loss and service delivery disruption is minimised in the event of disaster occurring.

The Council's information and information systems are important business assets and as such need to be appropriately managed to ensure that customer satisfaction, competitive edge, financial viability, legal compliance and reputation are maintained.

Information and information systems are faced with risks and threats from a wide range of sources, including technology-assisted fraud, espionage, sabotage, vandalism and environmental disasters such as fire and flood.

In order to mitigate these risks the Council has identified the following factors as critical to the successful implementation of good information systems management.

1. Information Management Policies

The Chief Finance Officer shall ensure that appropriate policies and procedures are in place to set clear direction in line with business objectives and demonstrate support for, and commitment to, information management standards throughout the Council.

The Council's principle objectives in good information management are outlined in the [Information Security Policy](#) and [Electronic Communications - Acceptable Use Policy & Guidelines](#).

NB Details of the essential supporting policies are provided in the appropriate sections below.

2. Organisational Security

The Chief Finance Officer shall ensure that a management framework is established to initiate and control the implementation of good information management throughout the Council.

Information management is a business responsibility shared by all information users, therefore all managers and users have a role and responsibility for adopting good practice, processing information in a secure and efficient manner and complying with Council Policies and standards.

3. Asset Control

Owners should be identified for all assets, hardware, software and information, and the responsibility for the maintenance of appropriate controls should be assigned. The implementation of specific controls may be delegated by the owner as appropriate but the owner remains responsible for the proper protection of these assets.

Information, (including: databases & data files, contracts & agreements, system documentation, user manuals, training material, operational or support procedures), is an asset and to ensure that information receives an appropriate level of protection it should be classified to indicate the need, priorities, and expected degree of protection. The Council's information classification scheme should be used to define an appropriate set of protection levels and communicate the need for special handling measures.

Further guidance is to be found at Appendix B of the [Information Security Policy](#).

4. Records Management

Records Retention - System owners are responsible for disseminating responsibility to their staff, to ensure that all records are kept for the minimum amount of time as detailed in the Council's [Records Retention Schedules](#).

The [Retention of Records Policy](#) provides further detail.

Records Disposal - All hardware, software and records, (both electronic and hardcopy), that are obsolete or have reached the end of their lifecycle should be securely destroyed in accordance with the Council's disposal policies.

Initial guidance is available in the [Confidential Waste Guidelines](#) and the [Records Management & Data Quality, and Disposal of Removable Media Policies](#) provides further detail.

5. Personnel Security

The Head of Human Resources shall ensure that information management responsibilities are addressed prior to engagement and that the terms and conditions of employment provide assurance that employees, contractors and third party users understand their responsibilities.

All employees of the Council and, where relevant, contractors and third party users should receive appropriate awareness training and regular updates in Council policies and procedures. Third party users are required under the Application Hosting Policy to sign an agreement in relation to their roles and responsibilities.

6. Physical and Environmental Security

To prevent unauthorised access, damage, or interference to Council premises, equipment and information processing facilities the Chief Finance Officer is to ensure that procedures are implemented that ensure:

- all critical and/or sensitive information processing facilities and equipment are housed in secure areas;
- buildings are protected by defined security perimeters, with appropriate security barriers and entry controls; and
- precautions are taken to ensure that access to all PCs, laptops and any other communications devices is restricted at all times to authorised personnel. (Refer to the System Access & Password Management Policy)

7. Information Processing

The Chief Finance Officer and Head of IT Services are to ensure that responsibilities and procedures for the management and operation of all information processing facilities are established. Segregation of duties should be implemented, where appropriate, to reduce the risk of negligent or deliberate system misuse.

8. Access Control

Access to information, information processing facilities, and business processes should be controlled on the basis of business and security

requirements. Access control rules should take account of the Council's policies for information dissemination and authorisation.

The [System Access and Password Management Policy](#) provides further detail.

9. System Procurement, Development and Maintenance

Information management requirements should be identified and agreed prior to the any procurement, development and/or implementation of information systems. All information management requirements should be identified at the requirements phase of a project, justified, agreed, and documented as part of the overall business case for an information system.

Major procurement of hardware and software systems is in the first instance to be referred to the Council's IT Client Services Delivery and Corporate Procurement Managers for advice and approval. The Information Governance Team must also be consulted to ensure that security, legal compliance and information management issues are managed.

10. Information Security Incident Management

The Head of IT Services shall ensure that formal security incident reporting and escalation procedures are in place.

All employees, contractors and third party users should be made aware of the procedures for reporting the different types of incidents, events and weaknesses that might have an impact on the management of the Council's information and information systems.

The [Security Incident Management Policy](#) provides further detail.

11. Business Continuity Management

The Chief Finance Officer and Head of IT Services shall ensure that a business continuity management process is implemented to minimise the impact on the Council and recover from loss of information assets (which may be the result of, for example, natural disasters, accidents, equipment failures, and deliberate actions) to an acceptable level through a combination of preventive and recovery controls.

This process should identify the critical business processes and integrate the information security management requirements of business continuity with other continuity requirements relating to such aspects as operations, staffing, materials, transport and facilities.

12. Compliance

The Chief Finance Officer shall ensure that adequate policies and procedures are in place to ensure compliance with all relevant legislation in respect of information held, both electronic and hard copy, including, but not limited to:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Computer Misuse Act 1990
- Copyright, Designs and Patents Act 1988

Divisional Directors shall ensure that the processing of person-identifiable information within their service areas is carried out in accordance with the 8 Data Protection Principles.

Divisional Directors are to ensure that adequate processes and procedures are in place within their service areas to liaise with the Information Compliance Manager to ensure that information requests are satisfied within the statutory timescales contained within the appropriate legislation.

Divisional Directors shall inform the Council's Information Governance Manager (Compliance) of all issues concerning data protection identified within their service areas.

The [Data Protection Act Policy](#), [Freedom of Information Act Policy](#) and [Environmental Information Regulations Policy](#) provide further details.

Information Management Contact Details

If users are in any doubt as to the appropriateness of their information processing they can obtain further advice and support from Information_Governance@bathnes.gov.uk

In addition, please refer to:

[Data Protection Act Policy](#)
[Freedom of Information Act Policy](#)
[Environmental Information Regulations Policy](#)
[Security Incident Management Policy](#)
[System Access and Password Management Policy](#)
[Confidential Waste Guidelines](#)
[Disposal of Removable Media Policy](#)
[Records Management and Data Quality Policy](#)
[Records Retention Schedules](#)
[Retention of Records Policy](#)
[Information Security Policy](#)
[Electronic Communications – Acceptable Use Policy](#)
[Clear Workspace Guidelines](#)

Section 20 – ‘Employee’ Interests, Gifts and Hospitality

Why is this important?

The public is entitled to expect conduct of the highest standard from Local Government employees. Public confidence in the integrity of such persons will be shaken by the least suspicion, however ill-founded, of influence being exerted on Council business, through financial (or other) inducements or conflicts of interests.

The purpose of this section of the regulations is to ensure that all employees (and other individuals engaged in official Council business) have a clear understanding of their responsibilities when they have an interest or receive / give gifts and hospitality related to their Council position.

Failure to declare interests, gifts and hospitality could be a breach of legislation. Section 117 of the 1972 Local Government Act requires individuals to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It is also be an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. A corporate offence is created under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place "adequate procedures" designed to prevent bribery by or of persons associated with the organisation.

Objectives of guidance and rules governing possible conflicts of interest:

The key objectives are:

- Ensure that the interests of the public remain paramount;
- Officers are impartial and honest in the conduct of their official business;
- Public monies is used to the best advantage of the Council, always ensuring value for money.

It is important that all potential conflicts of interests are properly identified and recorded and that a record of appropriate action taken is made. This will assist in maintaining public confidence and assist in achieving the Council’s commitment to tackle fraud and corruption within or external to the organisation.

Key Responsibilities for Employees and other individuals engaged on Council business:

1. All employees must be aware of the Employees Code of Conduct.
2. On starting employment / engagement (consultant or agency worker) on Council work or at any time during the period of employment / engagement individuals must declare ‘interests’ using the electronic Register of Interests.

3. The Register of Interests will be maintained to enable employees to submit on-line declarations (accessible through the Council's Intranet). Interests will include:
 - Organisation Membership (not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct)
 - Other employment / business
 - Land Interest
 - Financial Interest
 - Family / Friends

4. During the course of their duties, employees may receive offers of gifts and hospitality of one form or another and it is important that employees are able to recognise what is, and what is not, acceptable. The following guidelines should be adhered to:
 - Acceptance or refusal of gifts and hospitality must be recorded in Gifts & Hospitality Electronic Register. Each register entry will be subject to management approval and periodic Audit inspection.
 - Gifts which may be sent / offered to employees by outside contractors or organisations should be returned politely with a suitable official letter, and details recorded in the Register.
 - Gifts can only be accepted when they are of nominal value, functional, items suitable for business use, e.g. diaries, calendars, and pens.
 - On no account should an employee accept either secondary employment or a financial payment from any person, body or organisation, with which the Council is involved, e.g. contractors, developers, consultants.
 - Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, social functions, in connection with their official duties shall be at the Council's expense.
 - Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.
 - Where offers of hospitality are made, i.e. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the Council, and the hospitality would not expose the Council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the relevant Divisional Director's approval in advance, and must be recorded in the Register of Gifts and Hospitality.
 - Offers of hospitality in the form of purely social events and sporting occasions should on **no account** be accepted when these are from organisations with which the Council has commercial links. However, invitations to social events from non-commercial organisations with which the Council has a partnership arrangement will be acceptable, but must have the Divisional Director's advance approval, and must be recorded in the Electronic Register. Offers of hospitality refused must, in addition, be recorded in the Register.
 - Regular social contact, i.e. drinks in a public house, with representatives of organisations which supply, or hope to supply, goods or services to the

Council must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they “pay their way” and that the costs of such contact are not met in full by the other party.

- For their own protection, officers may wish to consider recording such events in the Electronic Register.
 - Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups for their members, employees shall not avail themselves of the services of contractors employed by the Council for acquiring services, materials, labour or plant at cost, trade or discount prices.
5. Suspected irregularities concerning conflicts of interest, giving and acceptance of gifts & hospitality must be reported without delay to the Chief Audit Executive, and where appropriate, to the Chief Executive and the appropriate Cabinet Member.
 6. Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.
 7. These promotional offers normally take the form of a free gift, a holiday offer or vouchers towards goods. Promotional offers should **ONLY** be used for the benefit of the Council, and the Divisional Director concerned will decide how such offers are to be used.
 8. All promotional offers accepted and declined and the course of action determined by the Divisional Director must be recorded in the Electronic Register.

Section 21 – Corporate Purchasing Cards (Credit Cards)

Why is this important?

A corporate purchasing card is an efficient and effective option of procuring goods and services which are generally a one off or ad hoc expense. Only authorised permanent employees will be provided a purchasing card with the agreement of the relevant Divisional Director.

The purpose of this section of the regulations is to ensure that all employees have a clear understanding of their key responsibilities when using the Council's Corporate Purchasing Card.

Objectives of the Corporate Purchasing Card:

Purchasing Cards streamline the purchasing process and offer the following benefits:

- Reduce Supplier Set-Up in the Council's Financial System
- Reduce number of purchase orders raised and invoices processed,
- Increase speed of payment to suppliers,
- Increase the speed of obtaining goods and services.

Implications if the purchasing card is not used appropriately:

1. Failure to secure value for money (there's a requirement to obtain quotes and tenders - Contract Standing Orders);
2. Payments are made for non-business use goods and services;
3. Payments are duplicated;
4. Loss of recoverable VAT;
5. Fraud & theft
6. Inaccurate coding of Expenditure

Key Responsibilities for Staff:

1. The Chief Finance Officer, Strategic Procurement Manager, or Corporate Finance Manager will be responsible for authorising all Purchasing Card application forms.
2. Divisional Directors must authorise the issue of all new Purchasing Cards to members of permanent staff within their Service.
3. Divisional Directors will be responsible for agreeing the transaction, monthly credit limits and categories of expenditure for all Corporate Purchasing Cards issued within their Service.
4. All Cardholders must abide by the requirements of the Purchasing Card Terms & Conditions and the Purchasing Card Procedure Guide.
5. The cardholder must ensure that the Purchasing Card issued to them is kept in a safe place at all times and access is strictly limited.

6. The Purchasing Card must only be used to purchase goods or services on behalf of the Council and must only be used by the named cardholder.
7. All purchasing card holder should obtain a VAT or “retailer’s” receipt. This should be retained until the card holder has verified the sums shown on the monthly statement.
8. Some suppliers are “VAT-enabled” and the statement will show purchases net of VAT. For those suppliers where the amounts are shown gross and (subject to being material as defined in the guide) the cardholder should reclaim VAT for these items and when it is reclaimed they must retain the receipt to evidence the transaction.
9. The cardholder must ensure that purchasing card transactions are accurately coded in the Council’s Financial System.
10. Divisional Directors must ensure that the detailed procedures and key controls, as specified in the Purchasing Cards Procedures Guide, are strictly followed.
11. Any misuse of the Purchasing Card will be treated as misconduct and subject to normal disciplinary procedures.

In addition, please refer to:

Corporate Purchasing Card Procedures Guide
Purchasing Card Terms & Conditions

Section 22 – International Travel

Why is this important?

If International travel, by Council Officers and Members, is not administered efficiently and robustly, the Council is very open to criticism and loss of reputation.

It is critical that the decision making process and rationale is clearly documented to include all aspects of the trip, such as expected outcomes/benefits, lead officer, number of council officers, external parties/delegates, rationale for numbers etc, overall budget required and reporting requirements both before and after the trip.

The Council's Financial Regulations and Standing Orders will continue to apply when arranging and making payments for international visits.

Objectives of International Travel Guidelines:

- To ensure that Council Members and Officers obtain value for money and that the Council only incurs expenditure on activities relating to officially approved international visits.

Implications if above objectives are not achieved:

1. Failure to secure value for money.
2. Travel not officially authorised
3. Resources may be used inappropriately
4. Loss of reputation to the Council and adverse publicity
5. Loss of recoverable VAT

Key Responsibilities for Staff & Members:

1. The Council's Financial Regulations and Contract Standing Orders will continue to apply when arranging and making payments for international visits.
2. All Council Members and Officers must have formal, official approval before taking part in an international visit and entering into any commitments concerning that visit. An 'International Visits Approval Form' must be completed in each case.
3. This Code of Practice will apply to all parts of international journeys, including the initial and final part of the journey in the U.K.
4. All staff taking part in international visits are under an obligation to minimise official expenditure, e.g. economy class air fares. However, staff should not expect to be out of pocket on official visits (unless they undertake optional or private extensions or modifications to essential itineraries).
5. The maintenance of detailed and precise records of expenditure, together with obtaining receipts for all expenditure incurred, are essential. All

financial records, associated with the visit, must be retained, as specified in the attached Code of Practice. Reimbursement of expenses claimed will only be made against receipts.

6. Travel Insurance must be obtained from the Council's Insurance Officer immediately on booking any travel arrangements.
7. If free accommodation is offered in a host country, either in the homes of colleagues or elsewhere then staff should accept it following completion of an H&S assessment.
8. Council Purchasing Cards (Credit Cards) must only be used for Official Council expenditure incurred on approved visits. To ensure that the card can be used outside of the UK, the Purchase Card Administer should be notified of travel dates and intended location.
9. A report detailing the benefits of the visit must be submitted to the relevant Strategic Director, Divisional Director, and / or Cabinet Member upon the completion of the visit. This report should detail the objective / purpose of the visit (as detailed on the 'International Visits Approval Form').

In addition, please refer to:

[Code of Practice No.13 - International Travel](#)

Section 23 – Commissioning & Procurement

Why is this important?

1. The Council spends a large sum of money each year on contracts, for works, supplies or services. These Financial Regulations apply to all contracts and must be read in conjunction with the Council's Procurement Strategy and Smarter Commissioning & Procurement Framework which includes the Council's Contract Standing Orders.

These Financial Regulations are intended to support the Council's Procurement Strategy in order to:

- Secure the best value for the Council,
- Prevent corruption or the suspicion of it; and
- Subject to the above, be fair and transparent to those seeking to contract with the Council.

Objectives of our Procurement Strategy:

- To prioritise Social Value for our community. This means targeting opportunities for the local economy, providing for a sustainable future and supporting the vulnerable.
- To always aim to think innovatively and work across organisational and service boundaries. This means identifying opportunities with partners and a one-council approach to our sourcing needs.
- To always aim to deliver value for money to the taxpayer. We will provide clarity on expectations, be commercial in our approach and drive efficiency and benefits out of our systems'
- To use intelligent information and analysis to understand our market place and create a workforce with the right capacity and skills to exploit this knowledge for our community.
- To provide a fair, consistent and proportionate framework of governance, rules and guidance to enable us to be transparent and accountable for our decisions

Objectives of the Smarter Commissioning & Procurement Framework

- To ensure that works, goods and/or services meet the needs of the Council
- To secure value for money by obtaining the best price and quality for works goods and/or services ordered.
- To establish contractual arrangements that clearly defines the responsibilities of each party to the contract.
- To ensure the Council complies with EU legislation.
- To ensure that appropriate contract management arrangements are put in place.

Implications if above objectives are not achieved:

1. Failure to support local economy and our communities;
2. Failure to secure value for money;
3. Failure to be transparent around our systems, objectives and processes;
4. Delays to delivery of contracts whilst legal challenges are dealt with and increased costs incurred in order to defend the Council's position.

Key Responsibilities for Staff & Members:

1. Divisional Directors **must** establish a commissioning intentions schedule that at minimum covers a rolling long term programme (3 to 5 years) of future commissioning and procurement activity.
2. Every contract made by the Council **must** be awarded in line with the Council's Procurement Strategy (Smarter Commission & Procurement Framework) including complying with the Council's Contract Standing Orders.
3. Divisional Directors **must** ensure that all Officers in their Service that have been nominated as 'Responsible Officers' (RO) for contract management purposes have been appropriately trained in the use of the Smarter Commissioning & Procurement Framework (including use of the Council's e-procurement systems).
4. Divisional Directors **must** ensure that all contracts are appropriately recorded on the Council's Contracts Register.
5. Divisional Directors **must** ensure that requests for quotations and invitations to contract with the Council comply with Council's E Procurement Policy.
6. Where corporate contracts are in place Divisional Directors **must** ensure they are used.
7. The RO for each contract shall ensure that all instructions have been appropriately authorised and issued before the goods are ordered, services requested or works are undertaken.
8. The RO must obtain appropriate VAT advice in relation to all contracts to provide services to the public to ensure the appropriate VAT treatment is applied.
9. The RO **must** ensure that all contract documentation is correct (obtaining appropriate technical advice) before agreeing on the Council's behalf. This will include any clearance required through the Council's Democratic processes.

10. Any changes to the nature, value, term or any other changes **must** be agreed by the Divisional Director in line with the contract variation process identified in the original contract (subject to appropriate technical advice and clearance through the Council's Democratic processes. Any change **must** be reflected and updated on the Contract Register.
11. All instructions to suppliers and payment arrangements **must** be in a form agreed by the Chief Finance Officer or his/her delegated Officer.
12. The Chief Finance Officer **must** agree arrangements for the financial vetting of prospective contractors.
13. The Divisional Director **must** establish appropriate contract management arrangement for the regular review of contractual performance of the contractor that allows performance issues to be identified and addressed in line with the terms of the contract.

In addition, please refer to:

[Council Contract Standing Orders](#)
Council Corporate Procurement Strategy

Section 24 – Members’ Allowances and Expenses

Why is this important?

It is important that payments of Members’ allowances and expenses are accurate, timely, and authorised in accordance with the scheme adopted by the Council. Expenses must be incurred on Council business and properly payable.

Objectives of the Members’ Allowances and Expenses processes:

- To ensure that proper authorisation procedures are in place.
- To ensure payments are made on the basis of correctly submitted / evidenced claims.
- To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention guidelines.
- To ensure compliance with HM Revenue & Customs regulations.

Implications if above objectives are not achieved:

1. Failure to comply with HM Revenue & Customs regulations
2. Unauthorised payments are made
3. Inaccurate payments are made
4. Loss of reputation

Key Responsibilities for Members and Staff:

1. All Members must adhere to the “Bath & North East Somerset Members’ Allowances Scheme”, approved by Full Council.
2. Any amendments to the scheme will be solely determined by the Council following receipt of recommendations from the Independent Remuneration Panel.
3. The Chief Finance Officer is authorised, on receipt of verification from the Solicitor to the Council of a claim from a Member, to pay the appropriate allowances in accordance with the payment arrangements described in the scheme.
4. Travel and subsistence allowances may be claimed by Councillors. The arrangements for these allowances are included in Part 2 of the scheme.
5. Subsistence allowances may be claimed by Councillors, in respect of each occasion on which a Councillor carries out a duty as specified in Schedule 2 to the Scheme.
6. In order to claim subsistence allowance a claimant must have personally incurred expenditure on subsistence.

In addition, please refer to:

[Councillors’ Allowances Guidance](#)

Section 25 – External Arrangements Partnerships

Why is this important?

Partnerships bring together key public agencies, the business community and the independent sector (voluntary and community sector organisations, further and higher education, neighbourhoods) to address the shared priorities for the area and to tackle the issues that no single agency can do on their own. The Council provides a distinctive leadership role for the community to promote / improve the economic, social or environmental well-being of its area and people. Local Authorities can mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations.

A Partnership is a joint working arrangement where the partners:

- are otherwise independent bodies;
- agree to jointly deliver common goals and outcomes for the community;
- share accountability, risks and resources, and
- create an organisational structure with agreed processes and programmes.

Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- be open about any conflict of interests that might arise, including those where Council staff have been seconded to work on the project;
- to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

Key controls

The key controls for partnership arrangements are:

- ensuring that partnership arrangements are underpinned by clear and well documented internal controls.
- risk management processes are in place to identify, assess and allocate all known risks.
- appraisal processes are in place to assess the viability of the partnership in terms of resources, staffing and expertise.
- the roles and responsibilities of each partner involved in the project are agreed and formally accepted before the project commences.
- adequate arrangements are in place to ensure the accountability of other organisations for Council money, and that such money is only released against proper controls.

- regular communication is maintained with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.
- documentation is in place setting out and limiting the commitments of parties to each other and the project.

Responsibilities of the Chief Finance Officer

- 1) To advise on effective controls that will ensure that resources are not wasted.
- 2) To advise on the key elements of funding a project. They include:
 - scheme appraisal for financial viability in both the current and future years.
 - risk appraisal and management.
 - resourcing, including taxation issues.
 - audit, security and control requirements.
 - carry-forward arrangements.
- 3) To ensure that the accounting and reporting arrangements are satisfactory.
- 4) To advise on the governance and performance management of partnership arrangements.
- 5) To ensure that when the Council is the "Accountable Body" there are adequate controls and governance arrangements in place.

Responsibilities of Strategic Directors

- 1) That the key components of a Partnership Governance Framework are in place. This includes:
 - Ensuring that, before entering into agreements with external bodies, a business case and risk management appraisal has been prepared and considered.
 - Ensuring that all agreements and arrangements are properly documented.
 - Ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Council.

Detailed Requirements

1. The Cabinet is responsible for approving significant partnership arrangements. The Cabinet is the focus for forming partnership arrangements with other public, voluntary and community sector organisations to address local needs.
2. The Cabinet can delegate functions, including those related to partnership, to officers. This is set out in the scheme of delegation that forms part of the Council's constitution. When functions are delegated, the Cabinet remains accountable for them to the whole Council.
3. A Business Case for partnership must be submitted for approval to the Cabinet for significant partnerships. A thorough risk assessment of the partnership must be made as part of the Business Case.
4. For each approved partnership, a Link Officer must be appointed. The Link Officer is responsible for reviewing governance arrangement and effectiveness and reporting to the relevant Strategic Director.
5. A Partnership Agreement must be completed and signed by all members of the Partnership.

This agreement must follow an approved format as agreed with Council Solicitor.

6. The Link Officer must perform a review of the partnerships governance, performance and effectiveness at least annually for review by the Cabinet or relevant Strategic Director. The review must demonstrate a continuing business case for the partnership or if not exiting the partnership must be considered.
7. The partnership must perform regular risk assessments and maintain a risk register.
8. It shall be clear that officers put forward to represent the Council on partnerships and external bodies are there on the Council's behalf and to ensure that the Council's interests, position and aspirations are protected. If the achievement of the objectives of the partnership becomes inconsistent with this, there is a conflict of interest. If there is a conflict of interest, an officer's first duty is always to the interests of the Council. Where an officer is appointed to a legally constituted company (not a partnership) the officer will be bound by the company's memorandum and articles. In this appointment the officer must represent the interests of the Company.

Section 26 – External Funding

Why is this important?

External funding is potentially a very important source of finance, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local Authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external sources such as the National Lottery and European Union provide additional resources to assist the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Key controls

The key controls for external funding are that:

- funds are accepted only if they meet the priorities approved in the policy framework by the full Council.
- the requirements of the Funding Body are clearly understood to ensure that key conditions of funding and any statutory requirements are complied with.
- any match-funding requirements are given due consideration prior to entering into long-term agreements and that revenue budgets reflect these requirements.

Responsibilities of the Chief Finance Officer

- 1) To review all grant application prior to submission.
- 2) To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 3) To ensure that audit requirements are met.

Responsibilities of Strategic Directors

- 1) To obtain approval from Chief Finance Officer or his / her representative for grant applications.
- 2) To ensure permissions are in place to incur expenditure funded by grant, including Full Approval status within Capital Programme where appropriate.
- 3) To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.
- 4) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenues are able to meet these requirements.
- 5) To ensure that all claims for funds are made by the due date.

Section 27 – Work for Third Parties

Why is this important?

Local authorities can enter into a wide range of agreements to do work with each other and with some (but not all) public bodies. It is usually illegal for them to enter into agreements to do work for the private sector. Such an agreement may enable the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires (i.e. within the Council's legal powers).

Key controls

The key controls for working with third parties are that:

- proposals are costed and reviewed for accuracy and completeness prior to submission;
- no process is started that might lead to the Council agreeing to do work for an outside body whether public sector or otherwise, without first seeking the advice of the Council Solicitor as to whether this is within the Council's legal powers;
- no process is started that might lead to the Council agreeing to do work for an outside body, whether public sector or otherwise without first establishing and recording that there is a clear economic case why doing the work is in the Council's best interests;
- contracts are drawn up using with the advice / guidance of the Council Solicitor;
- guidance is issued with regard to the financial aspects of third party contracts and the maintenance of the contract register;
- the Council has insurance cover for any potential liabilities that could arise to the recipient of the service and any third party, and that the cost of this has been included with the overheads when calculating the fees to be charged.

Responsibilities of Chief Finance Officer

- 1) To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Strategic Directors

- 1) To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- 2) To ensure that the Council does not enter into any agreement that is beyond its power.
- 3) To ensure that no contract is subsidised by the Council.
- 4) To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 5) To ensure that the Service / Team has the appropriate expertise to undertake the contract, and that such contracts do not impact adversely upon the services provided for the Council.
- 6) To ensure that all contracts are properly documented.

Section 28 – Avon Pension Fund

1. In its role as 'administering authority', Bath & North East Somerset Council has executive responsibility for the Avon Pension Fund. The Council is legally responsible for the Fund as set out in the Local Government Pension Scheme Regulations.
2. The Council delegates its responsibility for administering the Fund to the Avon Pension Fund Committee.
3. The Pensions Committee shall be responsible for the strategic policy of the Avon Pension Fund and the Fund's investment management arrangements. The Pensions Committee shall also make whatever arrangements it considers appropriate for the custody of the Fund's investments.
4. The Head of Property shall maintain a terrier of all investment properties owned by the Fund.
5. The Council shall manage on an agency basis any cash balances belonging to the Avon Pension Fund which are held with the Council's bankers. A Service Level Agreement with the Council's Treasury Services Section shall regulate the way in which these balances are managed.
6. The Chief Finance Officer shall report quarterly to the Pensions Committee on the performance of the Fund's investment managers and all other matters affecting the administration of the Fund's investments. The mandates of the investment managers shall be subject to periodic review.
7. The Pensions Committee shall appoint an actuary to the Fund and shall review the appointment periodically.
8. The Pensions Committee shall appoint a "local referee" to the Fund in compliance with the Internal Dispute Resolution Procedure set out in the Local Government Pension Scheme Regulations and shall review the appointment periodically.
9. The Pensions Committee shall approve an annual budget for the Fund's administrative expenses and all disbursements shall be met from within this budget. Reports monitoring expenditure against budget shall be submitted to the Pensions Committee quarterly.
10. Except where otherwise provided, the Pensions Committee shall approve all discretionary policies outside of those exercised by the Administering Authority under the Local Government Pension Scheme Regulations.
11. The Chief Finance Officer shall approve a list of authorised signatories, which shall apply to all disbursements made by the Fund.

Appendix 6

12. The Chief Finance Officer shall be responsible for preparing an Annual Report and Accounts for the Fund.
13. The Chief Finance Officer shall make arrangements for the collection of all employer and employee contributions due to the Fund.
14. The Chief Finance Officer shall make arrangements for the payment of transfer values owed by the Fund and the collection of transfer values owed to the Fund.
15. The payment of all benefits will be made under arrangements approved and controlled by the Chief Finance Officer.

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CONSTITUTION WORKING GROUP – agreed amendments to Constitution
[Thursday 15th October 2015]

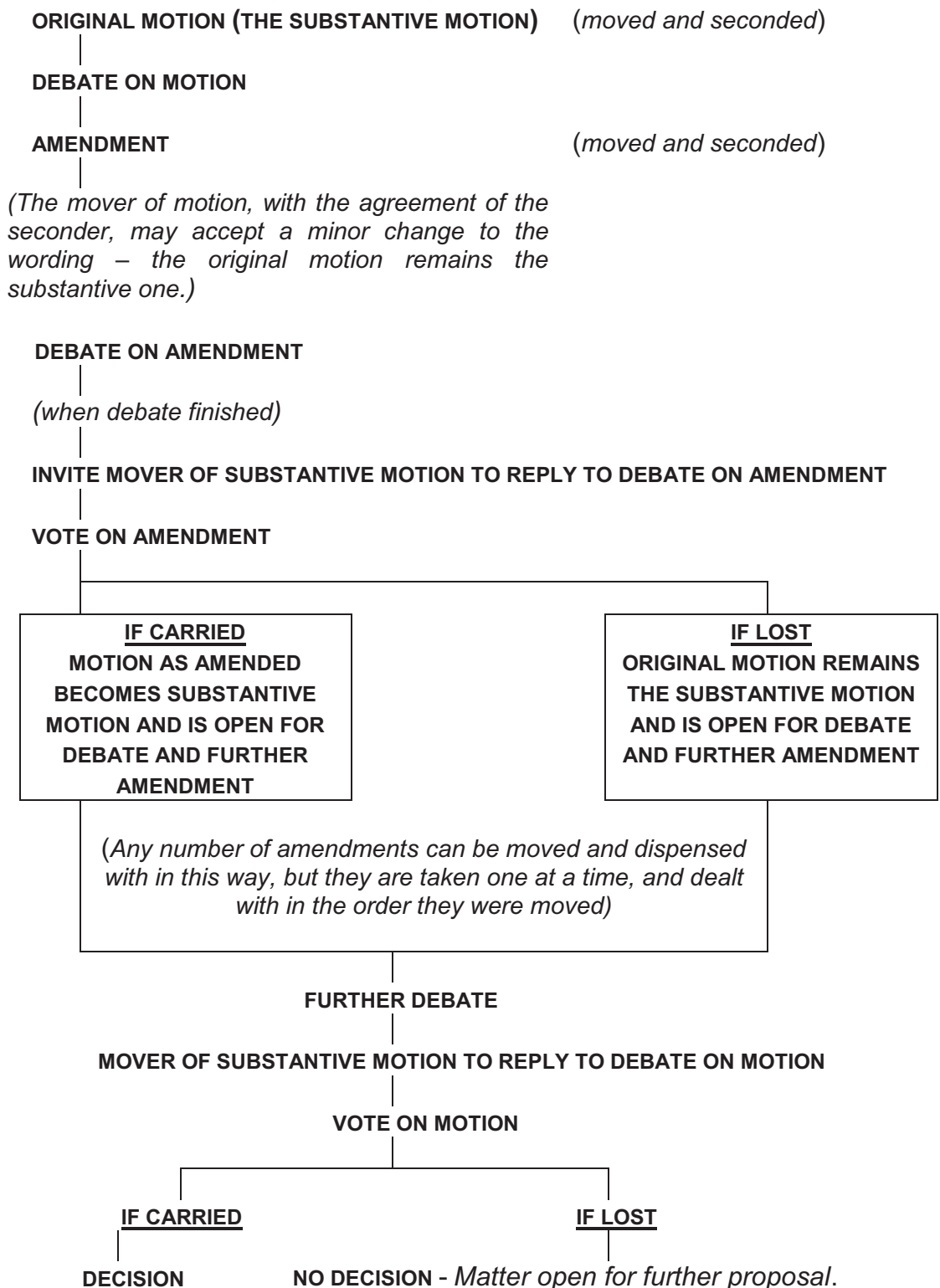
	RULE NUMBER & TITLE	CURRENT RULE (or part of)	PROPOSED CHANGE	RATIONALE FOR AMENDING
1.	4A, 35 – Motions	<i>A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.</i>	<i>A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.</i>	To facilitate a more free flowing debate.
2.	4A, 36 & 38 - Amendment	Debating flow chart (step 7) – <i>Mover of original motion (1)</i> Rule 38 – <i>“At the end of a debate about a motion, the Member who first proposed it at the meeting may exercise a right of reply to the points raised in the debate.”</i>	See attached chart Amend to <i>“At the end of a debate about a motion, the member who proposed the substantive motion may exercise a right of reply to the points raised in the debate.”</i>	Flowchart and rule needed clarifying to confirm voting rules for the right of reply, which is always to the mover of whatever is currently the substantive motion on the table (whether it is the original motion, or an amendment <u>which has become the substantive motion</u> following a vote).
3.	4A, 48 – Duration of Council	3 rd para – <i>“If the meeting is unable to complete its business by 10pm, and does</i>	<i>“If the meeting is unable to complete its business by 10pm, and does not agree</i>	Was an issue at last Council so needed

	meeting	<i>not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. Any item of business being dealt with at the time of the adjournment will be put immediately to the vote. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session."</i>	<i>to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this rule, the meeting will automatically stand adjourned. For any item of business being dealt with at the time, the substantive motion will be put immediately to the vote without further debate. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session."</i>	consideration.
4.	4A, 31, 32, 33, 34 – Statements/ Petitions/Questions from Public & Cllrs	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed immediately to the debate. Where there is no such agreement, no debate will be permitted.</i>	<i>As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed immediately to the debate. Where there is no such agreement, no debate will be permitted.</i>	This will allow the Chair discretion to decide when it is best to take the debate.
5.	4A, 34 – Petitions, Statements, Deputations etc	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting.</i>	<i>Members of the public have the right to put forward petitions, statements and deputations at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East Somerset area.</i>	Not explicitly stated.
6.	4A, 34 –	<i>Once the submission has been made, the</i>	<i>Once the submission has been made,</i>	Current practice is not

	Statements from public	<i>Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>the Chair will invite each Group Leader if they require any clarification on the submission, to ask a factual question of the person making the submission.</i>	limited to factual information checking.
7.	4A, 34 – Statements from public	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission.</i>	<i>Once the submission has been made, the Chair will invite the Group Leaders to ask factual questions of the person making the submission. The Group Leader can defer this right to another member within the Group.</i>	Right to defer to other members not explicitly stated in the rules (as in rules 32 & 33) although the convention has been that GLs defer the right to ask factual questions to other members.
8.	4A, 34 (Council) 4D, 31 (Cabinet) 4E, 32 (Scrutiny)– Statements etc from public	Currently there is no limit on how many statements/petitions/deputations can be submitted per person at each meeting, nor any overall time limit set for public contributions.	Add – “ <i>There is a limit of one submission per meeting per individual member of the public.</i> ” Add – “ <i>There is a limit of one hour for items from the public, extended at the Chair’s discretion.</i> ”	Multiple statements from the same individuals can take up excessive Council time. An overall time limit will enable other meeting business to be conducted.
9.	4A, 32 (Council) 4D, 29 (Cabinet) 4E, 30 (Scrutiny) Questions from public	<i>Currently there is no limit on how many questions can be submitted per person at each meeting (for public)</i>	Add – “ <i>3 questions will be accepted per member of the public (each question to have no more than 2 sub-sections)</i> ” If passed, remove the words “ <i>A question in multiple parts will be treated as a series of individual questions.</i> ”	A limit will establish a sensible boundary in which officers are better able to work with Members to provide answers in advance of the meeting.
10.	4D, 5 - Exception to call-in	<ul style="list-style-type: none"> “<i>The effect of the call-in alone would be to cause the Council to miss a statutory deadline.</i>” 	“ <i>The effect of the call-in alone would be to cause the Council to miss, or fail to comply with or fulfil, a statutory</i>	Example - neighbourhood plans. Once a referendum has

			<i>deadline or duty</i> ".	been held, Cabinet does not have the option to not approve, so therefore call-in would not be valid.
11.	4A, 4 - Chair & Vice-Chair of the Council	Final paragraph <i>The Council shall at its January meeting in each year other than a Council election year etc..</i>	Amend to <i>The Council shall, at its first meeting in any calendar year, other than a Council election year etc..</i>	Council (21 May 2015) agreed to dispense with a January Council meeting, but instead hold a March meeting. Identifying the Chair designate in advance allows for forward planning of the Chairman's calendar.

DEBATING FLOW CHART



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Council 12th November 2015 (adjourned to 17th December 2015)

Trade Union Bill

Lead Member - Cllr. Robin Moss

Labour Group to move:

This council notes:

- In July 2015 the government announced its Trade Union bill – a set of proposals which pose a threat to workers' rights. If this bill becomes law, it will undermine the basic right to strike and make it harder for workers to organise effectively in trade unions. It will also give a green light to bad bosses to take advantage and treat workers unfairly.
- A specific proposed change in the bill is to scrap subscription arrangements known as “check off”. Trade union members can currently choose to pay their union subscriptions by deduction from their wages. Employers may lawfully make deductions, but only where the worker has given written consent. It is a voluntary arrangement, and there is no statutory duty to operate it. In abolishing check-off, the Government designs to drive down union membership and weaken the rights of public sector workers.
- Another proposal is to allow employers to substitute agency workers for strikers during disputes, effectively undermining the industrial action. This risks long-term damage to cooperative working and could potentially put the public at risk if agency workers are asked to undertake technically demanding jobs they are not qualified or experienced for.
- Whilst these unnecessary changes are being proposed, strikes in the UK are at historically low levels.

Council believes:

- The bill clearly demonstrates that the government is not on the side of working people. It would remove the ability for workers to have a voice that is represented by their Trade Union in the negotiation and protection of their terms and conditions of employment.
- No worker ever wants to go on strike, but it is a crucial last resort when an employer refuses to listen, negotiate or compromise. Ordinary workers should have the right to take action when they are treated unreasonably, or have strong concerns about service cuts, safety in the workplace or safety of the public they serve.
- We continue to value the importance of meaningful workforce engagement and representation through trade unions in Bath and North East Somerset. The right to strike and protest are fundamental rights which should be valued and respected in a free and democratic society.

Council objects:

- To the Trade Union Bill. It is an unnecessary attack on workers' rights that will undermine the collective bargaining powers of Trade Unions and impact on workers in the Bath and North East Somerset area.

Council calls:

- Upon the government to think again about these plans.

Council resolves:

- To write to the two Conservative MPs in the Bath and North East Somerset constituencies informing them of our position and encouraging them to oppose the trade union bill.

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