

Council

Date: Thursday 10th October 2019
Time: 6.30 pm
Venue: Council Chamber - Guildhall, Bath

To: All Members of the Council

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday 10th October 2019** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

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

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Kaposvar room, floor 1
Liberal Democrat	Banqueting room, ground floor
Labour	Labour Group room, floor 2
Independent	Independent Group room, floor 2

NOTES:

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

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

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

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full. Further details of the scheme:

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

5. Emergency Evacuation Procedure

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

6. Supplementary information for meetings

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

Council - Thursday, 10th October, 2019

at 6.30 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 5.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. MINUTES - 21ST MAY 2019, 11TH JULY 2019, 5TH SEPTEMBER 2019 (Pages 7 - 32)

To be confirmed as a correct record and signed by the Chair.

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

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

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

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

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

8. CLIMATE EMERGENCY PROGRESS REPORT (Pages 33 - 60)

The Council declared a Climate Emergency in March 2019, committing the Council to provide the leadership to enable Bath and North East Somerset to achieve carbon neutrality by 2030 and called for a progress report six months later and annually thereafter. This is the first such report.

9. PROTOCOL ON COUNCIL COMPANY GOVERNANCE (Pages 61 - 70)

This report sets out the progress made on implementing the decisions of Council on 8 November 2018.

10. AVON PENSION FUND ANNUAL REPORT (Pages 71 - 92)

The Avon Pension Fund Committee discharges the responsibilities of the Council in its role as the administering authority of the Avon Pension Fund. The Committee reports annually to Council on the work it has undertaken in the previous twelve months. This report is for the 12 months to 31 March 2019.

11. STANDARDS COMMITTEE ANNUAL REPORT (Pages 93 - 106)

Council is asked to consider the Standards Committee Annual report, and further consider the Committee's recommendation for an addition to the Code of Conduct.

12. MOTION FROM THE CONSERVATIVE GROUP - B&NES TRANSPORT OPTIONS BETWEEN BRISTOL & BATH (Pages 107 - 108)

13. MOTION FROM THE LIBERAL DEMOCRAT GROUP - ELECTORAL REFORM (Pages 109 - 110)

14. MOTION FROM THE LABOUR GROUP - LIVING WAGE (Pages 111 - 112)

15. MOTION FROM THE LABOUR GROUP - TREE PLANTING IN B&NES (Pages 113 - 114)

16. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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

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

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 21st May, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Sally Davis, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Grant Johnson, Dr Kumar, Hal MacFie, Ruth Malloy, Paul May, Matt McCabe, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Andy Wait, Karen Walker, Sarah Warren, Karen Warrington, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Chris Dando, Douglas Deacon, Eleanor Jackson and June Player

1 EMERGENCY EVACUATION PROCEDURE

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

2 ELECTION OF CHAIRMAN 2019-20

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

RESOLVED that Councillor Eleanor Jackson be elected Chair of the Council for the Council year 2019/20.

It was announced that, as the new Chair was unavailable for this meeting, separate arrangements had been made regarding her declaration and acceptance of office.

[By previous agreement from Group Leaders, Councillor Karen Walker continued to chair this meeting until its conclusion.]

3 ELECTION OF VICE-CHAIRMAN 2019-20

It was proposed by Councillor Rob Appleyard, seconded by Councillor Bruce Shearn, and

RESOLVED that Councillor Andy Furse be elected Vice-Chairman of the Council for the Council year 2019/20.

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

[Notes;

1. *A nomination from Councillor Paul Myers, seconded by Councillor Robin Moss, that Councillor Lisa O'Brien be nominated was lost on a vote of 17 for, 37 against.*
2. *Following the nomination of Councillor Andy Furse (after Councillor Lisa O'Brien had already been nominated), a debate took place on the merits of this course of action. The Monitoring Officer's view was sought and she confirmed that it was a break from the convention that had operated for the last 12 years (with an agreed chairing rota that listed the next Vice-Chair as a Conservative position), but it was only a convention.]*

4 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation to enable Members with an interest in the Avon Pension Fund to be able to take part in debate and vote on agenda item 11 – Appointment of Committees and Panels.

The Monitoring Officer issued a further general dispensation to enable Members with roles as Parish and Town Councillors to be able to take part in debate and vote on agenda item 12 – Parish Charter Review.

Councillor Steve Hedges declared an 'other' interest in minute item 9 (Portfolio announcements) as his wife works for MENCAP.

Councillor Duncan Hounsell declared an 'other' interest in minute item 11 as a Parish Councillor (this declaration was covered by the earlier general dispensation.)

Councillor Ruth Malloy declared an 'other' interest in minute item 14 as a committee member of Love Weston Library, a volunteer at the RUH and a volunteer at Love Weston Café.

Councillor Joel Hirst declared an 'other' interest in minute items 9 and 10 as an AWP employee.

Councillor Andy Wait declared an interest in all items as his wife works for B&NES.

5 MINUTES - 14TH MARCH 2019

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

RESOLVED that the minutes of 14th March 2019 be confirmed as a correct record and signed by the Chair.

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

Councillor Andy Furse presented Councillor Karen Walker with her past Chairman's badge and handed her the badge for the Former Chairman's Consort.

It was proposed by Councillor Dine Romero, seconded by Councillor Paul Myers, supported by Councillors Karen Walker and Robin Moss and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Karen Walker in the office of Chairman of the Council for 2018/19.

The Chair then;

1. Announced that she would make her speech at the end of the meeting;
2. Welcomed and congratulated all newly elected Councillors and invited the Council to place on record its appreciation of the past service given by the Members who retired following the election;
3. Invited the Council to note the appointment of Councillor Dine Romero as Liberal Democrat Group Leader, Councillor Paul Myers as Conservative Group Leader, Councillor Karen Walker as Independent Group Spokesperson and Councillor Robin Moss as Labour Group Leader;
4. Welcomed the Digital Apprentices who were present at the meeting;
5. Reminded everyone to switch off their mobile phone or switch to silent, and explained that some Councillors were accessing their meeting papers via iPads;
6. Announced that the meeting was being webcast and invited anyone who did not wish to be filmed to make themselves known to the camera operators.

7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

8 NOTIFICATION OF MEMBERS ELECTED ON 2ND MAY 2019

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

RESOLVED to note the notification of Members elected on 2nd May 2019.

9 APPOINTMENT OF LEADER

The Council is required to elect a Councillor to be the Leader of the Council for the 4 year term from May 2019 AGM to May 2023 AGM.

On a motion from Councillor Richard Samuel, seconded by Councillor Paul Myers, it was

RESOLVED

1. That Councillor Dine Romero be appointed Leader;
2. That all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, the executive delegation scheme and frequency of

Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

[Notes;

1. *The above resolution was carried with 40 Councillors voting in favour, 1 Councillor voting against and 13 Councillors abstaining.]*

10 APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS

The Council considered a report concerning its non-executive and regulatory committee arrangements for the Council Year May 2019 to May 2020 and associated annual business.

On a motion from Councillor Dine Romero, seconded by Councillor Richard Samuel, it was (unanimously);

RESOLVED

1. To approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and attached at Appendix 1;
2. To approve the terms of reference for Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly. including;
 - a. Renaming the Development Management Committee as the 'Planning Committee', to improve public comprehension and transparency;
 - b. Renaming the Climate Change & Sustainability PDS Panel as the 'Climate Emergency & Sustainability' PDS Panel to highlight the urgent need for action;
3. To approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality, as outlined in the revised political proportionality table, and the nominations made by the political groups (whilst affirming the non-proportional basis of operating for the Licensing Sub-Committee as explained in paragraph 5.3);
4. With regard to the Avon Pension Fund Committee, to agree;
 - a. Bath and North East Somerset Council will be represented by 5 members on the Committee;
 - b. The addition of a further Independent Member to the Committee;
 - c. The addition of an Academy Representative to the Committee;
 - d. The establishment of a Brunel Working Group as a sub group of the Committee;

- e. And consequent amendments to the Terms of Reference to incorporate these changes;
5. To appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
6. To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;
7. To determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
8. To authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in paragraph 6.1;
9. To appoint members to Avon Fire Authority on a proportionality basis to be determined;
10. To approve the allocation of Political Assistants to eligible groups as set out in Section 8, and instruct the Chief Executive, in consultation with Group Leaders, to make provision for support to the remaining groups;
11. To note, in light of the decision taken earlier on the agenda to appoint a Leader, that the Leader will publish in due course, a scheme of delegation of executive functions;
12. To note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 9.2;
13. To note the position regarding the frequency of meetings (as set out in Section 10) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis;
14. To note that an Independent Panel to consider members' allowances will be convened and will report its recommendations in due course;
15. To instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies;
16. To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

17. To note that further proposals and practices regarding improving public engagement with residents in Bath and North East Somerset will be brought forward, including:

- a. Measures to improve openness and transparency, making the Council more accessible and accountable;
- b. Consultation on strengthening and improving representation, including a review of the Bath City Forum and measures to involve younger people in consultations, decisions, and scrutiny;
- c. Proposals to improve decision-making, including devolution and piloting new decision-making methods, such as Citizens' Juries, as well as strengthening the involvement of Residents' Associations and Parish and Town Councils.

11 PARISH CHARTER REVIEW

The Council considered a report on the progress made so far on the implementation of the Parish Charter which was adopted by Cabinet in April 2018 and endorsed by Council in May 2018 following a period of consultation with all parishes across the district.

On a motion from Councillor Paul Myers, seconded by Councillor Neil Butters, it was (unanimously)

RESOLVED

1. To note the progress report on the Parish Charter commitments attached in Appendix 1 to the report.
2. That a working group of Council and parish representatives be established to:
 - Review and update the Terms of Reference for Parish Liaison to reflect the new ways of working under the Parish Charter.
 - Report back to Full Council as appropriate with proposals and recommendations.

12 PLEDGE TO CHILDREN IN CARE

The Council considered a report seeking its affirmation of the commitment to the Bath and North East Somerset Council Pledge to Children and Young People in Care and Care Leavers.

Following local elections, the new Council was invited to affirm its commitment to the Pledge;

https://www.bathnes.gov.uk/sites/default/files/siteimages/Children-and-Young-People/Children-in-Care/the_pledge.pdf

On a motion from Councillor Kevin Guy, seconded by Councillor Chris Watt, it was (unanimously)

RESOLVED to approve the Bath and North East Somerset Council Pledge to Children and Young People in Care and Care Leavers.

13 CODE OF CONDUCT - AMENDMENTS REGARDING COUNCILLOR ROLE DESCRIPTIONS AND GIFTS & HOSPITALITY GUIDANCE

The Council considered a report regarding the Standards Committee recommendation that the Code of Conduct be amended to reference the Councillor Role Descriptions and that Council adopt the updated Councillors' Gifts and Hospitality Guidance (Appendix A).

On a motion from Councillor Dine Romero, seconded by Councillor Sarah Bevan, it was (unanimously)

RESOLVED

1. That, on a recommendation from the Standards Committee, the Code of Conduct be amended to include the following paragraph;

“Members should have regard to the Role Descriptions that have been adopted. Any Councillor complaints considered by the Standards Committee may use these as information;”

2. That Council adopt the Councillors' Gifts and Hospitality Guidance as part of the Code of Conduct as recommended by the Standards Committee.

14 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of public;

Andrew Dickens from the Lower Common East Allotment Association made a statement regarding the Association's rights, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked if Andrew would like to meet with a view to resolving this ongoing issue, to which Andrew responded that he wanted to be co-operative. Councillor Sarah Bevan asked if Andrew had received a letter from the previous Leader to which he replied that he had not.

Luke Emmett made a statement regarding public engagement with the Council, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Luke how their offer of more inclusive decision making had been received; to which he replied that it had been received very well and was considered a very positive first step.

Vishaka Robinson made a statement regarding plans for Parkside Children's Centre, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Kevin Guy noted Vishaka's questions and asked if she would like to meet with him and the relevant officer, to which she replied that she would. Councillor Paul May asked if Vishaka was aware that the Centre was being re-located due to repair problems, to which she responded that was aware but that it was being moved to a smaller location with less outdoor space. Councillor Liz Hardman asked if Vishaka considered that moving it to a smaller site would result in fewer parents accessing its services, to which she responded that there were definitely concerns as the current centre was so well used, and some current users live in flats so outdoor space was very important.

Jane Middleton made a statement calling on Councillors to make a Food Poverty Action plan, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked Jane what else she considered the Council could do to add to the excellent work already being undertaken by the voluntary sector. Jane replied that there was already a heavy burden on the voluntary sector and it was not right to leave this all to charity which was a patchwork solution. She suggested the Council could get in touch with other Councils who have already adopted a Food Poverty Action plan. Councillor Alan Hale asked if Jane was aware that meetings had been taking place for the last 3-4 years between the Welfare team and Bath, Somer Valley and Keynsham foodbanks. Jane replied that she had not been aware, but that it should not just be left to charity. Councillor Colin Blackburn made reference to the 4500 emergency parcels and asked if Jane was aware of how many children were affected by food poverty across B&NES. Jane replied that she didn't have the exact number as there was no measurement of food poverty but that 1300 parcels were issued to families with children. It was vital though to establish the scale of the problem. Councillor Liz Hardman thanked Jane for her suggestions and asked if Jane considered they should be concentrating on poverty in general, rather than just food poverty. Jane agreed that all poverty should be addressed but that food poverty was the extreme manifestation of poverty and needed a separate strategy.

Dave Searby made a statement as a member of the Bath Extinction Rebellion group, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Sarah Warren referred to the Liberal Democrat intention to establish a Citizen's Panel on this issue and asked what Dave anticipated would be the advantages to B&NES of this approach. Dave responded that he considered this would move the issue from being a special interest topic to giving ownership to the public, enabling it to be taken forward.

The Chair thanked all the speakers and referred their statements to the relevant Cabinet Members.

15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 8.16 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 11th July, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Sarah Bevan, Gerry Curran, Alan Hale, Dr Kumar and Vic Pritchard

19 EMERGENCY EVACUATION PROCEDURE

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

20 DECLARATIONS OF INTEREST

The Monitoring Officer issued a general dispensation for all Councillors with regards to housing and buses in relation to agenda items 12 (Social Housing Update report) and 15 (The Future of First Bus), so they could take part in the debate and vote.

The Monitoring Officer issued a specific dispensation for all Members and Reserve Members on the Planning Committee in relation to agenda item 11 (Amendments to the Constitution), so they could take part in the debate and vote. [This dispensation was issued when the item was reached.]

The Monitoring Officer issued a further specific dispensation for all Councillors who had registered their name with her as having an interest in rental property in relation to agenda item 13 (Ending Unfair Evictions), so they could take part in the debate and vote.

The Monitoring Officer issued a further specific dispensation for Councillor Paul Myers in relation to agenda item 18 (Maintaining our Heritage), so he could take part in debate and vote.

Councillor Joel Hirst declared an 'other' interest in agenda item 9 (Youth Justice Plan) as an employee of AWP. [Following advice from the Monitoring Officer, this was amended to a 'pecuniary' interest and Councillor Hirst exited the Chamber for the duration of this item.]

Councillor Joel Hirst declared an 'other' interest in agenda item 14 (Food Poverty) as an occasional volunteer for St Alphege's soup run.

Councillor Eleanor Jackson declared an 'other' interest in agenda item 14 (Food Poverty) as her sister runs a food bank in Leeds. [This declaration was made at the item.]

Councillor Brian Simmons declared an 'other' interest in agenda item 17 (B&NES Transport Options between Bristol and Bath) as Chair of the Keynsham & District Dial-a-Ride service.

21 MINUTES - 13TH JUNE 2019

On a motion from Councillor Dine Romero, seconded by Councillor Shaun Stephenson McGall, it was

RESOLVED

That the minutes of 13th June 2019 be approved as a correct record and signed by the Chair.

[Notes;

- 1. Following an objection raised by Councillor Chris Watt, and some debate about the accuracy of the minutes of 21st May 2019, it was agreed they would be further amended and brought back for approval at a future meeting. During the discussion Councillor Appleyard retracted his comments about the role of the Chair and acknowledged that these were incorrect.]*

22 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair made the customary housekeeping announcements regarding mobile phones, webcasting and using the microphones.

The Chair informed Council that she wished to be addressed as Madame Chair, she reminded Councillors that all comments should be directed through the Chair and requested that surnames and titles should be used. She also asked Councillors to introduce themselves and their ward before speaking.

The Chair reminded Councillors of the forthcoming Civic Service on 21st July at Trinity Methodist church in Radstock.

The Chair had had the privilege of being in attendance when Princess Anne visited the Save the Children charity shop to present certificates to long serving volunteers. She was struck by the fact that the Council and the community owe an enormous debt to all the volunteers in the many different forms that their service takes.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

24 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Bob Hollingdale, Chair of Bath Taxis Association, made a statement about Uber. He explained that they had not kept promises from a few years ago about mainly using locally licensed cars and were not abiding by other regulations and insurance requirements, thereby making little contribution to the city. Restrictions resulting from the Clean Air Zone (CAZ) could have a major positive impact. Councillor Paul Crossley asked Mr Hollingdale if he was aware of any other cities having introduced restrictions being subject to legal challenge. Mr Hollingdale responded that he was not aware of that, and had information where this had been introduced in Southampton, Cardiff, and Swindon. He would be able to supply a list, which was welcomed.

Paul Roles made a statement presenting photographic and press evidence of problems caused by Uber drivers and the impact this had on the city's licensed taxi trade. Councillor Manda Rigby, Chair of the Licensing Committee, asked if Mr Roles and Mr Hollingdale would like to meet with her and officers to discuss these issues; to which they replied that they would.

Andrew Pattie made a statement regarding the Clean Air Zone, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked if Mr Pattie agreed that the CAZ as approved would result in traffic displacement into Landsdown ward which was undesirable, to which Mr Pattie agreed. Councillor Paul Myers asked if vague statements from the Liberal Democrat administration about the CAZ had caused undue anxiety, to which Mr Pattie agreed that they had. Councillor Karen Walker asked if Mr Pattie was aware that the Climate Emergency & Sustainability Policy Development & Scrutiny Panel would be looking at this at their meeting on 22nd July 2019, to which he replied that he had not been aware, but now was.

Martin Grixoni made a statement calling for clarity from the new Administration on their direction for the CAZ and traffic management issues. Councillor Dine Romero asked if Mr Grixoni was aware that they had never planned to charge private cars in Bath. Mr Grixoni responded that he was aware but was concerned by the Administration's comments that the proposals 'do not go far enough' and wondered what else was proposed. Councillor Paul Myers asked if Mr Grixoni agreed that this had been an important lesson in the merit of providing information sooner rather than later, to which Mr Grixoni agreed that it was, and they were just seeking clarity. Councillor Robin Moss asked Mr Grixoni if he welcomed that there was now clarity over the issue of charging private cars in Bath, to which he confirmed that he did.

Mark MacDonnell made a statement regarding the Clean Air Zone, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Mr MacDonnell if he was aware that the independent review that the Administration are requesting is not intended to introduce a charge for private cars, to which he replied that he had not been aware. Councillor Paul Myers asked whether Mr MacDonnell considered spending £100K on the independent review was an effective use of public money, to which he responded that he did not.

Gemma Killick made a statement regarding the Clean Air Zone on behalf of Moorland & Oldfield Clean Air group and specifically the effect on Junction Road (B3111) which is a narrow road and unsuitable for the volume and heavy traffic currently using it, now further exacerbated by the effect of nearby residents' parking zones. She set out a range of requests which would help address the situation. Councillor Shaun Stephenson McGall referred to a recent meeting Ms Killick had had with the Cabinet Member and asked if she was reassured that this issue would be investigated, with a report back in September 2019. Ms Gillick replied that she was. Councillor Paul Myers asked if any Traffic Highways Engineers had been to visit and offer any solutions. Ms Killick replied that she wasn't aware that they had.

Jane Middleton made a statement regarding food poverty, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Richard Samuel asked Ms Middleton if she agreed that the most appropriate route for formulating a food poverty action plan was to take this to the Children, Health & Wellbeing Policy Development & Scrutiny Panel prior to coming to Cabinet and Council for adoption. Ms Middleton agreed and added that it needed to be in co-operation with local organisations and experts. Councillor Liz Hardman asked Ms Middleton if she had seen a copy of the Labour amendment proposed for the later item on the agenda, and if so, whether she considered this would achieve the aspirations contained within this and her last statement to Council. Ms Middleton agreed that it would, and added that the Council had a responsibility to accept this if they were serious about addressing this issue.

Celia McCarthy made a statement regarding the roll out of 5G, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked that, as this was an issue covered by national planning, was Ms McCarthy aware of any campaigns or actions challenging this at government level. Ms McCarthy replied that she was not, although she was aware of various petitions on this subject. Councillor Grant Johnson asked if there was any concrete evidence about physical harm, to which Ms McCarthy responded that was part of the problem as the research was being conducted by mobile networks and therefore not independent.

Emma Shaw made a statement regarding 5G, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Dine Romero asked Emma if she agreed that, when proposals do come to the Council, advice should be sought from the relevant regulatory and advisory services to ensure the safety of residents and visitors. Ms Shaw agreed.

Jamie Hughes made a statement regarding pollution levels in Bath and proposing car free sundays, a full copy of which is available on the Council's Minute book and attached to the online minutes. Councillor Sarah Warren asked whether Mr Hughes was aware that the new Cabinet was hoping to put in place additional more forward looking and practical alternatives to the car. Mr Hughes replied that he wasn't sure extra traffic lights would be sufficient. Councillor Paul Myers asked whether charging cars would have a disproportionate effect on the less well off. Mr Hughes replied that his point was not that all cars should be charged but that it was for the Council to decide how to tackle this issue. Councillor Colin Blackburn asked Mr Hughes if he was aware of an apparent change of position of Councillor Richard Samuel from

October 2018 to now, regarding the inclusion of high polluting cars in CAZ proposals. Mr Hughes replied that, going forward, the public would be monitoring progress.

The Chair thanked all the speakers and referred their statements to the relevant Cabinet Members.

25 UPDATE REPORT ON ESTABLISHING JOINT VENTURE PARTNERSHIPS

The Council considered an update report on the establishment of joint venture (JV) LLP partnerships with other local authorities for the purpose of delivering local housing developments and maintaining a pipeline of sites for development by the Council's housing development company (ADL).

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

RESOLVED

1. To note the latest legal advice; and
2. To approve the proposed change to the original JV partnership arrangements to clarify both the legal power being used and its purpose for entering into JV LLP arrangements with neighbouring councils.

[Notes;

1. *The above resolution was carried with 45 Councillors voting in favour and 9 Councillors abstaining.]*

26 YOUTH JUSTICE PLAN 2019-20

The Council considered a report presenting the Youth Justice Plan 2019 – 20 setting out how services are organised and funded to prevent youth offending and re-offending across Bath and North East Somerset.

On a motion from Councillor Kevin Guy, seconded by Councillor Karen Walker, it was unanimously

RESOLVED

1. To agree that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board for England and Wales;
2. To adopt the Youth Justice Plan as part of the Council's Policy and Budget framework that can be accommodated within the Council budget; and
3. Note that the Youth Offending Service Management Board is responsible for ensuring delivery and ask the relevant Development and Scrutiny Panel to oversee performance.

27 TREASURY MANAGEMENT OUTTURN REPORT 2018/19

The Council considered this report which gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2018/19.

On a motion from Councillor Richard Samuel, seconded by Councillor Dine Romero, it was unanimously

RESOLVED

1. To note the Treasury Management report to 31st March 2019, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 31st March 2019.

28 AMENDMENTS TO THE CONSTITUTION

The Council considered a report setting out various proposed amendments to the Constitution arising from the size of the Council dropping from 65 to 59 Members, and changes needed to the Planning delegation scheme.

On a motion from Councillor Richard Samuel, seconded by Councillor Matt McCabe, it was unanimously

RESOLVED

1. To agree the amendments to various constitution sections as a result of the reduced Council size as set out in Appendix 1, with the number for the required 20% of Council seats (part 4A, rules 32, 33 and 34) being rounded down to 11;
2. To agree the revised Planning Delegation scheme for adoption.

29 THE DELIVERY OF SOCIAL HOUSING - UPDATE TO MARCH RESOLUTION

The Council considered a report updating the position following the Council resolution of 14th March 2019 to bring a report to this meeting on options and implications covering policy, budget and Council operations regarding social housing, recovery of empty properties and further regulation of the private rented sector.

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

RESOLVED to note that, given the importance of the topic, Cabinet have requested;

1. Further investigative work on the options relating to the building of Council housing, with a report being presented to Cabinet later in the year;
2. Furthermore, that this topic is taken forward for discussion and development at the Climate Emergency and Sustainability Panel for cross party discussion before coming back to Council; and

3. That this work (at resolutions 1 and 2 above) is undertaken in the context of an agreement by this Council that, in principle, it wishes to start building Council housing again.

[Notes;

- 1. The above resolution 3 was proposed by Councillor Robin Moss, seconded by Councillor Liz Hardman, and accepted into the substantive motion by the mover and seconder.*
- 2. The successful resolution was carried, with 43 Councillors voting in favour and 9 Councillors voting against.*
- 3. During debate, the Monitoring Officer was asked to advise whether bringing the report back in this form breached any constitutional rules. She responded that the March resolution requested a report to this meeting, and that had happened.]*

30 MOTION FROM THE LIBERAL DEMOCRAT GROUP - ENDING UNFAIR EVICTIONS

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Alison Born, it was

RESOLVED unanimously that Council

1. Welcomes the campaign by the "End Unfair Evictions Coalition", calling for Section 21 of the Housing Act 1988 to be scrapped;
 2. Notes that Section 21 brought in "no fault evictions", allowing private landlords to evict tenants with just two months' notice, once the initial term of a tenancy has expired;
 3. Notes that fear of "revenge eviction" may discourage renters from complaining about maintenance issues;
 4. Notes that housing insecurity can contribute to anxiety and mental health issues, lead to problems with debt, and make it harder for private renters to access services and establish community ties;
 5. Acknowledges research published by "Generation Rent" showing the link between Section 21 evictions and rising homelessness in England; and research showing that as many as 80% of private-sector evictions fall under Section 21;
 6. Notes that in 2017 the Scottish Government adopted the Private Housing (Tenancies) (Scotland) Act, effectively creating open ended tenancies and banning no-fault evictions, whilst still providing safeguards for landlords;
- and therefore:
7. Supports the "End Unfair Evictions" campaign;
 8. Welcomes the recent announcement that government intends to scrap "no fault" evictions;

9. Requests that the Leader write to relevant Ministers and local MPs expressing this Council's support for abolishing Section 21, noting the need for fair safeguards for landlords, and calling for the consultation and legislation to be brought forward without delay;
10. Requests that officers work with the relevant cabinet member to prepare a response to the consultation; and
11. Asks the Cabinet Member for Housing, Planning, and Economic Development to consider options for actions the Council could take to improve standards of rental accommodation in B&NES.

31 MOTION FROM THE LIBERAL DEMOCRAT GROUP - FOOD POVERTY

On a motion from Councillor Ruth Malloy, seconded by Councillor Andy Wait, it was

RESOLVED that

Council notes:

1. The Department of Health and Social Care definition of food poverty as "the inability to access or afford food to make up a healthy diet";
2. That food poverty is a complex issue with many causes; that it can affect anyone, including many people who work and many families, even in an apparently well off area such as ours;
3. There is a growing problem of food insecurity in the UK, affecting as many as 8.4 million people, of which increasing reliance on food banks is one symptom;
4. That food banks in Bath and North East Somerset supply thousands of food parcels each year to local people;
5. Efforts by the Council to raise awareness of families' eligibility for free school meals, and by extension the pupil premium, locally;
6. The importance of local food systems and education in ensuring access to affordable, sustainable and healthy food options;
7. The Council has previously adopted a Local Food Strategy for Bath and North East Somerset;
8. Addressing food poverty may contribute to improving the health, wellbeing, education and independence of local residents; supporting the local food economy; and reducing environmental impacts.

Council therefore:

9. Commends the invaluable work done by local charities, churches and food banks in Bath and North East Somerset to support people facing food poverty and crisis;
10. Requests the Children, Health & Wellbeing Policy Development and Scrutiny Panel to work with local organisations and develop recommendations for a Food Poverty Action Plan for Bath and North East Somerset; and
11. Requests that the Cabinet investigate refreshing the Local Food Strategy for Bath and North East Somerset.

[Notes;

1. *During debate, an unsuccessful amendment was moved by Councillor Liz Hardman, and seconded by Councillor Robin Moss, to take the recommendations a stage further with specific areas for the Action plan to include. This was lost, on a vote of 8 Councillors voting in favour, 40 Councillors voting against and 2 Councillors abstaining.*
2. *The substantive motion was then carried unanimously.]*

32 MOTION FROM THE LABOUR GROUP - THE FUTURE OF FIRST BUS

On a motion from Councillor Jo Wright, seconded by Councillor Joel Hirst, it was

RESOLVED

Council notes that:

1. FirstGroup, which operates First Bus along with GWR Franchise, is considering a sale of its UK businesses;
2. FirstGroup has confirmed that it intends to divest itself of First Bus;
3. The completion of the Bus Strategy by the West of England Combined Authority (WECA) Mayor is progressing slowly and the options available through WECA are to pursue 'Advanced Quality Partnerships', 'Enhanced Partnerships' or franchising, with the greatest opportunities for control, as well as the greatest financial challenges, being through franchising.

This Council believes that:

4. Bus services are a vital component of our transport system. Excellent bus services help to encourage bus usage, create sustainable growth, reduce social isolation and support people to get out of their cars. This in turn has a positive impact on pollution, congestion and climate change;
5. It is in the interests of all residents that Councils and WECA have more influence over the routes, timetables, fares and vehicle emissions related to bus services;
6. First operates 90% of the bus services in Bath and North East Somerset, and any change to the management of First Bus must not be at the expense of local bus services;

7. First Bus is a significant local employer and uncertainty about the future of the company must be resolved in the interests of its employees.

Council resolves to:

8. Call upon the WECA Mayor to complete the Bus Strategy without delay and ask the Leader to use her position on the West of England Combined Authority Committee to press for improved bus services across B&NES and the swift completion of the Bus Strategy, these improvements should include considering:
 - a. using the new powers in the Bus Services Act 2017 to bring about change;
 - b. Moving from a de-regulated bus system to a system where Council and users have more control, which works better for users and Local Authorities;
 - c. Devoting sufficient resources to the Bus Strategy to ensure that it covers rural bus services, school bus services and other services with social value;
 - d. Improving public transport so that it becomes an attractive alternative to driving in both urban and rural settings;
 - e. Ensuring that all buses run on ultra-low-emission or zero-emission fuels by January 2021;
 - f. Creating a new dynamic partnership with bus operators to increase bus usage;
 - g. the opportunities of working with non-profit providers.
9. Ask the Leader to communicate this position to the WECA Mayor and local MPs.

[Notes;

1. *The original motion included with the agenda, moved by Councillor Robin Moss, and seconded by Councillor Chris Dando, was subsequently replaced by the successful amendment above with 36 Councillors voting in favour, and 13 Councillors voting against.*
2. *The vote on the substantive motion was then carried with 44 Councillors voting in favour and 5 Councillors abstaining.]*

33 MOTION FROM THE LABOUR GROUP - CLEAN UP BATH & NORTH EAST SOMERSET

On a motion from Councillor Grant Johnson, seconded by Councillor Robin Moss, it was

RESOLVED unanimously that

Council notes that:

1. Bath Live and the Bath Chronicle have launched a campaign to Clean Up Bath;

2. The actions of the Council's contractors, 3GS, in fining a resident £150 for feeding pigeons have resulted in national interest in the way in which this Council addresses the problem of litter;
3. There is widespread concern about litter among communities not only in Bath but also in North East Somerset and that residents would like to see action taken.

This Council believes that:

4. The Clean Up Bath campaign is to be welcomed. Responsibility for keeping our streets, playgrounds and parks clean rests with us all. However, this Council must accept that it has a lead role in addressing littering;
5. Any action taken to tackle littering must be proportionate.

Council resolves therefore:

6. To ask the Climate Change and Sustainability Policy Development and Scrutiny to undertake a full review into littering in Bath and North East Somerset This review should assess the scale of the problem and identify a range of measures that could help to eliminate litter from our area including:
 - a. Working with businesses to ensure that they are not encouraging the feeding of gulls;
 - b. Investigating ways of reducing littering in parks, whether by providing more recycling and waste facilities or encouraging visitors to our parks to be more responsible with their litter;
 - c. Promoting the Green Flag award which sets the benchmark standard for the management of recreational outdoor spaces;
 - d. Promoting the formation of Friends of Parks to help improve public opens spaces in the context of diminishing Council resources;
 - e. Investigating what more the Council can do to support and encourage existing and new community anti-litter groups;
 - f. Investigating the potential for a competition to identify the cleanest street, park and playground in Bath and North East Somerset; and
 - g. Continuing to review the working of 3GS to ensure that it is meeting the requirements of its contract with Bath and North East Somerset Council and that its enforcement action is proportionate and is focused on the issues of greatest concern to the public.

[Notes:

1. *The successful resolution above contains wording changes proposed as an amendment by Councillor David Wood, seconded by Councillor Sue Craig, which was accepted into the substantive by the mover and seconder.]*

34 MOTION FROM THE CONSERVATIVE GROUP - B&NES TRANSPORT OPTIONS BETWEEN BRISTOL AND BATH

This item was carried over to the next regular meeting of Council.

35 MOTION FROM THE CONSERVATIVE GROUP - MAINTAINING OUR HERITAGE

This item was carried over to the next regular meeting of Council.

36 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 9.55 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 5th September, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Ruth Malloy, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Vic Clarke, Douglas Deacon, Kevin Guy, Hal MacFie, Paul May, Mark Roper and Shaun Stephenson-McGall

37 EMERGENCY EVACUATION PROCEDURE

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

38 DECLARATIONS OF INTEREST

Personal ('other') interests were noted for item 41 from the Members of the Restructuring Implementation Committee who had taken part in the recruitment process; Councillors Dine Romero, Paul Myers, Karen Walker and Robin Moss. The Monitoring Officer confirmed that they could take part in the debate and vote.

39 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair made the customary announcement regarding telephones and electronic devices.

She thanked those who made the Civic service on 21st July 2019 possible. The hard hitting sermon by Revd Dr Keith Clements, entitled 'Are we still of any use?' is available from the Chair. She announced that the collection for the Swallows charity for those with learning difficulties amounted to £193.

The Chair was privileged to attend the 75th Double Hills Arnhem glider disaster anniversary on 1st September, and laid a floral tribute.

The Chair drew Councillors' attention to the Chair's Awards, which have just been launched. There are new categories this year including for those who go 'above and beyond' their duties. She hoped to see nominations from across Bath and North East Somerset.

She concluded by giving apologies for the next Full Council meeting as it coincides with a family wedding.

40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

41 APPOINTMENT OF CHIEF EXECUTIVE AND DESIGNATION AS HEAD OF PAID SERVICE AND RETURNING OFFICER

The Council considered a report recommending appointment of a new Chief Executive.

In moving the recommendations, Councillor Dine Romero informed Council of the rigorous recruitment process they had undertaken and outlined some of the key strengths Mr Godfrey would bring to the role. This was followed by further positive endorsements from Councillors Paul Myers, Karen Walker and Robin Moss in their capacity as Group Leaders and Spokespersons.

All Group Leaders also took the opportunity to thank Ashley Ayre for his exemplary leadership of the Council since September 2016 and wished him well for the future.

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

RESOLVED unanimously, on a recommendation from the Restructuring Implementation Committee, that Council approves;

1. The appointment of Chief Executive to Mr Will Godfrey on a salary of £147,000 per annum within the approved range with a start date of 7 October 2019.
2. The designation of the postholder as Head of Paid Service under section 4 of the Local Government & Housing Act 1989 with effect from 7 October 2019; and
3. The designation of the postholder as Returning Officer for all elections and Electoral Registration Officer with effect from 7 October 2019.

The meeting ended at 5.45 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 5th September, 2019

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Ruth Malloy, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** Vic Clarke, Douglas Deacon, Kevin Guy, Hal MacFie, Paul May, Mark Roper and Shaun Stephenson-McGall

42 EMERGENCY EVACUATION PROCEDURE

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

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

There were no items.

44 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items.

45 APPOINTMENT OF HONORARY ALDERMEN AND ALDERWOMEN

The Chair invited the following Councillors to move the nominations as set out below;

On a motion from Councillor Paul Myers, seconded by Councillor Alan Hale, it was then unanimously

RESOLVED that former B&NES Councillor Dr Anthony Clarke should have conferred on him the title of Honorary Alderman in recognition of his eminent and distinguished service to this Council.

Councillors Myers, Hale and the Chair spoke in support of this nomination.

Dr Clarke received a scroll and badge and gave a speech of thanks.

On a motion from Councillor Brian Simmons, seconded by Councillor Alan Hale, it was then unanimously

RESOLVED that former B&NES Councillor Bryan Organ should have conferred on him the title of Honorary Alderman in recognition of his eminent and distinguished service both to this Council and its predecessor Councils.

Councillors Simmons, Hale, Shearn and the Chair spoke in support of this nomination.

Mr Organ received a scroll and badge and gave a speech of thanks.

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Dine Romero, it was then unanimously

RESOLVED that former B&NES Councillor Caroline Roberts should have conferred on her the title of Honorary Alderwoman in recognition of her eminent and distinguished service to this Council.

Councillors O'Doherty, Romero and the Chair spoke in support of this nomination.

The scroll and badge was received on Ms Robert's behalf by Councillor Steve Hedges who passed on her thanks.

On a motion from Councillor Steve Hedges, seconded by Councillor Joel Hirst, it was then unanimously

RESOLVED that former B&NES Councillor Nigel Roberts should have conferred on him the title of Honorary Alderman in recognition of his eminent and distinguished service to this Council.

Councillors Hedges and Hirst spoke in support of this nomination. The Chair announced that, as Mr Roberts had been unable to attend, arrangements would be made to ensure the scroll and badge would be sent to him.

The Chair drew the meeting to a close and invited Councillors and Aldermen to join her for refreshments.

The meeting ended at 6.11 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council		
MEETING MAKER:	Council	
MEETING DATE:	10 October 2019	
TITLE:	Climate Emergency Progress Report	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ul style="list-style-type: none">Climate Emergency Study: Synthesis of Evidence, September 2019		

1 THE ISSUE

- 1.1 The Council declared a Climate Emergency in March 2019, committing the Council to provide the leadership to enable Bath and North East Somerset to achieve carbon neutrality by 2030. The resolution included a requirement to deliver a progress report to Council six months later and annually thereafter. This is the first progress report. It explains the work that has taken place since March, and highlights the results of the first phase of research into the area's carbon footprint, including recommending three immediate priority areas for action and demonstrating the scale and speed of ambition needed. The report also outlines plans for a new place-based partnership to provide district wide leadership, to oversee action planning and community engagement and outlines next steps.

2 RECOMMENDATIONS

The Council is asked to:

- 2.1 Recognise the Council's key leadership role and the significant and fundamental culture shift required, politically and organisationally, to rise to this challenge;
- 2.2 Recognise that the first phase of research has enabled a clear definition of three immediate priorities for action for the Bath and North East Somerset area and

the scale and speed of ambition needed to achieve the 2030 target. In summary, these are:

- I. Energy efficiency improvement of the majority of existing buildings (domestic and non-domestic) and zero carbon new build;
 - II. A major shift to mass transport, walking and cycling to reduce transport emissions;
 - III. A rapid and large-scale increase in local renewable energy generation.
- 2.3 Recognise that further work is needed and that a progress report will be produced each year that will: review the context, new data and evidence; the results of community dialogue; monitoring of progress and will recommend changes and further action;
- 2.4 Recognise that whilst the Council will provide leadership, the emergency cannot be tackled without active participation and leadership from all sectors in B&NES and wide and deep community engagement and that a new B&NES Climate Emergency, Environment & Place Partnership is being established to enable that;
- 2.5 Recognise that business as usual is not an option and that the Council and all our partners and contractors need to review all existing strategies and plans to re-align to the Climate Emergency, as does the rest of the public sector and the private sector;
- 2.6 Recognise that meeting our Climate Emergency commitments is about major system change and can only be delivered by the combined action of national, regional and local government, other institutions, and alongside action in the private and community sectors. Local government has a key influencing, convening and enabling role, but does not have the powers or resources to deliver these ambitions on our own.
- 2.7 Recognise that individual citizen action is also important and that whilst there are things that everyone can do, it is constrained by current systems and that in order to engage as much of the community as possible, blame-laying on individuals is unhelpful.

3 THE REPORT

3.1 Introduction

- i. This is the first progress report to Council, as required by the Climate Emergency Resolution in March 2019. Hereafter, an annual progress report will be brought to Council.
- ii. This is a high level strategic report, based on the first phase of research undertaken by the Council on the Bath and North East Somerset area's carbon footprint. The research has enabled us to identify where the area's direct (gas, oil, petrol, diesel – also known as Scope 1) and indirect (ie electricity – also known as Scope 2) carbon emissions are coming from.
- iii. The research provides the evidence that enables us to identify the three priorities for action in B&NES and indicates the scale of ambition that is needed to deliver a rapid reduction in carbon emissions from the main known

sources in our area, in line with the resolution target of carbon neutrality by 2030.

- iv. The Climate Emergency Study: Synthesis of Evidence report, attached, draws together and explains the evidence from the research that supports the content of this report. (The studies from the two sets of consultants are also available as Background Papers.)
- v. Although this report includes an outline of the Council's next actions, it is more a response to the commitment to provide leadership to the community as a whole on how to deliver the resolution's target. It sets out three priority areas for action and a mechanism – a new place-based partnership – which will oversee the next phase of action planning across the public, private and community sectors, as well as overseeing the development of the community engagement programme (including citizen juries).

3.2 Summary of Council Action

- i. Prior to the Climate Emergency resolution, a range of carbon reduction work has already been undertaken by the Council, under the leadership of the B&NES Environmental Sustainability Partnership (2009 – 2019). Highlights include:
 - a) The first local authority to roll-out LED street-lighting to main roads;
 - b) Ground-breaking work to enable the development of one of the UK's leading community energy enterprises, Bath & West Community Energy;
 - c) An award-winning exemplar low carbon office building – the Keynsham Civic Centre – including the largest solar PV array in any new UK public sector building, at the time of installation;
 - d) The Energy @ Home retrofitting scheme that dispersed c £800k in grants to local people to improve the energy efficiency of their homes.
- ii. Since declaring a Climate Emergency in March 2019, the Council has:
 - a) Created a new Climate Emergency Cabinet post;
 - b) Created the Climate Emergency & Sustainability Policy, Development and Scrutiny Panel;
 - c) Changed the Council decision-making report template to ensure that every proposal is aligned with the Climate Emergency commitments;
 - d) Directed additional resources to enable the research that informs this report and which provides: more sophisticated analysis of the sources of carbon emissions in B&NES; pathway analysis on how to make real progress towards the 2030 carbon neutrality target; analysis of the Council's carbon footprint; a first look at 'consumption' emissions for the area and an initial equalities assessment based on looking at carbon emissions against household income;
 - e) With work contributed by the University of Bath, we have explored citizen engagement mechanisms. And, we have commenced community engagement work with key community groups and local activists, as well as with the Community

Forums and Parish Liaison Committee to begin the dialogue and gain input into our thinking and planning;

- f) Delivered presentations on the Climate Emergency and what it means for the Council and the area to directors, managers and staff through the Council's Organisational Development programme;
- g) Created a new Climate Emergency webpage providing information on the Council's initial response and some basic advice for individuals and businesses on what they can do now.

3.3 Research Results; Priorities, Scale and Speed of Ambition, Pathway to 2030

- i. Current Bath and North East Somerset district-wide direct emissions (eg from gas, oil, petrol, diesel) and indirect emissions (ie electricity), also known as Scope 1 & 2, are: **766,876 tCO₂e** (tonnes of carbon equivalent) per year. (see Fig 1 in Synthesis report)
- ii. B&NES district consumption emissions, based on an analysis of what local people spend on good and services bought and used in the district, including outsourced emissions from goods and services manufactured or created outside the district and abroad are: **1,271,578 tCO₂e** (tonnes of carbon equivalent) per year. (see Fig 3 in Synthesis report)
- iii. The consumption emissions are higher than the direct/indirect emissions according to these figures, but there will be some overlap due to the calculation method, so the figure is bound to include some of the direct/indirect emissions. This figure also needs to be treated with caution because consumption emissions are notoriously difficult to unravel. So this is an acknowledgment of the issue and its complexity and of the need to explore further what more can be done to inform local action planning.
- iv. The direct and indirect emissions (Scope 1 & 2) break down as follows: **Energy use in buildings: 66%**, (of which homes produce 38% and industry, commerce and institutions 28%); **Transport: 29%**; and **Other 5%**, of which waste is 4% and agriculture, forestry and other land use is 1%.
- v. The carbon reduction target for B&NES is to achieve **carbon neutrality by 2030**.
- vi. Taking into account current national policy and nationally led decarbonisation of the electricity grid, which assumes some local action, the consultants calculate that the **business as usual pathway** would reduce carbon emissions in the district by **38% by 2030** from 2016.
- vii. Based on present day evidence and judgment, the consultants have calculated how action in B&NES across both energy demand reduction and local energy supply could reduce carbon emissions beyond that. Using the SCATTER modelling tool, they have produced a 'Stretch Pathway' for B&NES showing how a **72% cut in emissions can be made by 2030** from 2016. (See Section 2 of Synthesis report)

- viii. These pathways and figures are not set in concrete. They are based on a range of assumptions about technology and market readiness that will change over time. What this means is that, based on current knowledge, we don't know exactly how to get to carbon neutrality. But this doesn't mean we won't continue to aim resolutely at that target.
- ix. We will be reviewing the pathway and updating the assumptions each year and expect to see the gap narrowing as, for example, renewable energy technologies develop and cost tipping points are reached, or if national policy or regulation causes a rapid market shift in either demand management or zero carbon energy supply.
- x. More work will also be done in the future on how we can increase the amount of carbon being absorbed locally by the natural environment (soil, trees, grassland), which will also play a key role in achieving carbon neutrality.
- xi. **Three clear priorities** for action emerge from the research data and Stretch Pathway modelling for cutting emissions from the biggest chunks of the B&NES carbon footprint. This analysis identifies potential measures for each priority area. The figures shown below are NOT concrete targets for these measures, but indicate the scale and speed of ambition we need to have in B&NES to realise our 2030 goal. The measures outlined below are packages of actions that need to be taken together to deliver the reduction identified in the Stretch Pathway. Further detail on these packages of measures can be found in the attached Synthesis report, Section 2, Tables 1 & 2). The priority areas for action are:
 - a) **Energy Efficient Buildings** - For example: retrofitting the majority of homes (all tenures) with a range of energy saving measures by 2030 (eg 14,739 solid wall insulations, 33,436 super-glazing installations, 43,339 loft insulations, 66,473 draught-proofing measures); switching 40% of homes to modern electric heating from gas by 2030; switching 76% of gas cookers to electric. This includes new homes and development needing to be being zero carbon or net positive carbon from now;
 - b) **Transport** – A major shift to mass transport, walking and cycling to reduce emissions. For example: a 25% cut in car and van mileage per person per year by 2030, coupled with a 76% switch to electric cars, 14% to petrol/EV hybrid, leaving 10% petrol/diesel on the road by 2030, and, full electrification of passenger rail by 2030.
 - c) **Local Renewable Energy** – Local installation needs to be developed rapidly and at scale, including for example, 50% of existing homes having a solar PV roof by 2030 (currently only 3.1% do), plus around 116 football pitches worth of solar PV on commercial roof space and ground mounted sites, plus around 28 large (2.5 MW) wind turbines. (The study analysed the full range of renewable technologies, all of which will need to be developed to some degree over time.)
- xii. It should be noted that electric vehicles are not a panacea for personal transport, as they emit harmful pollution from tyres and brakes, whilst the essential elements needed to make them are not available in sufficient quantity.

- xiii. In B&NES we have a strong track record on local community energy, with the community enterprise Bath & West Community Energy a leader in the field. Community energy will have a key role to play in helping to deliver this target through engagement with local neighbourhoods and enabling projects, with all the benefits that community ownership brings.
- xiv. However, this level of ambition, across all three priorities, in terms of scale and speed, requires strong leadership to enable major system change, including action across the public, private and community sectors in B&NES, working together to find solutions and overcome barriers.

3.4 Council's Carbon Emissions

- i. The analysis of the **Council's own carbon emissions** demonstrates that the direct and indirect carbon emissions (Scope 1 & 2) are now 0.7% of the district's Scope 1 & 2 carbon emissions.
- ii. The consultants have undertaken some initial work on the Council's Scope 3 emissions, ie those arising from contracted service. This includes schools, which are no longer in the Council's control, and the commercial property estate, occupied by tenants. It also includes all the building related and transport emissions from running a range of health and social care services, such as care homes, run by contractors procured by the Council. These emissions are much larger.
- iii. More work needs to be done to analyse this further, but in the meantime the Council has recognised how important tackling the Scope 3 emissions is and has started work to develop a Climate Emergency Commissioning and Procurement Strategy. This will ensure that all future contracts must deliver against the Climate Emergency Declaration and current contractors and service providers are being urged to commit to the 2030 target and undertake their own action planning to achieve rapid carbon reduction.

3.5 A Just Transition

- i. A piece of work has been undertaken to analyse household carbon footprints against income deciles, looking at: home energy use; transport (cars) and air travel in more detail through a Bath and North East Somerset area lens.
- ii. This demonstrates that those in the top income decile are emitting 16.14 tCO₂e per annum per household, which is over three times the amount that those in the bottom income decile emit, at 5.03 tCO₂e per annum per household.
- iii. The Council is committed to ensuring that the transition to a zero carbon future is a just one. The research we have undertaken so far, which will be developed further, is a useful contribution to the debate that will be needed across the community about where responsibility for action lies and about how we can support the vulnerable and those on a low income, a higher proportion of whom live in the inefficient homes, for example.

3.6 The Ecological Emergency

- i. The Ecological Emergency is part and parcel of the Climate Emergency and includes species extinction, loss of habitat and the connectivity of habitats,

decline in the pollinators that are crucial to food supply, and the loss of and decline in the health, fertility and quantity of soil, on which we all depend for food. Both emergencies are the result of the over-exploitation of the earth's resources coupled with poor land management and intensive, industrialised agriculture.

- ii. As has been recognised by the IPCC and the UK's Climate Change Committee, we need to not just be finding ways to reduce carbon from fossil fuels, but to be finding ways to increase carbon absorption, also known as sequestration, by the natural environment. This is through tree planting and restoration of peatland, for example, or through different methods of land management and agriculture that enable carbon to be drawn down into the soil on a large scale.
- iii. Bath and North East Somerset has an opportunity, given its large rural areas, to address the issue of increasing the sequestration of carbon from the atmosphere by trees, grassland and soil. We also we have a long and strong history of work on bio-diversity, landscape and ecology and a range of current strategies, partnerships and projects, both at local and West of England level that are relevant to these aspects of the emergency.
- iv. However, this is a complex set of issues and will require a further piece of work involving key stakeholders across the area, including farmers and land-owners, and involving a wide range of expertise in order to balance the following issues:
 - a) Increasing carbon sequestration;
 - b) Increasing bio-diversity and the protection of habitats and species, including key pollinators and other insects;
 - c) Increasing soil quality and quantity, reducing chemical fertilisers and pesticides and preventing soil erosion – all of which increases the soil's ability to absorb carbon;
 - d) Increasing local food production, utilising local productive capacity, through less intensive agricultural methods, as a number of local farmers already do and increasing access to fresh, seasonal, local produce;
 - e) Increasing flood defence, natural flood mitigation measures and natural shading as the climate changes;
 - f) Protecting the beauty of our natural landscape, and enhancing the natural capital and ecosystem services it provides, whilst enabling sensitive renewable energy development, for example, and enabling more people to benefit from time spent in nature.
- v. The Government's Climate Change Committee has set a target of doubling tree cover in the UK by 2050 to help increase carbon sequestration. The West of England Nature Partnership, which includes B&NES, through its Nature Recovery Network, has a target of doing so by 2060 and is currently reviewing how that could be brought forward to 2050 (taking account of ash die-back), so that it is in harmony with the objectives above.

- vi. Through the Bathscape Partnership, led by the Council, work is underway on a woodland project to look at the best ways of managing and increasing tree cover in the Bathscape area. The Council will also produce a Tree and Woodland Management Plan covering the whole of the district.

3.7 Analysis, Challenges and Next Steps

- i. This is an initial progress report on how to respond to the Climate Emergency in B&NES, based on the first stage of research. This work has enabled us to identify three priority areas for action for carbon emission reduction and the scale and speed of ambition needed. The figures given are a snapshot in time and will change, but they are sufficient to illustrate the scale and urgency of the challenge we must face together.
- ii. Tackling the Climate Emergency means creating a different vision for all parts of Bath and North East Somerset, including the World Heritage Site of Bath itself.
- iii. The Council is committed to providing the leadership to enable this scale of ambition to be realised and recognises that this requires a significant and fundamental cultural shift, both politically and organisationally. This means that we will be challenging ourselves from the top down to work out exactly what we need to change and how to reorganise to achieve it.
- iv. The Council's next stage of work to address this challenge and the three priorities that have emerged from the research includes:
 - a) An in-house carbon literacy project targeting key services and officers to enable zero carbon future service planning and business case analysis;
 - b) A review of the capital programme with a view to stimulating large-scale investment as well as an investigation of other financial delivery mechanisms to enable renewable energy development, for example, in line with the Stretch Pathway;
 - c) Further development of the Climate Emergency Commissioning & Procurement Strategy to ensure all future contracts align with the Climate Emergency;
 - d) A review of current major contracts, especially in health and social care, working with partners to achieve rapid alignment in how those services are delivered in order to cut carbon emissions;
 - e) Commission the next stage of research and/or stakeholder enquiries into: district consumption emissions; Council Scope 3 emissions; land use, biodiversity, soil health and carbon sequestration issues; further development of household and citizen carbon foot-printing; roadmap development of the three priorities, exploring how to create the conditions for change, an analysis of who can do what and a local strengths, weaknesses, opportunities and threats (SWOT) exercise;
 - f) Continued development of local transport planning to align with the ambition of the Stretch Pathway;

- g) A review of the Council's planning policy framework to enable delivery of the three priorities by 2030, including the development of the Local Plan, and to demonstrate that B&NES is open for business in terms of retro-fitting, zero carbon new build, sustainable transport and renewable energy in particular;
 - h) A review of the Council's housing strategy to enable delivery of large-scale and rapid home energy efficiency across all tenures, in conjunction with key partners.
 - i) Request that the Climate Emergency & Sustainability Policy, Development and Scrutiny panel conduct a review of existing Council strategies and plans for alignment with the Climate Emergency.
 - j) Design the citizen engagement programme, utilising and building on current work with the Community Forums, the Parish Liaison Committee and the parish councils; hold a Climate Emergency all-day event for the community in early 2020; develop a citizen jury or juries on key issues related to the priorities; develop a public communications campaign;
 - k) Set up a cross-party group to provide advice and support for the development and delivery of the plan, working with the lead Cabinet member and the Climate Emergency & Sustainability Policy, Development and Scrutiny Panel. Members, one per party, to be nominated by the group leaders;
 - l) The new Corporate Strategy will incorporate the Climate Emergency priorities and work programme, which will be reflected in the Budget for the rest of the administration and will be brought to full Council in February 2020, commensurate with the commitments made in the March 2019 resolution.
- v. The Council will lead the establishment of a new district-wide partnership, which will be called the **B&NES Climate Emergency, Environment and Place Partnership**. It will encompass work from relevant existing local and West of England partnerships, strategies and projects.
 - vi. The Board of the new Partnership will play a key role in enabling the development of action planning against the three priorities identified, as well as further phases of research, analysis, planning and development to provide further input to the wider community. The research and the questions and challenges it raises for the community will inform the agenda for the new Partnership.
 - vii. The new Partnership will also oversee the **Citizen Engagement Programme** to deliver deeper and wider engagement in all aspects of the issue. Leadership in this context means setting out the strategic framework, convening all the necessary key players and maximising influence across all sectors. It is also about enabling well-informed community dialogue to consider difficult issues, tease out detailed solutions and gain consensus for action. Citizens' juries will be used to enable engagement and consensus building around key issues.
 - viii. We are in dialogue with the **West of England Combined Authority (WECA)**, which has now also declared a Climate Emergency, on how its planning and

resource allocation needs to change. We will develop an approach to lobbying central government for the changes needed to enable us to achieve our goals in B&NES. We know that, for example, changes in government policy and regulation can lead to rapid change in the renewable energy or retrofitting markets, but this is an emergency and we cannot wait for that to happen. We will lobby government, whilst doing our best to find ways to deliver action in B&NES now.

4 STATUTORY CONSIDERATIONS

- 4.1 The Council is committed to ensuring a just transition to carbon neutrality in B&NES, and has commissioned a first look at household carbon emissions by income decile to contribute to the debate that will be needed and to help us to identify the support that will be needed for the vulnerable and those on a low income.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 Reserves of **£102k** have been approved for the work carried out so far. Of this sum £49,100k has been utilised to date with a further £52,900k remaining to complete further work this year.
- 5.2 Depending on the approach taken there could be significant impacts for revenue and capital budgets arising from the recommendations and priorities for action explained in this report. Further work is required to model this in the longer term within the Council's overall Medium Term Financial Strategy. Resourcing for 2020/21 for capital schemes and revenue will be identified and reported within the budget to be approved in February 2020.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 This report is the Council's first progress report to full Council on how to respond to the Climate Emergency resolution passed in March 2019, as required by the resolution.

8 OTHER OPTIONS CONSIDERED

- 8.1 None

9 CONSULTATION

- 9.1 This report had been developed with the input of a range of relevant officers and overseen by the Climate Emergency Senior Advisory Group. It has been signed off by the S151 Officer and the Monitoring Officer.

Contact person	<i>Jane Wildblood 01225 477685</i>
Background papers	<p><i>Climate Emergency Study Discussion Pack, September 2019 (Anthesis)</i></p> <p><i>Climate Emergency Study, Carbon emissions from households and citizens, September 2019 (Centre for Sustainable Energy)</i></p> <p><i>Both are available on the Climate Change webpage; https://www.bathnes.gov.uk/climate-emergency</i></p>
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council

Climate Emergency Study: Synthesis of Evidence

In July 2019, the Council engaged consultants to provide high-level evidence to inform action in response to the Bath and North East Somerset Climate Emergency Resolution. The Centre for Sustainable Energy (CSE) delivered Section 4, Anthesis carried out the other Sections:

1. **The district-wide carbon footprint** and profile from activities within the district;
2. **Future emissions pathways** to 2030 and 2050 taking into account our 2030 target, the Intergovernmental Panel on Climate Change (IPCC) science based targets and what can be achieved based on known technology and present-day evidence;
3. **District-wide ‘consumption’ emissions** arising through the lifecycle of products and services purchased in the district;
4. **Household carbon footprints**;
5. **Emissions from large institutions**;
6. **The Council’s emissions** from energy use and the goods and services we procure.

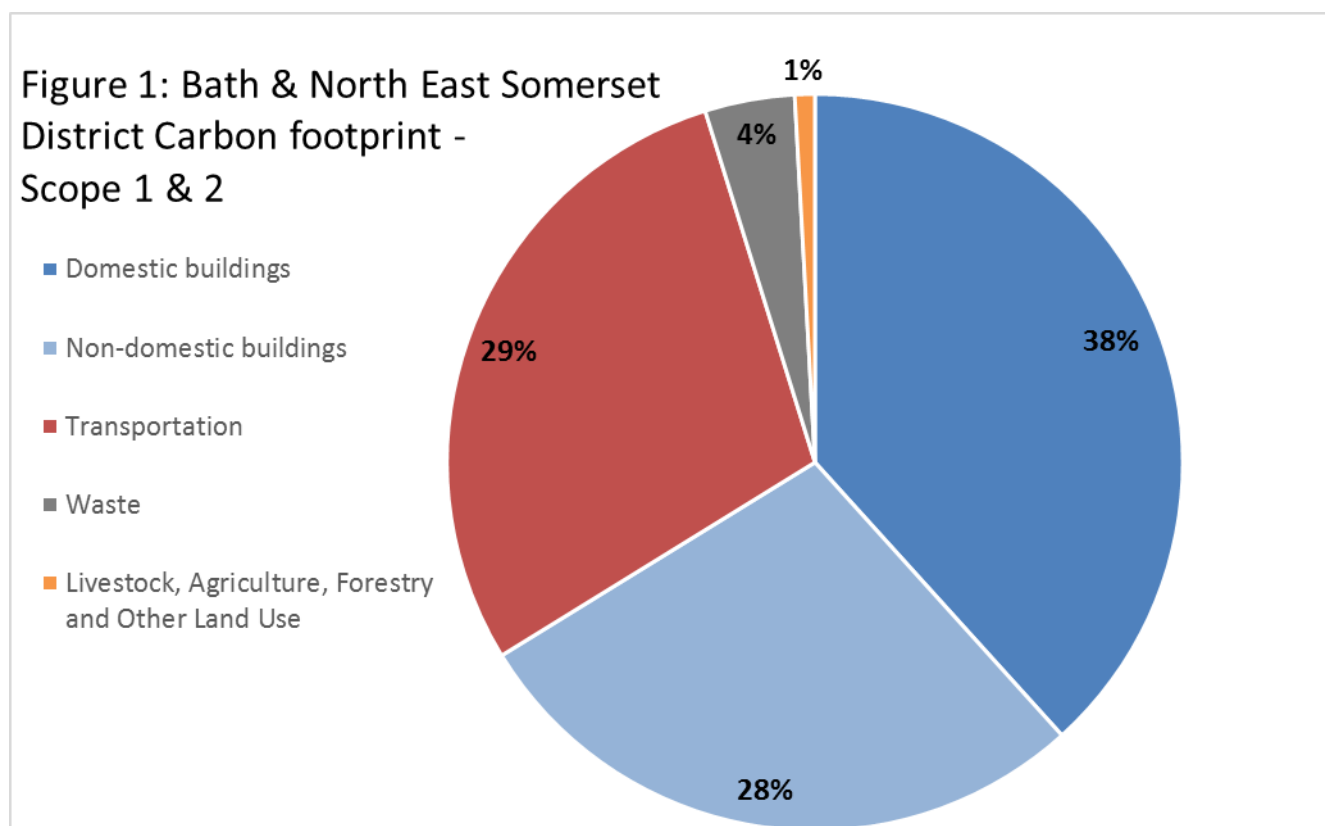
This report has been produced by the Council as a synthesis and explanation of the evidence that the consultants produced. For the full evidence, please refer to Anthesis slides for Sections 1,2,3,5,6 and the CSE report for Section 4. All sections are high-level and indicative only; a starting point for conversation. The results speak to the many actions that could be taken in the district, and an indication of the carbon savings that could result.

Three clear priorities for action emerge for cutting emissions from the biggest segments of the B&NES carbon footprint:

1. **Energy efficiency improvement** of existing building stock on a large scale is required and zero carbon new build, since energy use in buildings constitutes 66% of the area’s in-district carbon footprint, and the largest single portion of the household footprint. Domestic retrofitting is aligned with the Council’s priorities for delivering for residents and focussing on preventionⁱ since retrofitting can support public health and low income and vulnerable people, a higher portion of whom live in the energy inefficient houses. It is also an area in which in-district action can have significant impact.
2. **Transport:** This is a further 29% of the district’s footprint, and depending on income and other factors is a large component of the household footprint. Again, action on transport can be strongly influenced by local action and can help deliver on other council priorities.
3. **Local renewable energy generation:** This research sets out a pathway for decarbonisation that includes measures to electrify heat and transport. The carbon saving from these measures depends on an ample supply of renewable energy, the deployment of which can be facilitated by in-district action and will bring social and economic co-benefits.

1. The district-wide carbon footprint

Figure 1 is a snapshot of district-level greenhouse gas (GHG) emissions, using the SCATTERⁱⁱ Inventory, originally funded by Government for use by local authorities.



SCATTER uses the Global Protocol for Community-Scale GHG Emission Inventoriesⁱⁱⁱ (GPC). The GPC covers carbon dioxide (CO₂) and other greenhouse gases such as Nitrous Oxide (N₂O) and Methane (CH₄). To express this mix of gases as a “carbon footprint” a CO₂ equivalent (CO₂e) is used taking into account the different warming potential of these gases.

The district footprint includes two GPC emissions categories: “Scope 1” (direct) emissions from sources within the district boundary, e.g. from burning petrol, diesel or natural gas and Scope 2 (indirect) emissions from the use of grid-supplied electricity^{iv} that may be generated outside the district. Scope 1 and 2 emissions are around **766,876** tonnes of CO₂e per year (t/CO₂e/yr). The main sources are:

- Energy use in buildings: **66%** and **507,808t/CO₂e/yr**, consisting of emissions from
 - Homes: 38% of the total and **293,585t/CO₂e/yr**
 - Non-domestic buildings: 28% of the total and **214,223t/CO₂e/yr**.
- Transport: **29%** and **216,110t/CO₂e/yr**.

The GPC method used above shows in-district land use as a very small source of emissions. This includes emissions from livestock in the district and emissions released or absorbed by different land uses and management practices (e.g. fertiliser). However, this is a complex area. Further work would be needed to produce a more accurate picture and to consider in tandem how to respond to the Ecological Emergency that is part of the Climate Emergency. This includes species extinction, loss of habitat and habitat connectivity, the decline in pollinators and the loss of and decline in the health of the soil itself.

As has been recognised by the IPCC and the UK's Climate Change Committee, alongside a reduction in emissions there is a need to increase carbon absorption, also known as sequestration, by the natural environment. This can be through tree planting and restoration of peatland, for example, or through different methods of land management and agriculture that enable carbon to be drawn down into the soil.

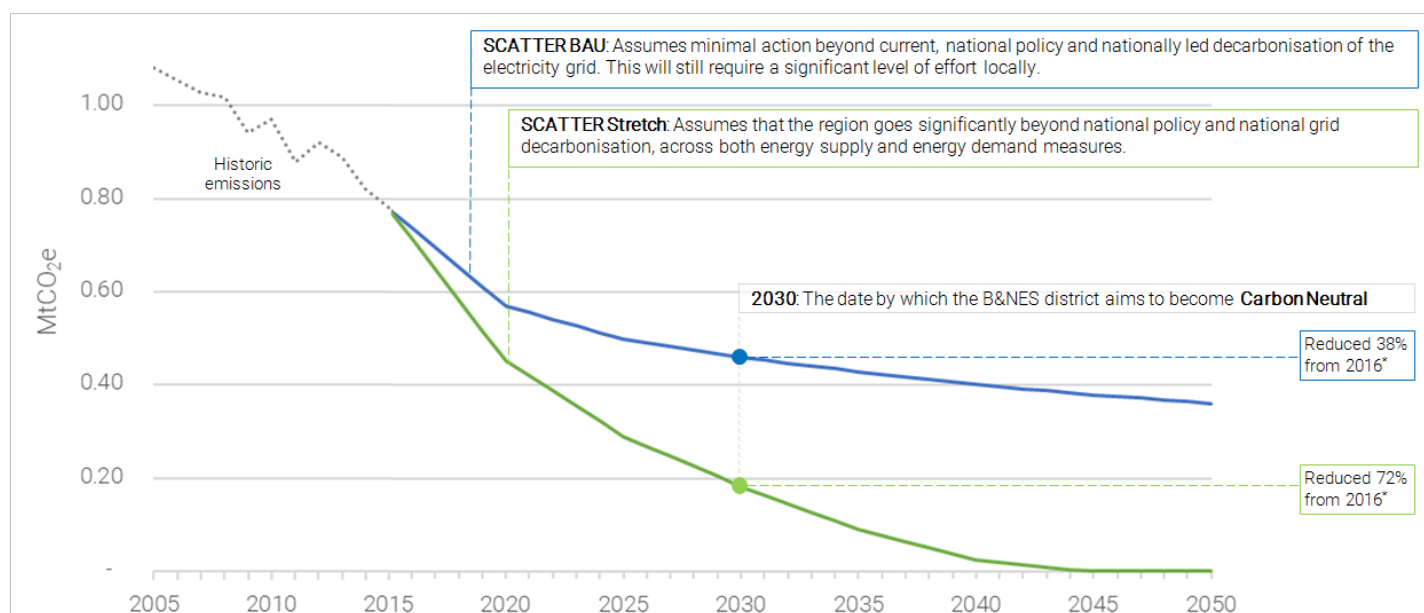
B&NES has an opportunity, given its large rural areas to increase the sequestration of carbon from the atmosphere by trees, grassland and soil. There is a long history of work to protect and enhance bio-diversity, landscape and ecology that could inform an approach. Future work would benefit from the involvement of key stakeholders including farmers and land-owners and a wide range of expertise in order to balance the following issues:

- Increasing carbon sequestration including consideration of the government's Climate Change Committee target of doubling tree cover in the UK by 2050 to help increase carbon sequestration.
- Increasing bio-diversity and the protection of habitats and species, including key pollinators and other insects that are vital to maintaining food supply
- Increasing soil health, reducing chemical fertilisers and pesticides and preventing soil erosion – all of which increases the soil's ability to absorb carbon
- Increasing local food production, utilising local productive capacity, through less intensive agricultural methods, as a number of local farmers already do and increasing access to fresh, seasonal local produce
- Increasing natural flood defence and mitigation, soil stabilisation and natural shading to improve resilience to the changing climate
- Protecting the beauty of our natural landscape, and enhancing the natural capital and ecosystem services it provides, whilst enabling sensitive renewable energy development, for example, and enabling more people to benefit from time spent in nature.

2. Future emissions pathways

Using national data scaled to the district, the SCATTER tool enables local authorities to sketch pathways (Figure 2) for reducing the emissions produced by the energy system. It presents a range of measures, e.g. home insulation, and allows users to select from four levels of ambition for each, with Level 1 being “Business as Usual” and Level 4, the “Stretch” pathway, deemed the maximum achievable based on present day technology and evidence.

Figure 2: B&NES Carbon Budget and Pathways for the Energy System: Million tCO₂e



The “**Business As Usual (BAU)**” pathway broadly equates to reductions in line with Government policy introduced to meet the original Climate Change Act target of an 80% reduction CO₂ by 2050, prior to the adoption of the national net zero carbon (carbon neutral) 2050 target in June 2019^v. The BAU pathway would achieve a 38% reduction in emissions by 2030 and would require more district action than currently planned. It would not achieve the national target of net zero carbon by 2050.

The “**Stretch**” pathway is Level 4 of the SCATTER tool; the highest level of ambition. It achieves a reduction of 72% by 2030 and zero carbon by 2050. There is still a gap between this and the Bath and North East Somerset aim of net zero carbon by 2030. This is because the Stretch pathway is based on present day evidence and judgment. The gap is expected to narrow as, for example, technologies develop and cost tipping points are reached, or if national policy or regulation causes a rapid market shift in either demand management or zero carbon energy supply. The figures on the Stretch pathway are indicative but need further refinement and **are not intended to be targets**.

In addition to the SCATTER pathways, the Tyndall Centre for Climate Change Research has produced an indicative carbon budget for all local authority areas by scaling down to a local authority level the global carbon budget that must be met in order to ‘likely’ keep temperature change “well below 2°C and pursuing 1.5°C” in line with the international Paris Agreement. This budget is shown in the Anthesis slides.

Table 1 shows the deployment scale for the main measures to reduce energy demand (“demand side measures”) on the Stretch pathway. The numbers serve only to indicate the scale of action needed and are likely to change as local information is gathered.

Table 1: Contribution of Demand Side Measures to SCATTER Stretch pathway

Demand-Side measures	Cumulative savings to 2030 (ktCO ₂ e)	Scale of action (NOT targets). Headline measures only, other measures detailed in full report
Domestic lighting, appliances & cooking	781	<ul style="list-style-type: none"> 23% reduction in energy used by lighting and appliances 76% electric cooking (moving away from gas)
Domestic insulation, temperature controls and heating replacement	755	<ul style="list-style-type: none"> Existing homes retrofitted (Table 2) All new homes built to Passivhaus standard equivalent 40% of heating systems electric, mostly renewable e.g. heat pumps
On-road transport	1098	<ul style="list-style-type: none"> 25% reduction in car use km per person per year Modal shift creates 7% reduction in car travel Electric cars: 76% pure battery EV, 14% Petrol Hybrid EV 76% electric buses, 24% hybrid buses
Freight	263	<ul style="list-style-type: none"> 37% of freight rail is electric Road freight remains diesel
Passenger Rail transport	120	<ul style="list-style-type: none"> 100% passenger rail electrification
Industrial processes	373	<ul style="list-style-type: none"> 16.5% reduction in industrial energy demand 44% of industrial processes are electric
Commercial insulation and heating replacement	252	<ul style="list-style-type: none"> 24% reduction in heating and cooling demand 54% electric heating, mostly renewable <i>Work underway on new build standards for non-domestic</i>
Commercial lighting, appliances & cooking	99	<ul style="list-style-type: none"> 11% reduction in lighting and appliance consumption
Waste treatment	92	<ul style="list-style-type: none"> 8% decrease in household waste 9% increase in household recycling rate

Table 2: Retrofit measures for existing homes: Cumulative

	2025	2030	2050	% of available homes (at 2050)
Solid wall insulation	11,535	14,739	21,215	24%
Cavity wall insulation	24,175	24,175	24,175	28%
Floor insulation	13,161	16,817	31,441	36%
Super-glazing (triple glazed standard)	26,168	33,436	62,511	72%
Loft insulation	35,411	43,339	59,195	68%
Draught proofing	66,438	66,473	66,615	76%
Average heat loss/home (Watts/°C)	183	158	58	

The measures in Table 1 either reduce the amount of energy used, or switch from using a fossil fuel (e.g. gas or petrol) to electricity. The latter relies on the assumption that the electricity grid continues to become less carbon intensive as renewable electricity increases. For example, to deliver the Stretch savings for electric cars, they must run on increasingly green electricity.

To ensure the decarbonisation of electricity supply, the Stretch pathway calculates the district's contribution to the maximum national deployment of renewable electricity technologies or "supply side measures". The figures in Table 3 were produced by scaling down national estimates of renewable energy resource and maximum deployment to a district level. It does not take into account local factors. For comparison, Table 2 also references the Council's previous work to assess the district's renewable resources, namely a 2010 study^{vi} which was updated in 2018^{vii}. This work produced "technical potentials" for renewable energy measures based on physical and technological constraints and also "practical potentials" incorporating assumptions about the social constraints at the time, e.g. market conditions and public acceptance. The practical potentials are the basis for the renewable energy target in the Council's Placemaking Plan^{viii}. To provide a sense of the challenge, Table 3 also shows the current (2018) installed capacity:

Table 3: Supply-side measures on the SCATTER Stretch pathway

Supply Side Measure	Scale of action (NOT targets) for headline activities	SCATTER Stretch Installed Capacity	Current installed capacity 2018	District resources, from B&NES studies
Solar PV	PV on 50% of homes 116 football pitches of PV on commercial roofs or fields	210MW	18.2MW	Technical potential: 278MW Practical potential: 142.2MW
Onshore wind	28 large scale turbines.	70MW	0.1MW	Technical potential: 62 large turbines, 155MW Practical potential: 17 large turbines and 45MW
Biomass for electricity	From anaerobic digestion or sewage gas (burning certain types of biomass may present risks to air quality, food growing, biodiversity and soil health).	28MW electricity	0MW electricity 6.3MW heat	Technical potential: 0.002MW electricity and 26.8MW heat (from 2010 study, technology has advanced) Practical potential: 1.6MW electricity and 3 MW heat
Hydro power		7MW	0.1MW	Technical potential: 5MW Practical potential: 0.3MW

The Stretch figures above illustrate a national level of ambition that could be needed to reach net zero by 2050, and a proxy for what the district's portion of that may look like. These figures exceed the local technical potential as assessed in previous studies for hydro and biomass and the practical potential assessed for all technologies. Also, SCATTER does not compare supply with local demand to consider how much supply is needed to make the district "self-sufficient" in energy. This would require further assumptions about the future local energy mix, technology and localised demand. Such an exercise, whilst still inherently imprecise, could refine our understanding of the level of deployment needed to ensure that the demand-side measures have enough renewable electricity supply to deliver their necessary savings.

3. District-wide 'consumption' emissions

Consumption-based emissions are the emissions from products produced in an area, plus emissions imported (embodied in good or services produced outside the district but consumed within the district), minus emissions exported out of an area. Traditional carbon accounting often does not consider the impact of imported emissions, however research suggests that these imports could represent 45% of GHG emissions associated with UK consumption^[1]. As such, when used alongside traditional accounting methods, consumption-based emissions assessments can provide a more complete picture of the environmental impact of a country or region albeit for emissions that may be harder to control through in-district activity.

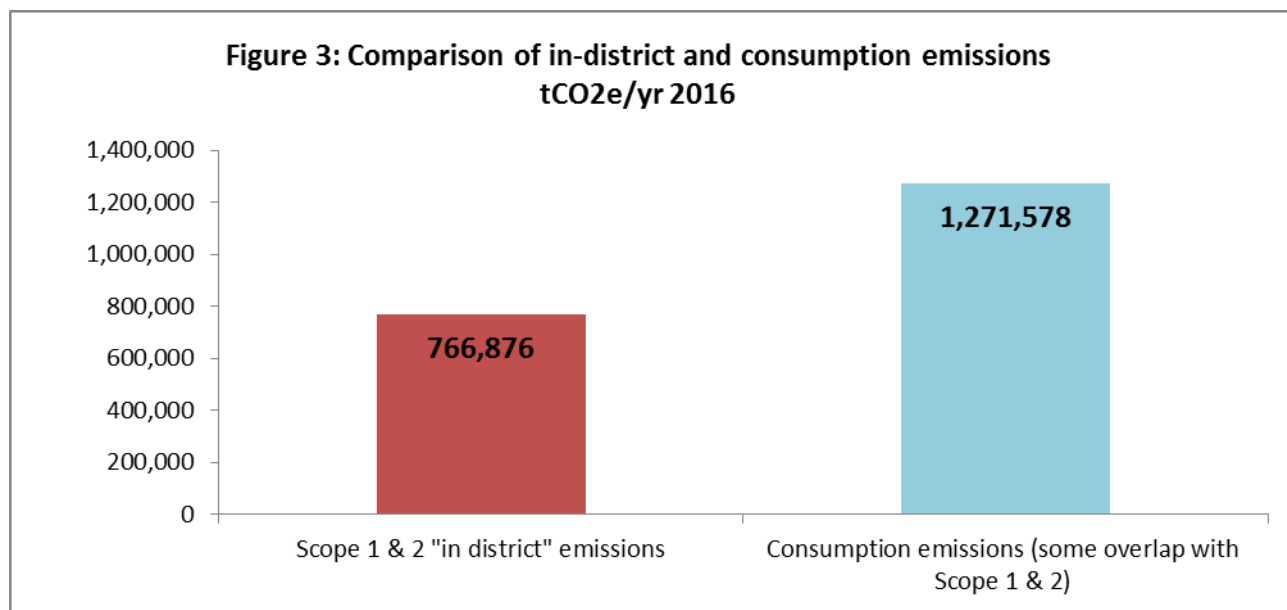
A detailed assessment of consumption emissions in the district was beyond the scope of this study. However, a high-level calculation was performed to provide an estimate of the magnitude, as well as the sectors responsible for consumption-based emissions in the district.

The methodology drew on national datasets for UK consumption emissions over time as researched by Department for Environment, Food and Rural Affairs (DEFRA) and University of Leeds. This data was split out by 17 Standard Industrial Classification (SIC) categories, which in turn are comprised of 106 activity types. Economic data for Gross Value Added (GVA), researched by the Office for National Statistics has been utilised in the methodology. This is defined as the value of goods or services produced in an area and is split into the same SIC categories. This GVA data is available both at a national and a local authority level.

The methodology makes an assumption that economic activity and carbon consumption are closely related, enabling the national (UK) consumption-based emissions to be scaled down to a local authority by allocating emissions in the same ratio as the B&NES local authority GVA (for each SIC sector) to UK GVA. The ratio of local to national emissions resulting from this method was found broadly consistent when cross-checked against the ratio of B&NES population to the UK population.

The results indicate that in 2016 consumption-based emissions for the B&NES area totalled **1,271,578 tCO₂e**. This is 1.7 times more than the in-district emissions, albeit there is some

overlap since it includes the consumption of goods and services produced in the district whose production emissions would also have been counted in Scope 1 and 2.



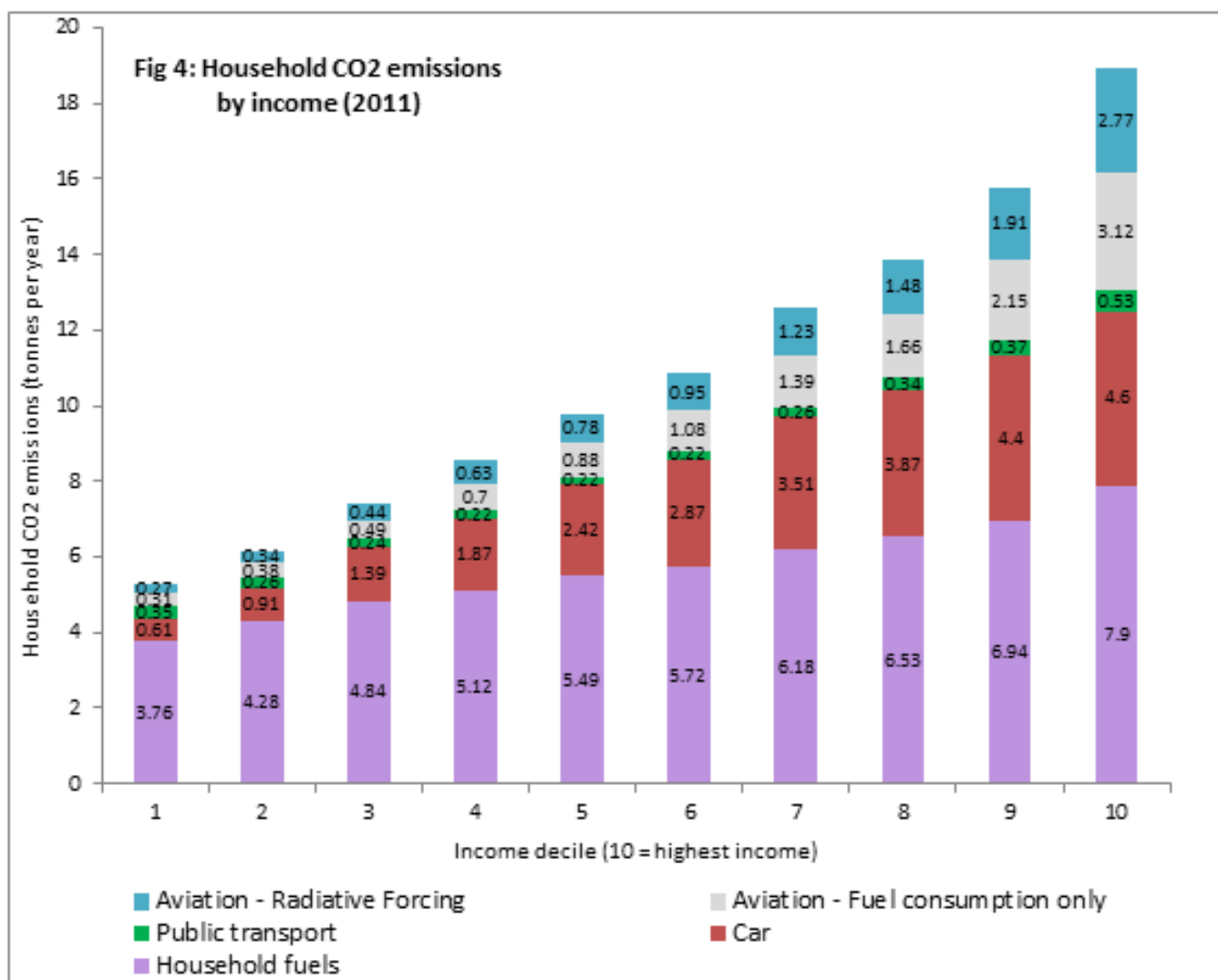
Between 2007 and 2016 consumption-based emissions decreased from around 2 million tCO₂e. This is likely due to both efficiency improvements within processes and supply chains as well as the economic recession impacting the volumes of goods and services consumed. The SIC categories with the largest emissions are manufacturing, utilities^{ix} and mining, illustrating that these aspects of production contribute most to the emissions of products consumed. The most significant source of demand for products and services was identified as households. This indicates that both reducing household demand for carbon intensive products and continuing to increase production efficiency could help reduce consumption emissions. For example, purchasers could require suppliers to demonstrate how they are reducing the embodied emissions in their products.

4. Household carbon footprints based on income

The Council is committed to ensuring that the transition to a zero carbon future is a just one. The research we have undertaken can contribute to the debate that will be needed across the community about where responsibility for action lies and about how we can support the vulnerable and those on a low income, a higher proportion of whom live in the inefficient homes, for example.

The Centre for Sustainable Energy (CSE) looked at the significant relationship between household^x carbon footprints and income deciles in three key areas: home energy use; ground transport and air travel. The headline findings presented here are based on national, not local data and derive from a study conducted from 2011-2013. However, the trends are likely to be similar today and in Bath and North East Somerset.

Figure 4 shows that on average across the UK, without counting radiative forcing (see description below) the carbon footprint of the wealthiest 10% of households is around **16.14 tCO₂e/yr** and more than three times the **5.03 t CO₂e/yr** of the least wealthy 10%. With radiative forcing, this is **18.92 t CO₂e/yr** against **5.3 t/CO₂eyr**.



Household fuels are the single largest source of carbon emissions overall, and emissions from the wealthiest 10%, at 7.9t CO₂e/yr are around double those of the least wealthy 10% at 3.76 tCO₂e/yr. To refine the picture on domestic emissions, CSE used a further methodology, the National Household Model (NHM). Rather than looking at assumed household fuel consumption as per Figure 4, the NHM considers housing stock types and energy behaviour across income brackets, e.g. that lower income people tend to under-heat their homes. Figure 5 shows that the results largely correlate with those in Figure 4, with domestic emissions increasing with income. However, this trend was bucked by the least wealthy decile:

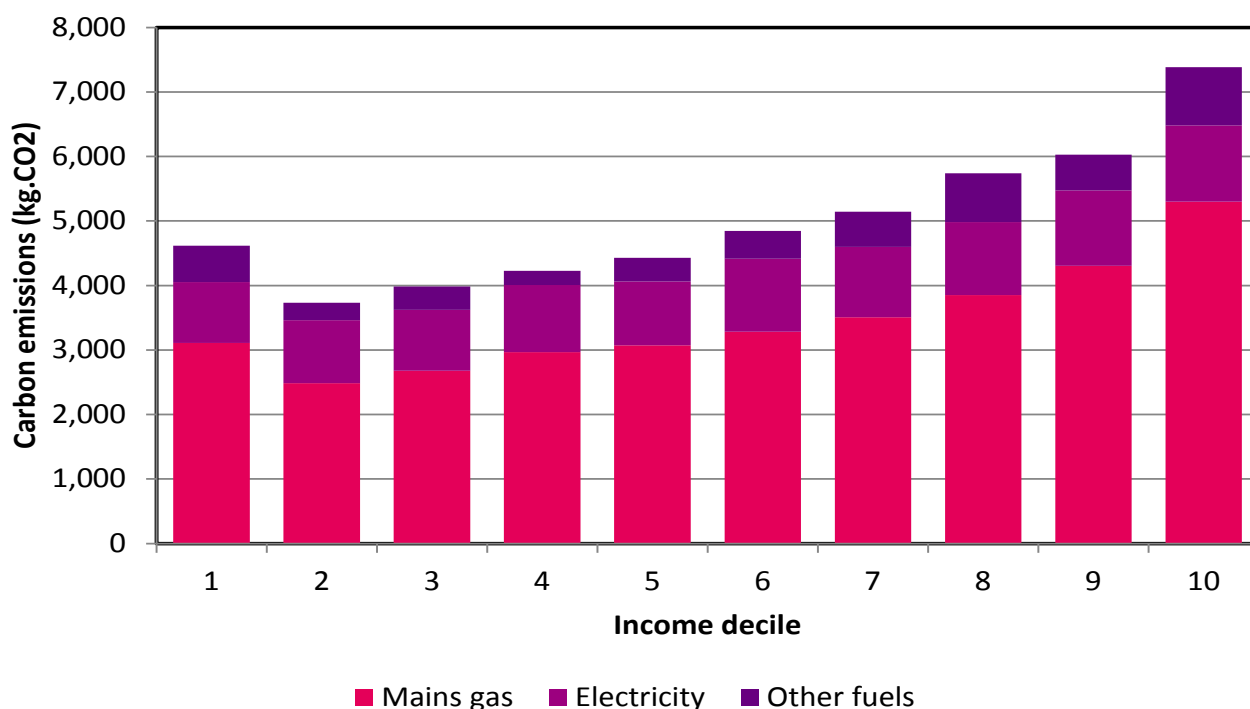


Figure 5: Household Emissions by income decile (tonnes of CO₂/ yr) using NHM (2011)

CSE suggests that this may in part be due to the disproportionately higher number of households in the lowest decile living in the least energy efficient homes, as shown in Figure 7. For most income deciles, between 7% and 8% of households live in homes rated in Energy Performance Certificate (EPC) bands F and G - the least efficient dwellings. However, for the lowest earning 10% this proportion increases to almost 14%. There is a large difference between the emissions of the highest and lowest EPC band (Figure 6).

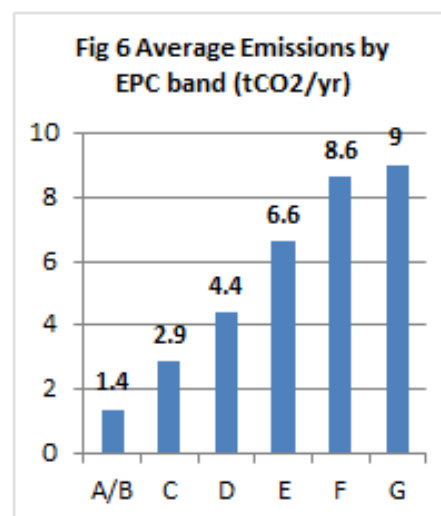
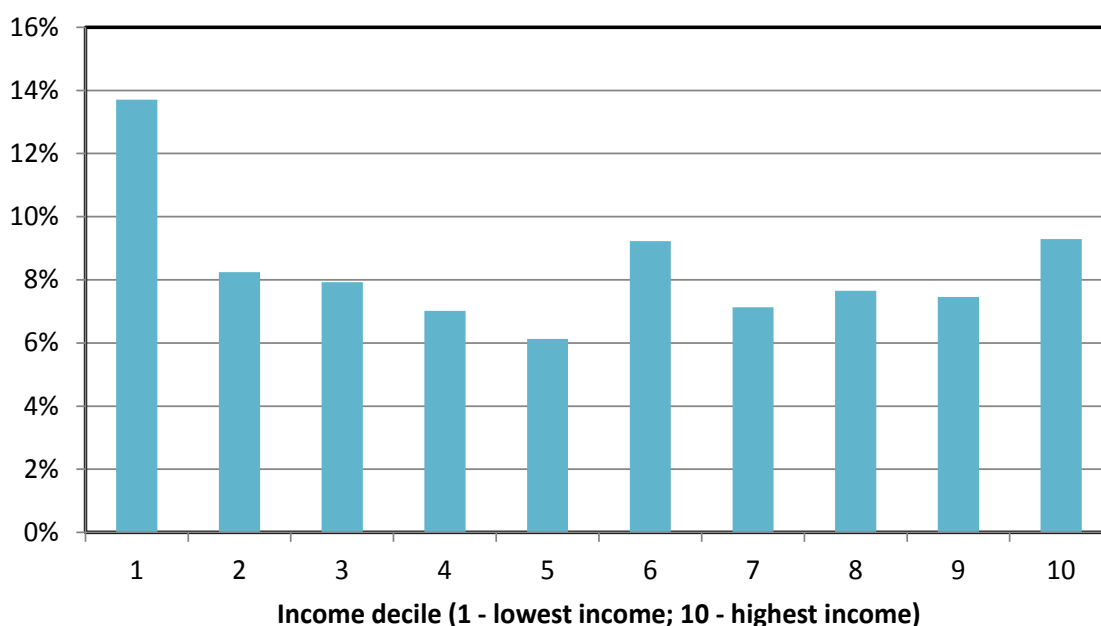


Figure 7: Income decile and % of households in EPC bands F & G.

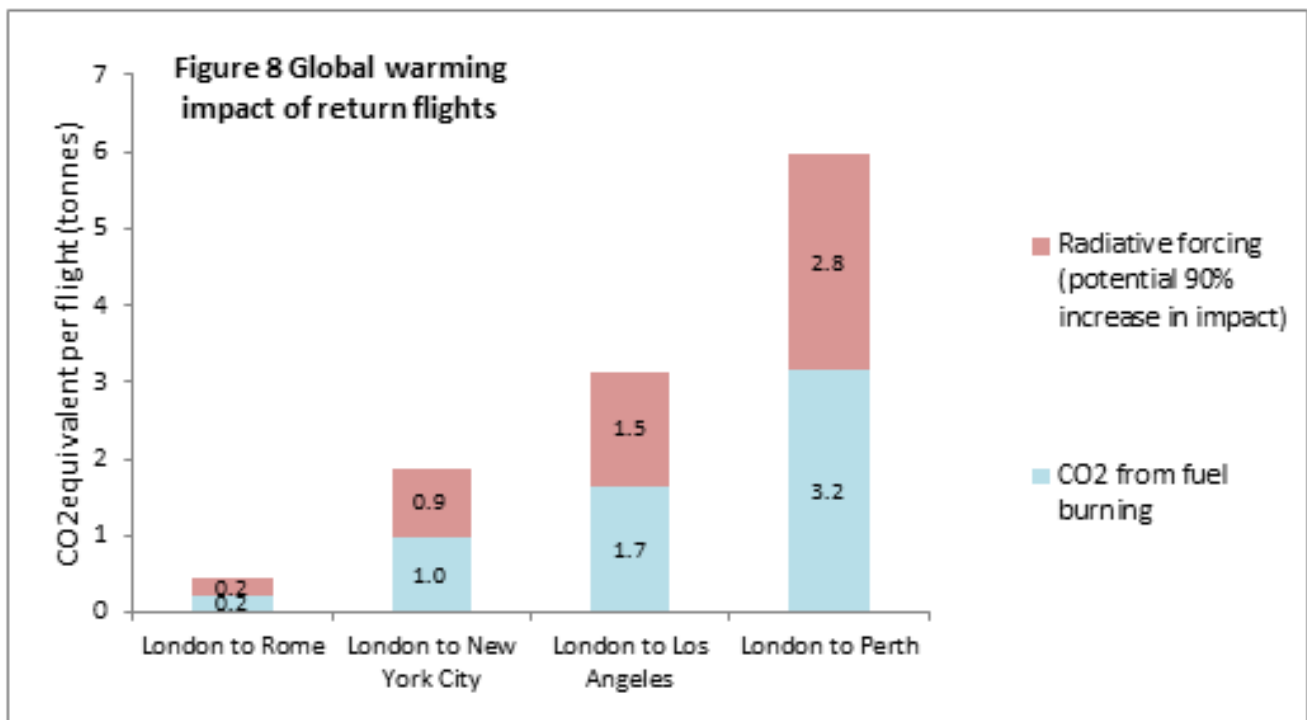


District analysis showed the geographic distribution of energy inefficient homes; in parts of the district dwellings rated in bands F and G comprise **31%- 50% of all dwellings**.

Car emissions: The wealthiest decile produced more than 7 times more emissions from car emissions than the least wealthy decile. Whilst it was not the intention of this work to produce a major travel study, and it should be read in conjunction with existing research^{xi}, CSE's report illustrates the geographic dimension to car use. Some areas have a high dependency on cars for commuting and there are areas where the average distance travelled to work is less than 10km providing possible scope for shift to lower carbon transport.

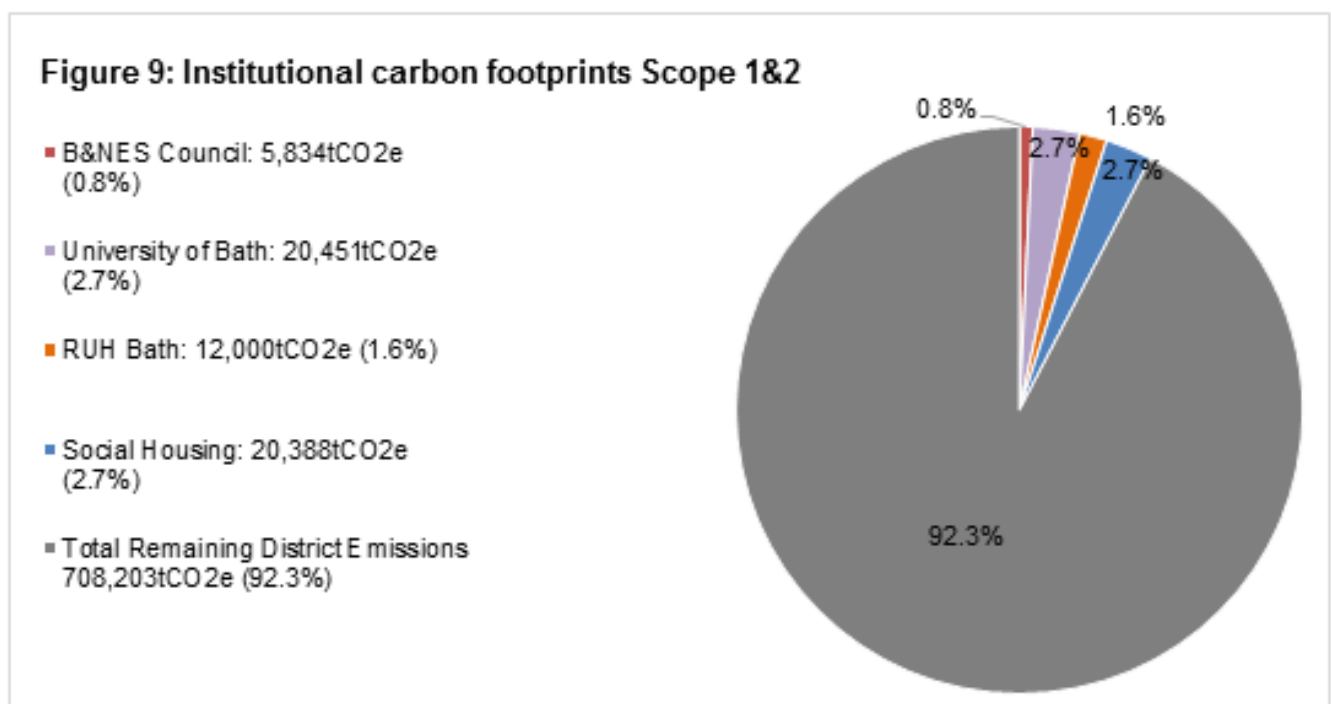
The aviation emissions of the wealthiest decile were 10 times those of the least wealthy. In addition to the impact of CO₂ from burning aeroplane fuel, CSE considered radiative forcing, whereby water vapour from aeroplane engines acts as a temporary greenhouse gas and may add a further 90% to the impact of CO₂ emissions from aviation, although there is significant scientific uncertainty about the magnitude of the effect.

The aviation data presented here is illustrative only. For example, those on higher incomes are more likely to be taking multiple overseas trips and travelling further afield on longer-haul flights, whereas less wealthy households are more likely to be taking fewer trips per year on shorter-haul flights. Therefore this illustration may underestimate the disparity between people on different incomes. Figure 8 has been added to indicate the climate impact of flights^{xii} to enable comparison with the carbon footprints in Figure 4.



5. Emissions from large public institutions

Large public institutions within the district can lead by example through their operations and supply chain. Data on Scope 1 & 2 emissions is included for the Council and the University of Bath. Time constraints for this work have precluded requesting data from other large institutions, so estimates have been produced for illustrative purposes. Figure 9 shows that the footprint from four large institutions could constitute around 8% of the district's emissions. This does not consider procurement or Scope 3 emissions which at least for the Council are far greater than the Scope 1 & 2 emissions.



6. The Council's emissions

The study presents the emissions generated by the Council's own estate and operations in accordance with the World Resource Institute's Greenhouse Gas Protocol (2004). Scope 1 emissions are from natural gas for heating plus fuel for owned and controlled fleet vehicles. Scope 2 is from purchased electricity. Together, Scope 1 and 2 emissions comprise **5,834 tCO₂e /yr**, as illustrated in Figure 10. Building electricity (which also includes non-building uses such as streetlights, parking meters etc.) is the largest portion of this, followed by fleet vehicles. Scope 1 and 2 emissions are **0.7%** of the district's Scope 1 and 2 emissions (rounded up to 1% in Fig 11).

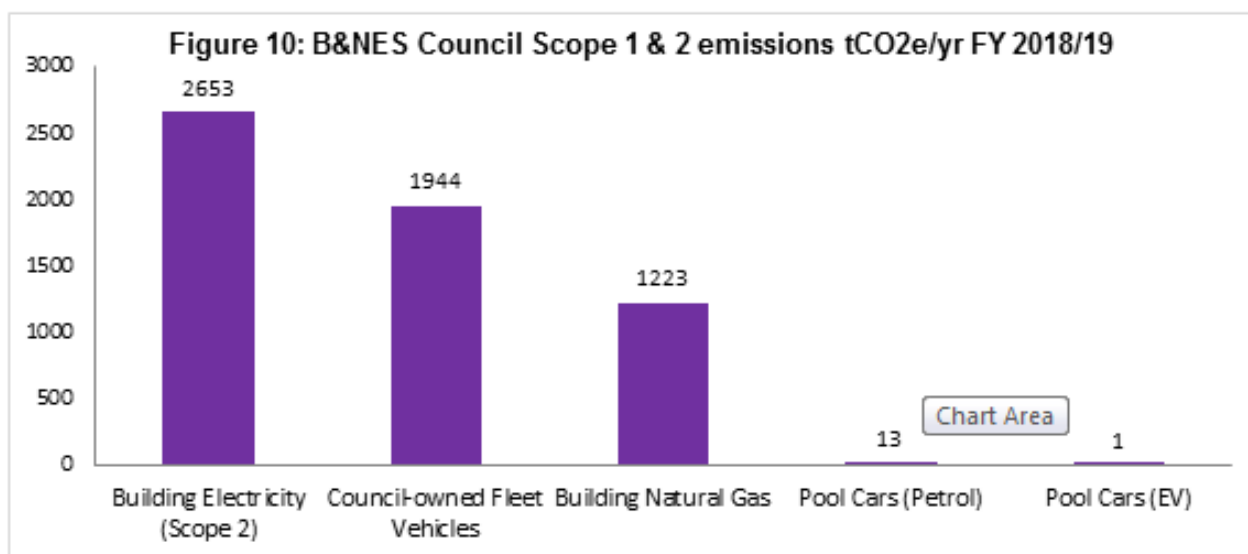
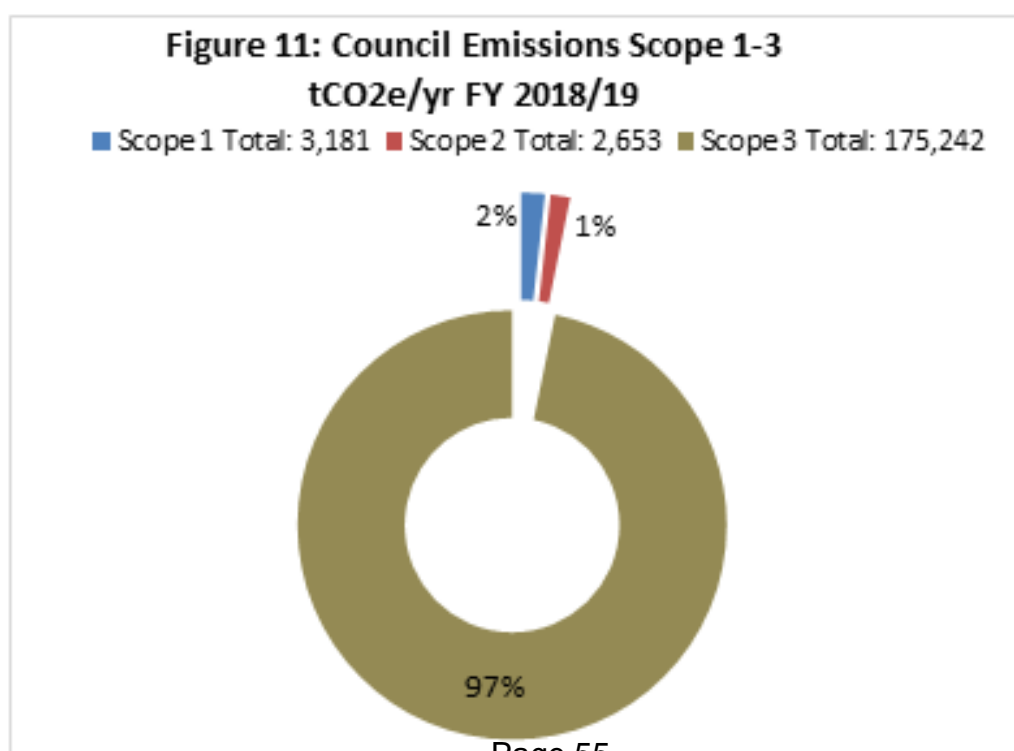


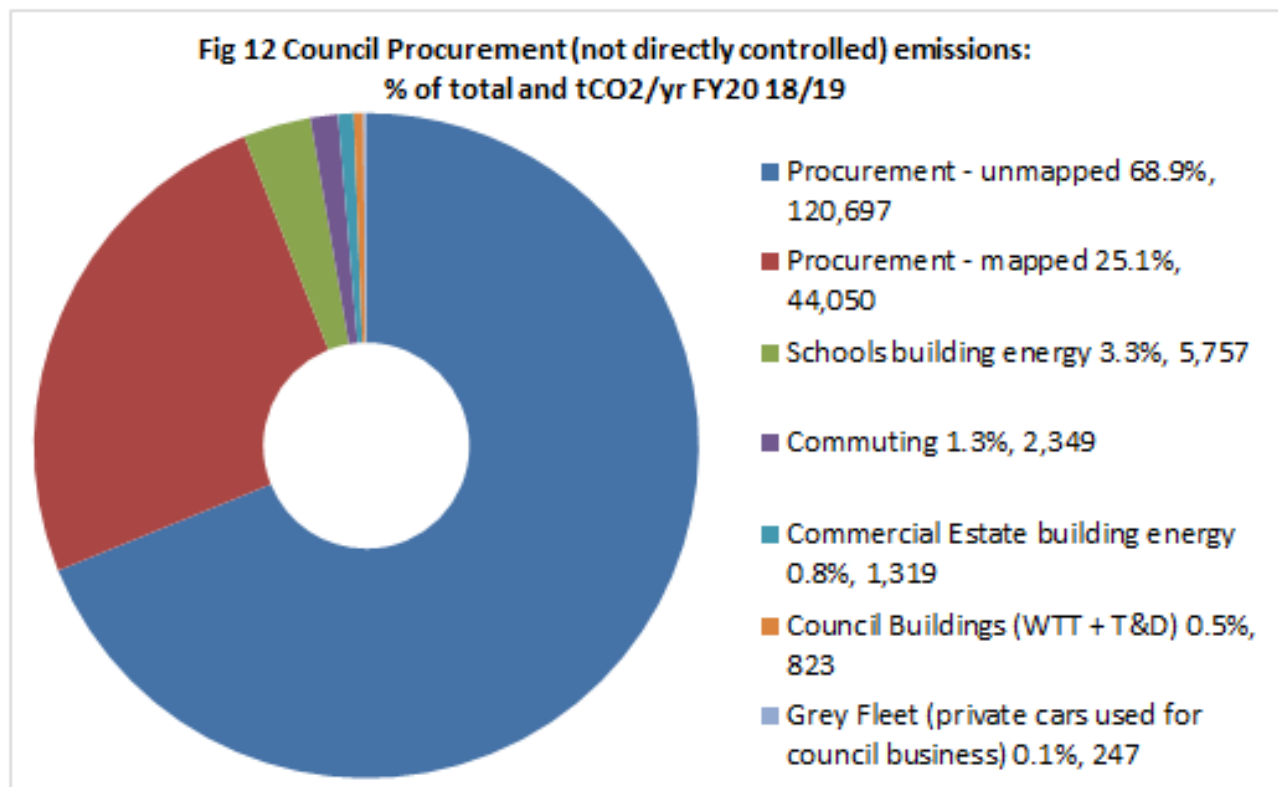
Figure 11 illustrates that Scope 1 and 2 emissions are dwarfed by Scope 3, the emissions arising from Council activity and expenditure which may be influenced but are not directly controlled by the Council.



It

was

beyond the brief of this study to do a full Scope 3 assessment for the Council, but for an indication Anthesis updated a 2010 study of procurement emissions using FY2018/19 expenditure figures (Fig 12). The 2010 study had looked at the carbon intensity of categories of Council expenditure to calculate a footprint (using a similar approach to Section 3: Consumption emissions). For example, for expenditure on furniture, an emissions/pound spent figure could be used to calculate total emissions from that category of expense.



At an estimated **175,242 tCO₂e/yr** the procurement emissions dwarf those in Scope 1 and 2 and the Council recognises the need for action even if these emissions are harder to influence. Procurement (unmapped) is expenditure that has not been classified into the categories used in the 2010 study. This includes the building-related and transport emissions from a range of health and social care services, such as care homes, which are run by contractors procured by the Council but not directly under the Council's control. An average of the carbon intensity of all categories of expenditure in the 2010 study was used as a proxy. Due to this lack of data it is very likely that this footprint has been exaggerated, rendering inaccurate any comparison between the procurement emissions of the Council and the district-wide consumption emissions. Work is underway by the Council to categorise this expenditure to better assess emissions.

Procurement (mapped) includes the expenditure that correlates to the categories used in the 2010 study which for Bath and North East Somerset Council included emissions from the Council's purchases of sewage and refuse services, construction and legal, consultancy and business services.

Schools comprise 3.3% of the procurement emissions. Schools are now separate to the Council since they became academies or are on their way to being academies. As such, schools' energy consumption is no longer counted as part of the Council's directly controlled operations (i.e. Scope 1 or Scope 2). Schools that are included within Scope 3 pay their own energy bills but are included in Scope 3 because they are part of the Council's energy contract to secure a good energy price.

The Council's commercial property estate is occupied by tenants who pay the bills and manage the buildings however the Council can influence the footprint through aspects of the building fabric and the tenancy arrangements. Commercial Estate emissions are likely to be higher than shown since the methodology made many assumptions e.g. it uses national building archetypes for different occupancy types. Within B&NES, many buildings will be older than the national average and in many cases listed buildings which are more likely to have a higher carbon footprint than assumed in this calculation.

A small portion of emissions arises from the production of energy used in the Council's buildings that is not captured in Scopes 1 & 2; the Well to Tank (WTT) emissions from extraction of energy resources and emissions from the Transmission and Distribution (T&D) of energy. Mobile emissions arise from employee commuting and the Council's "grey fleet" of personal vehicles used by employees on Council business.

References

- ⁱ B&NES Council (2019) Council sets out its priorities and new financial plans
<https://www.bathnes.gov.uk/latestnews/council-sets-out-its-priorities-and-new-financial-plans>
- ⁱⁱ SCATTER tool: <https://www.anthesisgroup.com/scatter-carbon-footprint-reduction-tool>
- ⁱⁱⁱ https://ghgprotocol.org/sites/default/files/standards_supporting/GPC_Executive_Summary_1.pdf
- ^{iv} Scope 3 emissions that occur outside the boundary from activities within the boundary are not fully assessed in this study however Section 3 “Consumption Emissions” hints at their scale.
- ^v UK 2050 Net Zero Carbon target: Government “PM Theresa May: we will end UK contribution to climate change by 2050” 12th June 2019: <https://www.gov.uk/government/news/pm-theresa-may-we-will-end-uk-contribution-to-climate-change-by-2050> “Net zero carbon” or “carbon neutral” means that any emissions that are not brought to zero must be offset by the same amount of carbon being by taking carbon out of the atmosphere or through measures outside of the target’s area.
- ^{vi} Camco (2010) “Renewable Energy and Planning Research Update” commissioned by B&NES Council:
https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Sustainability/renewable_energy_and_planning_research_-_november_2010.pdf
- ^{vii} Regen SW (2018) “Renewable energy resource update report” commissioned by B&NES Council
https://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LP20162036/bnes_renewable_energy_resource_update_report_2018_publication_version.pdf
- ^{viii} Bath and North East Somerset Placemaking Plan: <https://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/placemaking-plan>
- ^[1] DEFRA (2019) “UK’s Carbon Footprint 1997 – 2016”
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794557/Consumption_emissions_April19.pdf For analysis, see Carbon Brief (2019) Guest post: The UK’s carbon footprint is at its lowest level for 20 years <https://www.carbonbrief.org/guest-post-the-uks-carbon-footprint-is-at-its-lowest-level-for-20-years>
- ^{ix} Utilities sector is defined as electricity, gas, steam and air conditioning
- ^x The average household size in 2018 was 2.4 people
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2018>
- ^{xi} Further transport studies include the West of England Joint Transport Study
https://www.jointplanningwofe.org.uk/gf2.ti/f/757442/31727173.1/PDF/-/JTS_Final_Report.pdf and the research underpinning the Getting Around Bath Transport Strategy <https://www.bathnes.gov.uk/services/parking-and-travel/transport-plans-and-policies/bath-transport-package>
- ^{xii} The Guardian (July 2019) “How your flight emits as much as many people do in a year”
<https://www.theguardian.com/environment/ng-interactive/2019/jul/19/carbon-calculator-how-taking-one-flight-emits-as-much-as-many-people-do-in-a-year>

Report produced in September 2019 by Bath and North East Somerset Council

Bath & North East Somerset Council		
MEETING MAKER:	Council	
MEETING DATE:	10 October 2019	
TITLE:	Protocol on Council Company Governance	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption</p> <p>Appendix A Proposed Shareholder Group terms of reference</p> <p>Appendix B Diagram of current company governance arrangements</p> <p>Appendix C Diagram of company governance arrangements after suspending Holding Company arrangements</p>		

1 THE ISSUE

- 1.1 This report sets out the progress made on implementing the decisions of Council on 8 November 2018

2 RECOMMENDATION

The Council is asked to;

- 2.1 Amend the Protocol to adopt the proposed new Shareholder Group incorporating enhanced scrutiny arrangements by Group Leaders
- 2.2 Suspend the Protocol in respect of a requirement to Incorporate or operate a Holding Company structure until further review.
- 2.3 Delegate to the s.151 officer, in consultation with the Leader, the decision on when to re-instate the Protocol requirement to operate a holding company structure.

3 THE REPORT

- 3.1 On 8 November 2018 the Council resolved to approve the amendments to the Protocol proposed in that report together with the addition of a further recommendation from Resources Policy Development & Scrutiny Panel with regard to the Group Leaders briefing and with a requirement that the proposals for Scrutiny should be reviewed early in the new administration.
- 3.2 The Group Leaders need to be informed at an appropriate stage prior to shareholder decision making to permit any recommendation for consideration by the Shareholder Representative at an appropriate stage. After reviewing the current arrangements it is recognised that to ensure that the Council's companies have the best chance at succeeding, it is prudent to ensure there is a continuity of understanding and decision making especially in the event of a change in administration. Accordingly it is proposed that the Shareholder Group be reconfigured to include the Group Leaders together with a reduced number of executive members. The Shareholder Group terms of reference have been amended to reflect the change in membership and are attached at Appendix A. As previously, the Group Leaders will be privy to the same information as the executive members and therefore an obligation of strict confidentiality arises in respect of information disclosed which is commercially sensitive to Council companies. As a consequence of a reconfigured Shareholders Group, the Group Leaders briefing is no longer required and reference to it has been removed from the Protocol.
- 3.3 In the report to Council in November 2018 officers proposed to operate the shadow hold company arrangements for a period of 18 months while the shareholder agreements, which deal with reserved matters, were embedded. It was proposed to finalise the holding company arrangements in the summer of 2019. The intention was to gain experience of operating hold company arrangements in shadow form to ensure the Council had the appropriate governance control arrangements in place before finalising these.
- 3.4 The Shadow Holding Company board has met on 7 occasions since the last report to Council. During this period the collective view of the members of that board is that the current requirement for a holding Company arrangement is unnecessary. At the time these arrangements were contemplated it was envisaged that the Council might have a number of companies that would benefit from such an arrangement. In particular a group approach to such companies would have ensured consistency in standards; the application of common policies and cost sharing of common functions e.g. Human Resource or Company secretarial functions. In addition a group structure would enable tax advantages through operating group accounts. In practice these benefits have not been achieved principally because the formation of other council companies has not materialised. Currently the Council has only the Aequus group operating under the existing governance arrangements and until other companies are formed, the benefits of operating a holding company structure are not being achieved. Given the bureaucratic burden of operating this structure, it is proposed that this is suspended until such time as its implementation is warranted.

- 3.5 It is proposed that the current role of the Shadow Holding company is overseen by a client group consisting of Council officers closely connected with the subject matter of the type of trading the company intends to conduct. In the first instance this would only apply to the Aequus group of companies but this can be replicated for other companies until such time as it is considered, by the S.151 officer, to be appropriate to reinstate Holding Company arrangements. The diagram in the protocol Appendix B depicting present company arrangements will be replaced with the diagram at Appendix C
- 3.6 Although not specifically assigned, the Shadow Hold Company had incorporated into its terms of reference an assurance role in the oversight of the Council's minority shareholding interests in other companies (e.g. Brunel Pension Partnership, One West, Adoption West, Bath Spa etc.) to ensure the Council's interests are adequately safeguarded. During the suspension of the holding company arrangements it is proposed that this role is undertaken by the lead Director who has delegated budgetary authority for managing the contact with the company and associated financial governance and monitoring arrangements.
- 3.7 It is proposed that the formation of Council companies is kept under review and revisited each time a new company is formed and that an officer decision is made when S.151 officer considers there is merit in implementing the holding Company Structure arrangements.

4 STATUTORY CONSIDERATIONS

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 Under the proposed governance structure for Aequus Group of Companies, the Client Group, chaired by the Director of Economy & Growth, supported by the Head of Housing, replaces the current Shadow Holding Company. This proposal is endorsed by both the Director of Economy & Growth and Head of Housing and Aequus as it closer aligns the operational delivery requirements of the Council with the business plan of ADL and ensures that any discrepancies are identified and resolved at the earliest opportunity by the officers directly involved in the process.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 There are no climate change implications directly arising from this report although all partner organisations are aware of the Council's commitment to

provide leadership to achieve carbon neutral BANES by 2030 and have been asked to reflect this in their business plans going forward.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 The Chief Executive, S.151, Monitoring officer, Group Leaders and Policy Development & Scrutiny Panel have been consulted on the contents of this report.

Contact person	Michael Hewitt tel: 01225 395125
Background papers	Council Reports dated 08 November 2018 & 14 September 2017.
Please contact the report author if you need to access this report in an alternative format	

BATH & NORTH EAST SOMERSET COUNCIL
SHAREHOLDER GROUP - TERMS OF REFERENCE

Overview

The purpose of the Shareholder Group is to advise the Shareholder in the exercise of their responsibility for the Council's functions as corporate shareholder of a company or group of companies and in their role to represent the interests of the Council as Shareholder Representative at meetings of a company.

Decision making

The Cabinet will make decisions concerning companies in which the Council is or is proposed to become a shareholder. Information provided is commercially confidential to the Council companies and must be held in Strict Confidence and must not be divulged by the members in receipt of it save for the purpose for which it is disclosed.

Membership and Arrangements

The Shareholder Group shall consist of the Leader in the presence of:

- (a) three members of the Cabinet being the portfolio holder for (or their nominated representatives):-
Resources
Housing Planning & Economic Development
Community Services
- (b) Group Leaders of the other parties and
- (c) any co-opted advisors, who will be independent persons providing relevant expertise and appointed on merit
- (d) Client Group Chair or deputy

The Chief Executive, Service Director for Finance (s151 Officer) and the Head of Legal and Democratic Services (Monitoring Officer), or their deputies, will be advisors to the Group to provide open and strong advice.

Restrictions on Membership

As the Shareholder Group and the Shareholder discharges executive functions in relation to company matters, only Cabinet members can be members of the Shareholder Group with voting rights, although non-Cabinet members and co-opted advisors can be invited to attend, without voting rights.

Meetings

The Shareholder Group shall meet on a basis agreed by itself and normally in private.

The quorum shall be the Leader (or other Cabinet member appointed by the Leader for this purpose) in the presence of a minimum of two other Cabinet Members.

An invitation to attend must also have been provided to the Chief Executive, section 151 officer and the monitoring officer (or their nominated deputies), which will normally be at least three clear days in advance of the meeting taking place.

The Leader will chair the Shareholder Group.

Sub Groups

To assist it in its functions the Shareholder Group:

1. may establish and consult standing sub-groups, such as might be required in respect of:
 - (a) Audit and Risk;
 - (b) Ethical practices; or
 - (c) Nominations and Remuneration
2. may establish and consult ad-hoc or task and finish sub-groups in respect of any matter; and
3. may establish and consult stakeholder groups on any particular aspect or the generality of the objects of the trading companies

A sub-group or stakeholder group may contain such co-opted members, advisors or observers as the Shareholder Group sees fit.

Functions

1. Monitor the performance of a company in relation to its Business Plan and, in particular, the company's performance:
 - (a) in financial matters
 - (b) against the objectives of the company as set out in the company's Objects, Business Case or Business Plan
2. Evaluate and monitor:
 - (a) the financial and other returns on investment (be that shareholding, loans or direct investment); and
 - (b) risks and opportunitiesincluding those arising from joint ventures or new opportunities.
3. Consider matters reserved to the Council for shareholder approval, such as:
 - (a) Varying Articles of Association
 - (b) Varying ownership and structure
 - (c) Variations to shares (number of; rights; etc.)
 - (d) Entering contracts that:
 - (i) have a material effect on BaNES Council business (including other companies within the group)
 - (ii) are outside of the business plan or do not relate to the business

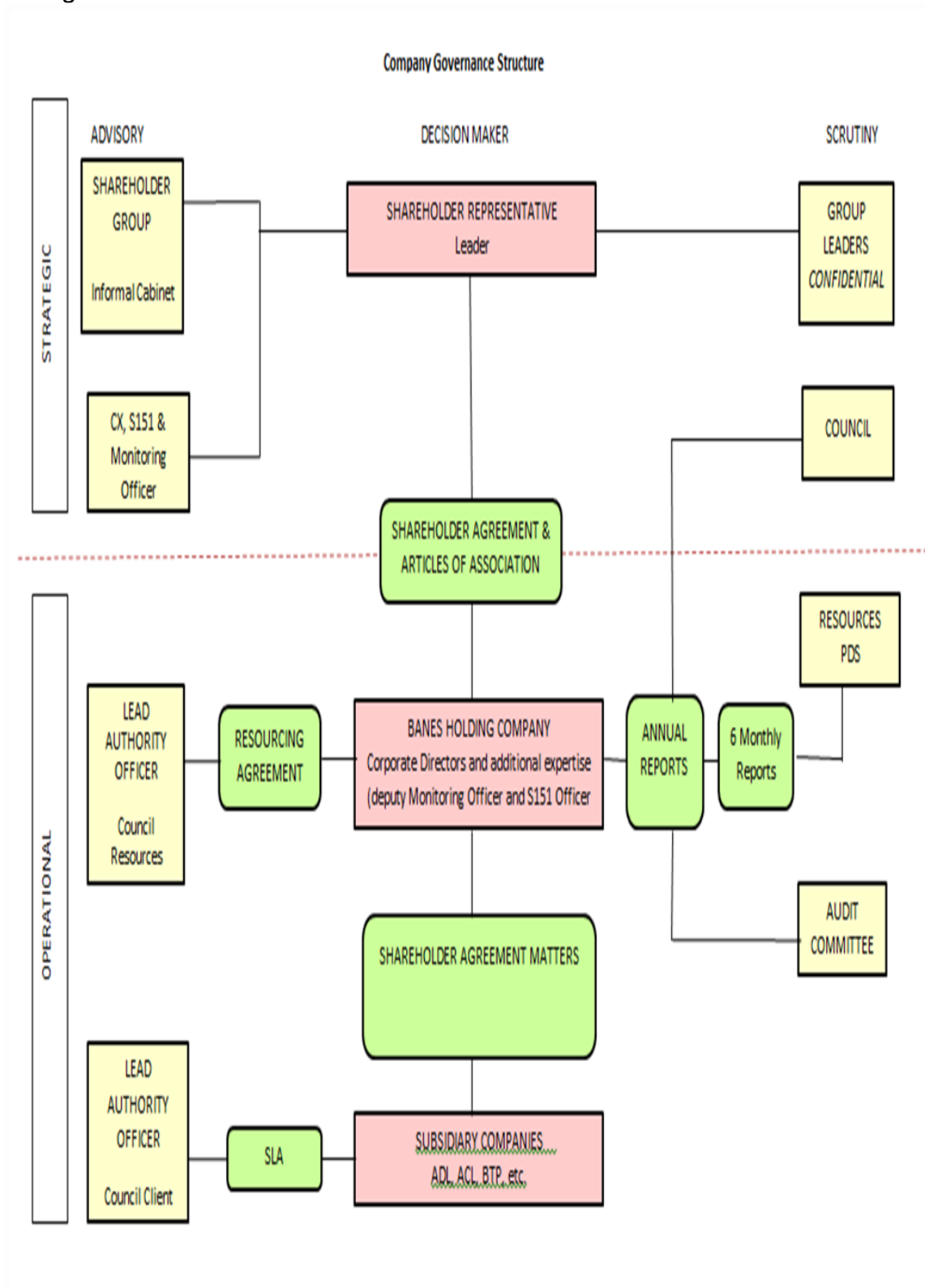
- (iii) are significant in relation to the size of the business, the business plan, etc.
 - (e) Material legal proceedings outside of ordinary business
 - (f) Adopting and amending business plans each year and strategic plans (3 years)
 - (g) Appointment, removal and the remuneration of directors (members of the company board)
 - (h) Selection of the chair of the board
 - (i) Appointment of auditors
 - (j) Issue of dividends and
- as more particularly set out in a company's Articles of Association or Shareholder Agreement.

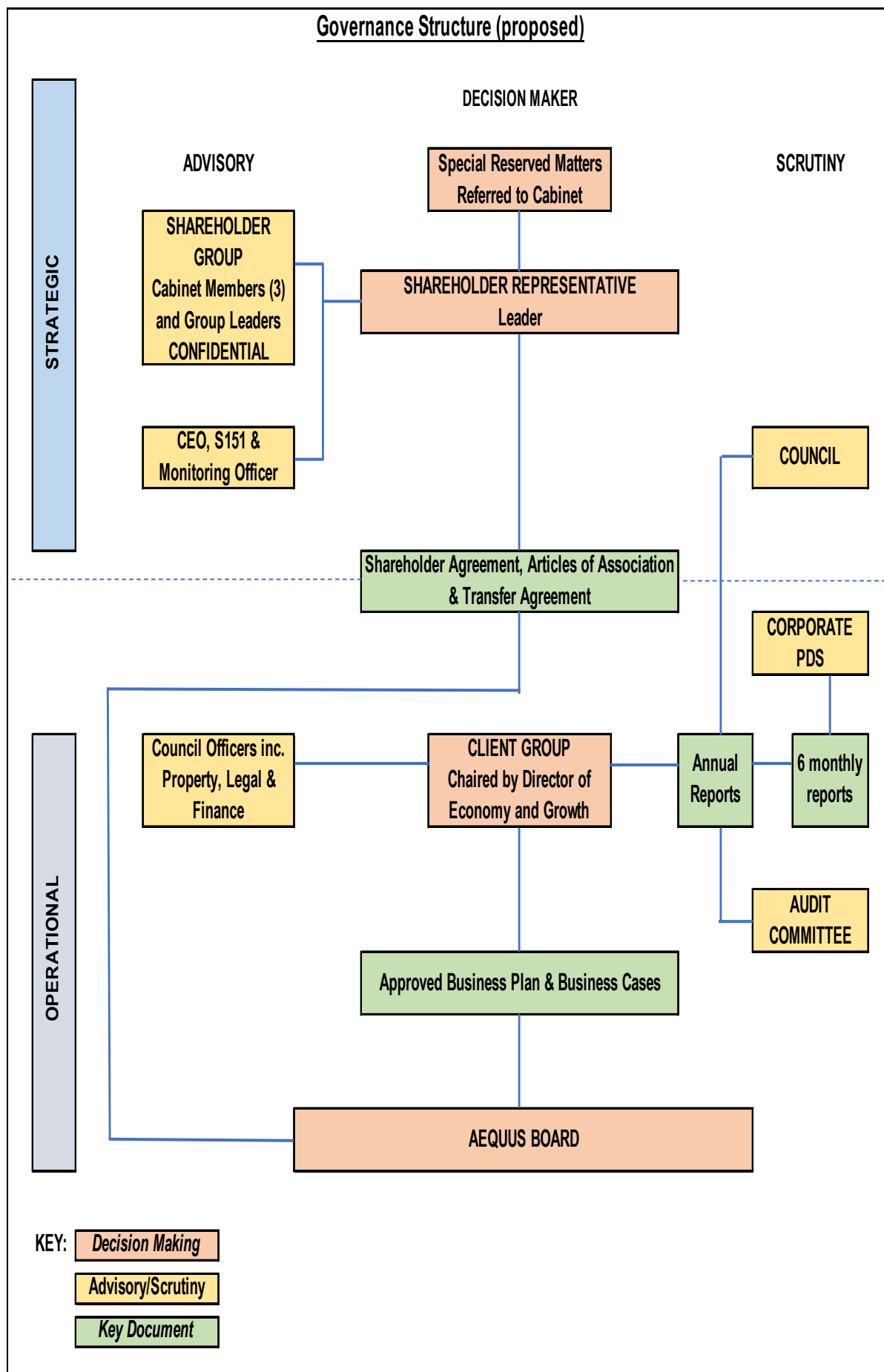
Relationship

The Shareholder Group as it considers appropriate in accordance with its functions described above, may:

1. report and make formal recommendations to the Cabinet;
2. make reports to and consult PDSP (including full Council) subject to the opportunity for Cabinet to first comment on reports or
3. make reports to and consult the Audit Committee, in relation to that Committee's particular functions.

Existing Governance Structure – for reference:





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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	10 October 2019	
TITLE:	Avon Pension Fund Annual Report to Council	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – The Avon Pension Fund Committee’s Annual Report to Council 2018/19 Appendix 2 – Local Pension Board – Annual Report 2018/19		

1 THE ISSUE

- 1.1 The Avon Pension Fund Committee discharges the responsibilities of the Council in its role as the administering authority of the Avon Pension Fund in accordance with the Local Government Pension Scheme Regulations 2013 (as amended).
- 1.2 The Committee reports annually to Council on the work it has undertaken in the previous twelve months and reference is also made in the report to the future work programme. This report is for the 12 months to 31 March 2019.
- 1.3 As background to this report members should be aware that Bath & North East Somerset Council has a dual interest in the Avon Pension Fund, firstly as administering authority and secondly as one of the employing bodies. This report focuses entirely on the Council’s role as administering authority.

2 RECOMMENDATION

The Council is asked to;

- 2.1 To note this report.

3 THE REPORT

- 3.1 The Annual Report for 2018/19 is attached as Appendix 1 to this report. The document is primarily for the Council's purposes. However, it will be circulated to the employing bodies within the Fund to improve transparency about the Committee's activities and the decisions taken.
- 3.2 The Public Service Pensions Act 2013 required the Council to establish a local pension board to assist the administering authority with the effective and efficient management and administration of the scheme. The Avon Fund Pension Board has published its annual report for 2018/19 which is included in Appendix 2 for completeness.

4 STATUTORY CONSIDERATIONS

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The costs of administering the Avon Pension Fund are recharged to the employing bodies through the employer contribution rates which are set by the actuary every three years as part of the valuation.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 The Fund is implementing a digital strategy across all its operations and communications with stakeholders to reduce its internal carbon footprint. The Fund acknowledges the financial risk to its assets from climate change and is in the process of addressing this through its strategic asset allocation to Low Carbon Equities and renewable energy opportunities. The strategy is monitored and reviewed by the Committee.

8 OTHER OPTIONS CONSIDERED

- 8.1 None

9 CONSULTATION

- 9.1 The Pension Fund Committee delegated the drafting of the Annual Report to Council to Officers and the Chair (subject to informal consultation with Committee members prior to the Chair approving the report).

Contact person	Carolyn Morgan, Governance & Risk Advisor, 01225 395240
Background papers	<i>Pension Fund Committee papers</i>
Please contact the report author if you need to access this report in an alternative format	

AVON PENSION FUND COMMITTEE ANNUAL REPORT TO COUNCIL (April 2018 - March 2019)

1 INTRODUCTION

This is the annual report to Council detailing the work carried out by the Avon Pension Fund Committee for the period from 1 April 2018 to 31 March 2019.

The Council has delegated responsibility for the Fund to the Avon Pension Fund Committee (the “Committee”) which is the formal decision-making body for the Fund. The Committee’s role is strategic in nature, setting policy framework and monitoring implementation and compliance within that framework.

Due to the wide scope of the Committee’s remit it is supported by the Investment Panel (the “Panel”) which considers the investment strategy and investment performance in greater depth. The Committee has delegated authority to the Panel for specific investment decisions.

The Pensions Committee and administering authority are scrutinised by the Local Pension Board ensuring that the governance surrounding the scheme remains robust and fit for purpose.

The scheme is heavily regulated and overseen by the Pensions Regulator. Other bodies and agencies undertake key roles, particularly the LGPS Advisory Board, the Ministry for Housing Communities and Local Government, and CIPFA, which sets the accounting standards.

Brunel Pension Partnership Ltd, the company established by the Brunel pool to implement the Fund’s investment strategy is regulated by the Financial Conduct Authority.

The Avon Pension Fund is a statutory scheme regulated by the Local Government Pension Scheme Regulations 2014 (as amended) and the Local Government Pension Scheme Regulations (Management and Investment of Funds) Regulations 2016 (as amended).

Bath & North East Somerset Council (“the Council”) administers the Fund on behalf of approximately:

- 420 employing bodies
- 111,000 members

The value of the Fund as at 31 March 2019 was £4.8 billion.

In 2018/19 the Fund:

- received £154m in pension contributions
- paid out £182m in pension payments and transfers.

2 COMMITTEE MEMBERSHIP

The Committee structure is as follows:

Voting members (12)	5 elected members from B&NES (subject to the rules of political proportionality of the Council) 3 independent trustees 1 elected member nominated from each of the other 3 West of England unitary councils 1 nominated from the Higher and Further education bodies 1 nominated from Academy bodies 1 nominated by the trades unions
Non-voting members (4)	1 nominated from the Parish Councils Up to 3 nominated from different Trades Unions

The Committee meets quarterly. Attendance at the meetings was 85% for the voting members and 50% for the non-voting members.

During the year the Committee undertook a review of its governance structure due to changes in its employer composition. The revised arrangements were agreed by Committee in March 2019 following consultation with employers and the Local Pension Board.

The agreed changes are the addition of an academy member to ensure this growing employer group is represented and a further independent member to strengthen the independence and specialist knowledge of the governance structure.

Investment Panel

The Panel consists of up to six voting members from the Committee and meets at least quarterly ahead of Committee meetings.

The Panel met formally four times during the year, with attendance at 83%, and met with selected managers at dedicated workshops where managers presented on their performance and outlook for their portfolio.

3 TRAINING

The Fund provides training to committee members to ensure they possess an appropriate level of knowledge, skill and understanding to discharge their fiduciary duties.

The Fund has in place a training framework which is based on CIPFA's (Chartered Institute of Public Finance and Accounting) Knowledge and Skills Framework for LGPS funds.

Committee training is delivered in a variety of formats such as detailed Committee and Panel reports and workshops where the topic is explored in greater detail. Four workshops were delivered over the year covering Legal Framework, Risk Management, Interim Valuation and Brunel Portfolios

In addition, members attended a number of seminars and conferences which broaden their understanding of investments and topics of relevance to the LGPS.

4 COMMITTEE ACTIVITIES & REVIEW OF THE YEAR

a) Investments & Pooling of Assets

- During the year the value of the Fund's assets increased by £211 million to £4,819 million at 31 March 2019. The investment return was 5.2% with a return over the last three years of 8.9% per annum which exceeds the return required in the funding plan. This return is after all fees paid to managers and transaction costs are taken into account
- Awareness of climate change and the implications for pension funds in terms of the risk to asset values as the world transitions to a low carbon economy increased markedly during the year. The committee received a number of statements from members and campaigners requesting that the Fund divests from fossil fuel companies. The Committee has committed to reviewing its policy to remain invested when it reviews its strategic policy later this year. The Fund has acknowledged the risk climate change poses to the asset portfolio since 2016 and has been implementing strategies to reduce the impact; this will develop further as the Fund continues to explore the range of solutions and opportunities within its investable universe.
- During the year further progress was made to align our portfolio with a low carbon economy by committing £115m to renewable and sustainable infrastructure funds, some of which had been invested by the end of the year. We expect the rest to be invested during 2019/20. This builds on the investment in passively managed Low Carbon Global Equities fund made in 2017/18.
- Within the wider scope of Responsible Investing which covers all our Stewardship activities (voting and engagement with companies), Avon was acknowledged as a leader in the LGPS community for its RI policy development in Unison's 2018 report entitled "Responsible Investment in the LGPS"
- With no major changes to the investment strategy the main focus was the transfer of assets to Brunel Pension Partnership Ltd (Brunel). Under the pooling arrangements, Brunel will implement the Fund's strategic asset allocation by offering a range of portfolios to which the Fund can allocate; responsibility for strategic asset allocation remains with the Committee.
- Five committee members attended the Stakeholder Engagement day arranged for Brunel Pension Partnership to update members on the progress made in developing the investment services Brunel will provide to its clients (ten LGPS funds, one of which is Avon).
- The Committee receive an update report on Brunel Pension Partnership at each committee meeting. Governance arrangements are in place for

monitoring service delivery, the transition of assets and the ongoing costs & savings. The Committee is represented by its Chairperson on the Brunel Oversight Board; the Board is supported by officers from each of the funds.

- The passively managed Low Carbon Global Equities and one of the UK Equity mandates transitioned to Brunel's portfolios during the year. In addition, our new allocations to Secured Income and Infrastructure assets are being invested via Brunel's portfolios.
- In 2018/19 fee savings were achieved on the assets that transferred to Brunel. The costs associated with setting up Brunel and transitioning the assets mean the Fund has incurred net costs of £2.6 million; however this is lower than the costs anticipated in the Business Case that was approved by Council in 2017. The Fund is not expected to show a net saving until financial year 2024 which is consistent with the Business Case.

b) Investment Strategy Statement

The LGPS regulations require funds to publish a revised Investment Strategy Statement (ISS) if there are significant changes. The ISS sets out the Fund's core beliefs that underpin the investment strategy, the process for ensuring the suitability of investments and the key risks the Fund is exposed to, and how these risks are managed.

The Fund updated its ISS and was approved by Committee in December 2018, to reflect the changes in the investment strategy implemented during the year, and development of Brunel's activities and services.

c) Risk Management Strategy

Following the successful implementation of the liability risk management and equity protection strategies last year, the Committee focussed on refining the way these strategies are implemented. This involved a review of the trigger-based framework attached to the liability risk management strategy as well as a review of the equity protection strategy, collateral requirements placed on the Fund and the appropriateness of the financial instruments used to implement these strategies in the context of a changing regulatory environment. The Committee agreed to maintain the current trigger framework.

d) Responsible Investing Policy (RI)

The Committee sought to manage Responsible Investment and Environmental, Social and Corporate Governance (ESG) risks during the year as follows:

- For the second year the Fund measured its carbon and environmental footprint so that it understands its exposure to the risks arising from climate change and other environmental factors. This analysis will be used when considering the financial impact of climate change on the asset portfolio in the upcoming investment review. The analysis of the equity holdings concluded that Fund exposure was more carbon efficient than its benchmark, outperforming by 28.5% versus 20.5% last year. This improvement was mainly due to switching

some of the assets into a passively managed Low Carbon Global equity fund during 2017/18. In addition the actively managed portfolios also invested in less carbon intensive sectors and picked less carbon intensive stocks than the broader market.

- Holding managers to account and querying Responsible Investment / Environmental, Social and Governance factors by challenging managers on topics including climate change, pay equality and cyber and data protection.
- Participating in the Local Authority Pension Fund Forum (LAPFF) whose collaboration and engagement activities assist in managing a range of Responsible Investment risks. Officers and Committee members attended three LAPFF meetings during the year.
- Policy development in collaboration with Brunel including dedicated Stewardship and Voting policies which provide the investment managers appointed by Brunel with clear voting guidelines on major themes such as sustainability, human capital, corporate conduct and governance.
- Working with Brunel and key stakeholders to enhance ESG reporting, to help quantify the impact of engagement. Over the year key themes and successes have included engagement with 21 companies held within Brunel portfolios, covering a range of 50 ESG issues. Environmental topics featured in 32% of engagements, 63% of which related directly to climate change. Social topics featured in 18% of engagements, where diversity and human rights featured prominently. Of the 40% Governance related engagements, the majority revolved around executive remuneration.

e) Funding Strategy

- The funding level at 31 March 2019 is estimated to be unchanged at 96%. The improvement in the funding position since the 2016 actuarial valuation has been driven by the strong asset return of c. 29% over the three years.
- A Committee workshop was held to discuss the interim valuation which was undertaken this year to enable the Fund and employers to plan for the new contribution rates that will be implemented from 1 April 2020, following the 2019 valuation.
- The Government has recently lost a legal case regarding the changes to the public sector pension schemes in 2014/15 which have been deemed to be age discriminatory. At this stage it is not known how the LGPS will be rectified as it means the overall cost of the scheme will be higher than assumed. The estimated increase of this ruling on the Fund's liabilities (without remedy) is £40 million.

f) Pensions Administration

(i) Budget

- During the year to 31 March 2019, total administration costs (excluding advisory and investment management costs) were £2.7 million, 7% below budget.
- Annual investment management fees paid in the year were below budget at £20.5 million (excludes performance fees charged via pooled investments). There were fee savings arising from the transition of assets to Brunel portfolios and changes in the investment structure. LGPS funds disclose all direct costs in their financial statement; they are now required to disclose full costs in their annual report, including those incurred indirectly when investing via funds. For 2018/19 the investment management costs on this basis were £26.4m which includes performance fees and transaction costs were £5.9m which in total was 0.7% of assets.
- Governance costs were 12% higher than budgeted at £0.8 million. The main reason was higher than anticipated costs for the interim valuation, which included additional support from the Actuary to improve the quality of member data in preparation for the 2019 valuation. In addition, the increase in employing bodies has resulted in increased levels of employer specific actuarial work

(ii) Chartered Institute of Public Finance & Accountancy (CIPFA) Benchmarking (Benefits Administration)

The fund is committed to achieving and enhancing value for money and to make the administration of the scheme as efficient and cost effective as possible.

The CIPFA benchmarking data from 2017/18 highlights the Fund's comparative performance in key cost areas, as shown below (note that these are for 2017/18 so will differ from 2018/19 figures quoted elsewhere in this report). All demonstrate the Fund's positive cost performance when compared with national averages.

	Avon Pension Fund	National average
Net cost per member	£17.69	£21.85
Net staff cost per member	£8.06	£9.03
Members per FTE	4,575	3,957
Costs per staff member	£7.86	£9.91

	Total costs (£)	£ per member	National average
Administration costs	1,830,000	£15.75	£20.08
Oversight & Governance costs	1,436,000	£12.36	£8.67
Investment management costs	23,375,000	£198.84	£216.55
Total costs	26,375,000	£226.95	£227.33

(iii) Pensions Administration Strategy

- The Administration Strategy sets out how the administering authority and scheme employers will work together to provide an improving quality level of service to Fund members.
- The strategy ensures the Fund can continue to deliver a high quality pension service at a time when the operating environment is becoming more complex. The employer base has fragmented, especially with the creation of academies and the increase in the number of third party HR and payroll providers.
- The strategy has been updated and approved by Committee in March 2019. The main objectives are:
 - Full electronic receipt of data from all employers
 - Digital delivery of all communications to members
 - Introduction of chargeable services for employers
- The strategy to deliver digital communications to members together with the electronic receipt of data across the employer portfolio aligns with Council strategy to reduce carbon emissions.

(iv) The Pension Regulator

- Since the introduction of the Pension Regulator's (TPR) Code of Practice 2015 and Record Keeping Regulations the Fund has a data improvement plan in place to improve both the quality of the Fund's data as a whole and also working with individual employers to improve their data. A data score of 94% was reported in the TPR Scheme Return as at September 2018. The Committee receive a quarterly monitoring report on progress.
- The Fund is currently awaiting further guidance from SAB in respect of scheme specific data items. Once the list of data is confirmed the Fund will undertake a further review and update its data improvement plan accordingly

(v) Risk Register

- The Fund's Risk Register identifies the governance, operational, funding and investment risks that the Fund is exposed to and, having evaluated the financial and operational impact of the risk on the Fund's objectives, states the actions taken to mitigate and effectively manage the risk.
- The register is reviewed regularly by the management team and is reported quarterly to the Committee.

g) Treasury Management Policy and Cash Management Policy

- The Committee approves the Fund's Treasury Management Policy annually. The policy sets out how the Fund's cash is invested to meet its day-to-day requirements. The cash managed under this policy is 0.5-1% of the Fund's value (up to c. £45m).

- The management of this cash is delegated to the Council's Treasury Management Team. However, the Fund's cash is invested separately from the Council's and the Fund has a bespoke Treasury Management Policy.

h) Work plans

- Separate workplans are prepared for the Committee and Panel detailing the forthcoming areas of work relating to the investment strategy, funding strategy and the administration of benefits to give the Committee and officers the opportunity to review the workload, plan Committee agendas and workshops and accommodate issues that may arise.

i) Approval of the 3 year Service Plan & Budget

- The Service Plan sets out the Pension Fund's objectives for the next three years with a three year budget to deliver the plan including work relating to the investment strategy, risk management, compliance and improvements in the administration of the Fund.
- The budget approved for Administration in 2018/19 was £2,940,186. The budget for 2019/20 has been increased to £3,441,335. The increase will provide additional staffing, technical training and development, IT developments and one off projects. Within Governance and Compliance, there is an increase to meet the cost of the 2019 triennial valuation.

6 FUTURE ACTIVITY

The Committee and Panel's focus over the next twelve months will be:

Funding Strategy:

- i. Implementing the policy for ongoing covenant assessment for incorporating into the Funding Strategy and funding plans.
- ii. Agreeing the Funding Strategy for the 2019 valuation, balancing the need to protect the solvency of the Fund and affordability of contributions for employers.
- iii. Exploring further options for bespoke portfolios to manage the funding and liability position of specific employer risk groups.

Investment Strategy:

- iv. Monitoring the transition of assets to Brunel Portfolios.
- v. Reviewing the strategic asset allocation, ensuring the Fund can achieve the returns required in the Funding Strategy, that the portfolio is aligned to a low carbon economy and that all risks are effectively managed.
- vi. Revising the Investment Strategy Statement reflecting strategy developments and changes due to Brunel operations as required.
- vii. Monitoring and develop the Risk Management Framework further as a mechanism for managing liability risk through the investment portfolio and mitigating investment risk.

Administration Strategy:

- viii. Implementing new SLA arrangements to all employers including chargeable service option.
- ix. Continuing implementation of the planned IT Strategy designed to achieve a digital step change in service delivery and mitigate service demand growth.
- x. Introducing a training & development programme across all pension stakeholders
- xi. Completing the rollout of I-Connect and implement joint monthly contribution and data delivery module.
- xii. Completing the GMP data reconciliation exercise as required by HMRC to ensure the fund is not at risk of erroneous pension liability.
- xiii. Undertaking a review of pensioner member 'pots' to identify potential opportunities in line with the Government announcement on trivial commutations.
- xiv. Completing the move towards electronic delivery of Scheme communications to active members.

Governance:

- xv. Keeping governance arrangements under review to ensure effective monitoring of Brunel and the transition of the assets.
- xvi. Ensuring the Committee and the Local Pension Board is fully trained and briefed on current strategies and operations, so they are able to scrutinise and make decisions effectively.

August 2019

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Avon Pension Fund – Local Pension Board – Annual Report 2018/19

1. Chairman's Summary

Welcome to the fourth Annual Report of the Local Pension Board (LPB) of Avon Pension Fund.

The Board was established in 2015 arising from the Public Sector Pension Act 2013 and Local Government Pension Scheme (Governance) Regulations 2015.

The purpose of the Board is to assist the Administering Authority (BANES Council) of the Avon Pension Fund (APF) secure compliance with the LGPS regulations and requirements of the Pensions Regulator (TPR) and ensure efficient and effective governance and administration of the fund.

This report covers the period 1st August 2018 to 1st August 2019 within which the Board has held three formal meetings. During this period the members of the LPB have continued to develop their knowledge and understanding of the LGPS and TPR requirements as required by law.

The fourth year of operation of the LPB was focussed on its statutory responsibilities with a core agenda of key governance themes around the fund's legal compliance, risk management and benchmarking.

It has also actively monitored the fund's involvement in the Brunel Pensions Partnership (BPP) that was established in 2017 to facilitate the pooling of the funds assets with 9 other LGPS funds in 2018.

I am pleased to say that with the support of the officers to the APF; the LPB has made good progress in fulfilling its terms of reference and continuing to support the administering authority in its statutory duties.

The LPB has reviewed a wide range of LGPS regulations and TPR requirements and made a number of recommendations to the administering authority (see page 8).

This has included starting a process of review of all administration processes against their legal timeframes, reviewing high level of risks facing the APF on a regular basis, analysing key issues around data quality – notably missing addresses - and reviewing the refreshed statutory Investment Strategy Statement (ISS) for its compliance against the DCLG statutory guidance.

In addition we have received the outcome of our annual compliance check from Internal Audit in relation to the funds compliance with TPR Code of Practice 14 along with a number of other audit reviews of the fund and its administration. The LPB welcomed the actions being implemented by the fund to ensure it fully complies with the Code and improve the control framework around the Administration of the APF.

The LPB noted the growing administration pressures from more employers joining the fund as well as new TPR requirements in respect of record keeping and data quality. In light of this the LPB supported the need to future proof the level and quality of administration services to fund members in the forthcoming review of the fund's administration strategy.

The LPB also continues to overview the APF communication strategy and stressed the need for all scheme information to be kept up to date and the importance of the fund website to employers and members.

Looking ahead the LPB will continue to assist and support the APF in respect of minimising potential governance and other risks arising from BPP and the pooling of the funds assets with 9 other LGPS funds.

Last but not least could I thank my fellow Board members for their commitment to their roles on the LPB and I commend this report to you.

Howard Pearce
Independent Chair

2. Legal basis of Local Pension Board

Background

At the request of central government Lord Hutton conducted a review into public service pensions in 2010 and published his findings in March 2011 which recommended significant change to the governance of the pensions *‘to make...schemes...more transparent’*.

Subsequently legislation was introduced in the form of the Public Sector Pension Act 2013 along with the Local Government Pension Scheme (Governance) Regulations 2015. These require each Local Government Pension Scheme (LGPS) administering authority to establish a new body known as a Local Pensions Board (LPB) to assist the Council (LGPS Administering Authority).

One of the key aims of the reform was to raise the standard of management and administration of public service pension schemes and to achieve more effective representation of employer and employee interests. The LPB must have equal representation of scheme members and scheme employers.

The APF LPB is a separate legal entity from the APF Pensions Committee (Section 101 committee) to which as administering authority (BANES Council) has delegated its functions in relation to the administration of the LGPS.

Specific Role and Purpose

The Public Sector Pension Act 2013 sets out the requirements for the establishment of a LPB with the responsibility for assisting the LGPS local scheme manager (BANES) in relation to the following:

a) Securing compliance with the regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and:

b) To ensure the effective and efficient governance and administration of the Scheme.

The LPB will assist the ‘scheme manager’ by monitoring and advising on compliance with the pension scheme regulations, along with all other legislation and the requirements imposed by the Pensions Regulator to ensure the effective and efficient governance and administration of the scheme.

The role of the LPB can be likened to that of a “critical friend” but is not a decision making body. It has an important advisory role for the APF and works with the Pensions Committee to scrutinise its decision making processes and to ensure the Fund’s compliance with all its legislative requirements.

The Pension Regulator (TPR)

From April 2015, the Pension Regulator had responsibility for the LGPS. Therefore one focus for the LPB is ensuring the fund’s compliance with TPR Codes of Practice. This is split into a number of areas which covers governance, risk management and resolving issues.

The LPB as part of their work plan has needed to consider these areas, to ensure the Fund is compliant and if not to make recommendations to the APF Pensions Committee to address these requirements.

Terms of Reference

Terms of Reference for the LPB are available through the following link.

<http://www.avonpensionfund.org.uk/>.

Avon Pension Fund – Local Pension Board – Annual Report 2018/19

3. Establishment of Local Pension Board

The requirement for an Independent Chair and Board Membership was outlined in the terms of reference to the LPB which were agreed by full BANES Council on the 15th January 2015.

Adverts for the role of Chair were placed on the Fund's website, Western Daily Press, Jobsgopublic.com, Local Government Chronicle online and the Council's job vacancy website.

All applicants were then reviewed against the five published criteria in the person specifications and a shortlist of four candidates drawn up for interview with the Strategic Director of Resources, Head of Business, Finance and Pensions and the Head of Audit West.

Interviews were held in June 2015 and a preferred candidate – Howard Pearce (former Head of Pension Fund Management, Environment Agency) – was identified and recommended to the LPB for an appointment of four years.

The process for the appointment of Board Members followed a similar path with adverts placed on the Fund's website and pro-actively distributed through the many employee and employer communications and conferences.

Interviews for Board Membership were held from June 2015 through to May 2016 and as at May 2016 a full complement of employer and employee members are now in post.

Details of the Local Pension Board Members

Independent Chairman:

Howard Pearce. Appointed 1st July 2015. Term of office extended to 31st October 2019.

Employer Member Representatives:

Gaynor Fisher, active member. Appointed 1st July 2015. 4 year term of office to 30 June 2019.

Steve Harman, active member. Appointed 1st July 2015. Term of office extended to 30 June 2021.

Tony Whitlock, active member. Appointed 1st May 2016. 4 year term of office to 30 April 2020.

Scheme Member Representative:

David Yorath, retired member. Appointed 1st July 2015. Term of office extended to 30 June 2023.

Tom Renhard, deferred member. Appointed 1st July 2015. 4 year term of office to 30 June 2019.

Mark King, active member. Appointed 1st May 2016. 4 year term of office to 30 April 2020.

In total the Board has well over 100 years experience of the LGPS. Details of each Board members experience, LPB training log, and register of interests for are available through the following link.

<http://www.avonpensionfund.org.uk/>.

Attendance at Local Pension Board Meetings – August 2018 – July 2019

Role	Board Member	Attendance
Independent Chairman	Howard Pearce	3/3
Employer Representative	Gaynor Fisher	3/3
	Steve Harman	2/3
	Tony Whitlock	3/3
Member Representative	David Yorath	3/3
	Tom Renhard	1/3
	Mark King	2/3

4. Training

Background

In accordance with the Pension Regulator (tPR) Code of Practice 14 every individual member of a LPB must in summary:

- Be Conversant with the rules of the local government pension scheme (LGPS) &
- Have knowledge and understanding of the law relating to pensions:

These responsibilities begin from the date the LPB member takes up their role. These knowledge and understanding requirements apply to every individual member of a LPB rather than as a collective group.

Degree of Knowledge and Understanding

The legal requirement is that members of the LPB must be conversant with the rules of the LGPS and any document recording policy about the administration of the fund. This is implied as a working knowledge so that members are aware of which legislation/policies to refer to when carrying out their role.

Areas of Knowledge and Understanding

LPB Members should be conversant with, but not limited to the following areas:

- a) Scheme approved policies
- b) Risk assessment/management
- c) Scheme booklets/members communications
- d) Role of LPB Members and the scheme manager
- e) Policies in relation to discretions
- f) Communications with scheme members and employers
- g) Key policy documents on administration, funding and investment

Training Undertaken

During the year on-going technical training was provided to LPB members by officers from or advisors to the APF on a full range of topics covering the LGPS framework and TPR requirements.

All 7 members of the LPB have completed the TPR public sector pension toolkit certification. In addition three members attended the LGE LGPS Fundamentals Course.

The LPB training plan is a topic at each board meeting and all Board Members maintain a training log, which is also submitted annually to assist in the identification of on-going training needs.

Details of the LPB training plan and members training logs are available through the following link –

<https://democracy.bathnes.gov.uk/ieListMeetings.aspx?CommitteeId=563>

5. Local Pension Board Code of Conduct and Conflicts of Interest Policy

Code of Conduct

All LPB members have signed up to an LPB Code of Conduct in which emphasises that as a holder of public office there is an expectation that LPB members will comply with the ‘seven principles of public life’, also known as the ‘Nolan Principles’.

Conflicts of Interest

All LPB members have also signed up to the LPB Conflicts of Interest Policy. This requires all members to notify BANES Democratic Services team of any potential conflict of interest arising as a result of their position on the Board.

All meetings of the LPB include a standing item titled ‘Declaration of Interests’ at the start of the meeting where any declaration in relation to the items on the agenda should be made.

All LPB members have formally completed their declaration of interest forms and at the 4 formal meetings which have been held during the year no ‘conflicts’ have been declared. For more information on conflicts of interest and declarations at each meeting please use the following link –

<https://democracy.bathnes.gov.uk/mgCommitteeDetails.aspx?ID=563>

6. Pension Board Costs & Budget

In meeting the requirements of the Public Sector Pension Act (2013) and establishing a Local Pensions Board, Bath & North East Somerset approved terms of reference and necessary supporting arrangements at its meeting of its full Council on the 15th January 2015.

The LPB agrees a budget on an annual basis to enable the Board to perform its duties and a summary of the costs is included below –

Summary Financial Table

Budget Area	2018/19 Budget	2018/19 Actuals
LPB Members Allowances	£8,000	£7,500
LPB Members Training Costs & External Support	£6,000	£2,500
LPB Meeting & Democratic Services Costs	£6,000	£5,750
Total	£20,000	£15,750

As with all elements of the public sector there is exceptional pressure to ensure value for money can be demonstrated and the Board will continue to consider this in its future operations.

7. Local Pension Board Compliance with the Pension Regulator’s Code of Practice No.14

As part of assessing both the effectiveness and compliance of the Board with its key requirements, the APF carried out a self-assessment of the LPB’s current arrangements against TPR Code of Practice No. 14 in 2016/17. The full results of this exercise were reported initially in May 2016 and revisited in November 2016 and are available via the following link.

<https://democracy.bathnes.gov.uk/documents/s44211/LocalPensionBoardTPRCOP14UpdateNov2016.pdf>

Subsequent to this Internal Audit carry out an annual review of compliance against the Code and their latest report is available via the following link –

<https://democracy.bathnes.gov.uk/documents/s49951/LocalPensionBoardAuditUpdateFeb2018App2.pdf>

In summary the opinion was positive with a ‘Good’ opinion on compliance and the internal control framework and the review identified only a small number of issues identified for the APF to achieve best practice, including –

- Issues regarding the transparency of declarations of interest for the Investment Panel were noted, in particular the failure to consistently publish declarations on ‘modern gov’. These are being addressed and do not impact directly on compliance with the Code so no formal recommendation has been made.
- Supporting records such as risk registers and the breaches control sheet had not always been completed accurately or fully. However the errors / omissions were not significant in nature.
- The way in which ‘acknowledgements’ in respect of formal disputes are handled is not always in line with procedures although no significant issues were identified.
- Communications with members had not always been in strict compliance with the requirements of the Code but again these were not significant.

The Board support independent review and the work of Internal Audit and their reports and findings were reported to the Board in February and June 2019 along with their other reviews of the Pension Fund and overall Plan –

<https://democracy.bathnes.gov.uk/documents/s49949/LocalPensionBoardAuditUpdateFeb2018.pdf>

8. Pension Fund Communications

Effective member and employer communications form a core part of the role of the APF. During the year the Board was represented at the Employers conference and also reviewed at a high level the APF’s communications strategy and website.

The Board continue to work with APF officers on assessing all methods of communication both with Members and Employers, especially where issues have been identified and greater engagement or training is required.

Reviewing the strategy and approach to how the fund communicates to its many stakeholders will remain a key element of the work plan of the Board on a rolling basis.

9. Risk Management

Risk management processes for the APF follow the framework laid down by the LGPS administering authority (BANES Council). The APF Risk Register identifies the significant risks that could have a material impact in terms of value, reputation, compliance or provision of service and sets out the mitigating action taken to manage down each risk.

The Register is reviewed regularly and the key risks fall into one of the following categories –

- (i) Failures in the fund administration & control of operational processes and strategic governance processes and TPR compliance;
- (ii) Service delivery partners not delivering in line with their contracts or SLAs;
- (iii) Financial loss due to payments in error, loss of assets due to investment strategy and/or managers failing to deliver required return, fraud or negligence of investment managers or custodian
- (iv) Changes to the LGPS nationally and increasing political pressure to reform the scheme structure, governance frameworks and to centrally direct investment decisions

The LPB's ongoing review of the risk register concurred with the Pensions Committee that the top risks facing the fund revolve around –

- BPP Governance, asset pooling and benefit realisation
- Significant growth of new employers, especially Academies
- Delivering the future funding strategy
- Recruitment and Retention
- Data Quality
- Compliance with Legal Timeframes
- Information Governance (GDPR)

The Fund continues to invest significantly in systems and resources to ensure the risks are managed effectively and resilience is built into the service and the arrangements in place are supported by external and internal audit reviews.

The LPB has actively engaged on the key risks facing the APF and its administration and supports increases in resources to mitigate some of these risks as well as discussing issues around capacity, skills gaps and recruitment and retention created primarily as a result of indirect implications from BPP.

The LP will continue to ensure that a review of the funds risk register will remain a regular agenda item at each meeting.

Avon Pension Fund – Local Pension Board – Annual Report 2018/19

10. Review of Areas Covered in 2018/19 & Recommendations Made

The fourth year of operation of the LPB was focussed on key governance themes of legal compliance, risk management, and best practice as well as monitoring the significant developments connected to asset pooling and creation of the Brunel Pensions Partnership. A summary of the areas covered is as follows –

Review of LPB Arrangements	Review of Pension Fund Activities	Review of Pension Fund Administration	Independent Assurance
Review of LPB Terms of Reference, Code of Conduct, Conflicts of Interest, Breaches Review of Training Requirements Review of Work Plan	Review of Avon Pension Fund Committee & Investment Panel Minutes Review of Project Brunel, Brunel Oversight Board Review of Investment Strategy Statement Review of Governance Framework Review of Scheme Employers & Admitted Bodies	Review of Compliance Reports at all meetings Review of Risk Register at all meetings Review of Service Plan annually Review of GDPR Implementation Review of Legal Timeframes & Missing Addresses Review of Annual Report	Review of TPR, SAB & CIPFA external benchmarking exercises Review of External Audit plan and reports Review of Internal Audit plan and reports

Meeting	Area	Action/Minutes
8 th November 2018	Action Log/Tracker APF Committee Minutes APF Investment Panel Minutes LGPS Updates & Developments BPP Update ISS Consultation Compliance Report Benefit Statement Update Risk Management Update Training & Work Plans	https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=563&MId=5268&Ver=4
7 th March 2019	Action Log & Tracker APF Committee Minutes APF Investment Panel Minutes LGPS Updates & Developments BPP Update Compliance Report Consultation on Governance Changes to APF Risk Management Update Training & Work Plans	https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=563&MId=5269&Ver=4
13 th June 2019	Action Log & Tracker APF Committee Minutes APF Investment Panel Minutes Brunel Oversight Board Minutes LGPS Updates & Developments BPP Update APF Service Plan APF Admin Strategy Internal Audit Update Compliance Report Risk Management Update Training & Work Plans	https://democracy.bathnes.gov.uk/documents/g5270/Printed%20minutes%2013th-Jun-2019%2014.00%20Pension%20Board.pdf?T=1

Avon Pension Fund – Local Pension Board – Annual Report 2018/19

11. Forward Plan for 2019-20

The work plan for the next 12 months is detailed as follows and will be kept under regular review.

AGENDA ITEM	07/03/19	13/06/19	17/10/19	TBC Feb 20	TBC June 20
Board Governance					
Terms of Reference (Governance) review					
Code of Conduct/ Conflicts of Interest policy					
Work Plan (to be dynamically updated)	X	X	X	X	X
Annual budget setting and monitoring	X			X	
Training Plan (to be updated as required)	X	X	X	X	X
Annual Report to PC and Council approval		X			X
Scheme and Fund Governance					
Legal, policy, regulatory developments	X	X	X	X	X
Training – APF financial delegations (Council, PC, IP, BOB, and APF officers)	X				
Minutes PC, IP, BOB	X	X	X	X	X
Annual Service Plan		X			X
Training – APF internal & external SLA's financial controls			X		
External advisor appointments review process/controls				X	
Risk Register review	X	X	X	X	X
TPR Code 14 Compliance updates		X			X
Governance (& FRC) Compliance statement				X	
Internal Audit plan/reports on APF		X			X
External Audit Governance Report and Accounts			X		
Benchmarking against other BPP funds			X		X
Funding/Investments					
Statutory Funding Strategy Statement consultation/process/report			X		
2019 Triennial valuation process/controls/report					X
Statutory GAD S13 triennial funding report					
Statutory ISS annual update and associated RI policy			X		
BPP update (delivery/savings)	X	X	X	X	X
Benefits Admin/Comms					
Admin Strategy Statement review and employer charging policy		X			
Fund and employers compliance/TPR reporting	X	X	X	X	X
Employer admission agreement policies					X
Breaches policy/register/TPR reporting					X
GDPR compliance					
Record keeping, data security, business recovery			X		
ABS process annual review	X				X
GMP reconciliation (one off exercise)	X				
Discretions policies review					X
Admin performance benchmarking			X		
Comms policy statement and website review				X	
Complaints policy, IDRP, PO cases review					X

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	10 th October 2019	
TITLE:	Standards Committee Annual report 2018-19 and addition to the Code of Conduct	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 - Standards Committee Annual report 2018-19		
Appendix 2 – Advice note for Councillors on Bullying and Harassment		

1 THE ISSUE

- 1.1 To consider the Standards Committee Annual report, and further consider their recommendation for an addition to the Code of Conduct within the Constitution.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Note the work of the Standards Committee as set out in the Annual report (attached as Appendix 1);
- 2.2 Note the recommendation from the Standards Committee to adopt the Advice note for Councillors on Bullying and Harassment (attached as Appendix 2) as Appendix 4 to the Code of Conduct.

3 THE REPORT

- 3.1 The Standards Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct, monitoring the operation of the Code within Bath & North East Somerset Council, conducting hearings following investigation, and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.

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

3.3 At its meeting on 4th July 2019, the Standards Committee considered the Advice note attached at Appendix 2 and, following some debate and a minor amendment, agreed to recommend that Council adopt this as an appendix to the Code of Conduct, which forms part of the Council's Constitution.

4 STATUTORY CONSIDERATIONS

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 No direct implications.

6 RISK MANAGEMENT

6.1 Adherence to robust standards of conduct mitigates against potential complaints about standards issues.

7 CLIMATE CHANGE

7.1 This is an internal matter so climate change considerations are not relevant.

8 OTHER OPTIONS CONSIDERED

8.1 None.

9 CONSULTATION

9.1 This report has been cleared by the Monitoring Officer and Section 151 Officer.

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

Standards Committee

Annual Report 2018 - 19

Chair's Foreword

The Standards Committee fulfils a most important role for Bath and North East Somerset Council and for the Parish and Town Councils within its area. The Committee members are all volunteers: some are Unitary Councillors; some are Parish and Town Councillors drawn from Parish and Town Councils in the Bath and North East Somerset Council area, whose nominations are facilitated by Avon Local Councils Association, and some are Independent Members, being independent members of the public. In addition, the Authority appoints an 'Independent Person' and a reserve 'Independent Person.', who assist the Standards Committee and Monitoring Officer.

The end of the period under review broadly coincides with the expiry of the terms of office of all councillors in the authority area. This provides a perfect opportunity for me to pay tribute to all who have served the Standards Committee over the past four years and welcome the new members following the elections. In particular, may I pay tribute to my predecessor, Susan Toland. Sue has been an independent member of the Standards Committee since 2003 and Chair since 2010. She has guided the standards regime through the changes required by the Localism Act 2011, providing unstinting insightful service to the maintenance of standards of conduct in the area. We are most grateful to her and appreciative of everything she has done.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 20 matters raised: of which initial assessments required 'no further action' to be undertaken on 17 occasions; 2 dealt with by informal resolution; and only one matter was referred for investigation. To put these figures in context, the Standards Committee has within its purview, the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

I was appointed as an Independent Member in Spring 2019 to join my colleagues Dr Cyril Davies and Deborah Russell. In this authority, the Standards Committee has an Independent Chair and I am most grateful to them and honoured to have been appointed to this role, where I have been impressed by the professionalism and commitment of the Monitoring Officer and her officers to the successful operation of the Standards regime.

Dr Axel Palmer
Chair of the Standards Committee

The Standards Committee

Introduction

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period April 2018 to March 2019, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2018-19 in the report refer to this time period.

1. Background information

The Code of Conduct for Elected and Co-opted Members

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

The Monitoring Officer

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

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

Independent Persons

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

The Standards Committee

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

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

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

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

2. Training for Standards Committee Members and Independent Persons

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

3. Standards Committee Membership 2018-19

In 2018/19 the Standards Committee comprised the following Members:

up to May 2019:

Councillors Sarah Bevan, Sally Davis, Nigel Roberts, Brian Simmons, Geoff Ward

Parish Councillors Tony Crouch, Veronica Packham plus one vacancy

Independent Members Dr Cyril Davies, Deborah Russell, Sue Toland (Chair)

Membership for May 2019 onwards is:

Councillors Jess David, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.

Parish Councillors Tony Crouch, Clive Fricker plus one vacancy.

Independent Members Dr Cyril Davies, Dr Axel Palmer (Chair), Deborah Russell.

4. The Authority's Independent Persons

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

5. Committee Meetings

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work

Programme/Action Plan for 2019-20 is attached at Annex A to this report. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled.

The Standards Committee met on:

- 19th July 2018 (hearing of a complaint)
- 20th September 2018
- 22nd November 2018
- 21st March 2019
- 4th July 2019

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

i. Complaints by complainant

Type of complainant	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
BaNES Councillor	0	0	0	1	1	0	2
Parish / Town Councillor	8	0	8	0	0	1	16
Member of the public	14	16	16	9	13	15	83
Council Officer	n/a	n/a	n/a	n/a	1	1	1
Parish Clerk	0	0	0	0	0	3	3
Total	22	16	24	10	15	20	107

ii. Complaints by subject member

Subject of the complaint	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
BANES Councillor	8	13	11	7	11	13	63
Parish / Town Councillor	14	3	13	3	4	7	44
Total	22	16	24	10	15	20	107

iii. Complaints by type

Type of complaint	2013/14	2014/15	2015/16	2016/17	2017/18	2018/ 19	Total
Failure to declare an interest	11	1	5	6	6	5	34
Bullying/failure to treat with respect	0	1	7	1	4	3	16
Bringing Council into disrepute	9	14	11	3	5	11	53
Improperly conferring advantage/disadvantage	2	1	0	0	0	0	3
Disclosure of confidential information	0	0	1	0	0	0	1
Lack of respect	0	0	0	0	0	1	1
Total	22	17	24	10	15	20	107

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

iv. Initial Assessments

Local Assessment Decisions	2013/14	2014/15	2015/16	2016/17	2017/ 18	2018/ 19	Total
No Further Action	19	15	21	10	4	17	86
Informal Resolution	1	0	0	0	10	2	13
Referred for Investigation	2	1	3	0	1	1	8
Total	22	16	24	10	15	20	107

v. Outcome of complaints

Outcomes	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Other Action	2	1	0	0	0	0	3
Ongoing	0	0	1	0	2	0	3
Apology	0	0	1	0	0	0	1
No Action Required	0	0	9	0	1	0	10
Withdrawn	2	1	0	0	1	2	6
Breach	0	0	1	4	2	5	12
No Breach	18	14	12	6	9	13	72
Total	22	16	24	10	15	20	107

7. Review of Standards Committee Work Programme and Action Plan for 2019/20

The Standards Committee's Work Programme/Action Plan for 2019/20 is attached at Annex A. The Standards Committee met on 5 occasions during the year. At each meeting the Committee monitored its Work Plan and noted the current position of complaints using the Complaints Tracker. One complaint hearing was held.

This year the Committee reviewed the "Local Government Ethical Standards" – a review by the Committee on Standards in Public Life and noted that the Council was already complying with the majority of its best practice recommendations. Following from that review, an advice note for Councillors on bullying and harassment was agreed to be recommended to Council. The Committee also considered the Annual Report on Commission for Local Administration in England (Local Government and Social Care Ombudsman) Complaints; updated the Council's Policy for Gifts & Hospitality for Councillors; agreed a Protocol between the Council and Avon & Somerset Constabulary; produced the Annual Report of the Standards Committee; reviewed the Council's Code of Conduct and agreed the Councillor role profiles

8. Conclusion

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

STANDARDS COMMITTEE WORKPLAN 2018 - 19

Date of meeting	Title	Report author / responsible officer
17th May 2018 (substantive)	Cancelled	
19th July 2018 (provisional)	Local Hearing on Investigation into complaint 01-18A & B (Hinton Blewett Parish Council)	ML
20th September 2018 (substantive)	Annual Report on Commission for Local Authority Administration in England (Local Government & Social Care Ombudsman) Complaints Report on Assessment of Complaints Work plan for the Standards Committee	
22nd November 2018 (provisional)	Report on Assessment of Complaints Work plan for the Standards Committee Report on Gifts & Hospitality	ML
21st March 2019 (substantive)	Protocol between Bath & North East Somerset Council and Avon & Somerset Constabulary Reports on Gifts & Hospitality Review by Committee of Standards in Public Life Councillor Role profiles	ML

	Report on Assessment of Complaints Work Plan for the Standards Committee	
4th July 2019 (provisional)	Annual Review of Code of Conduct Report on assessment of Complaints Work plan for the Standards Committee	
19th September 2019 (substantive)	Annual Report on Local Government Ombudsman complaints Annual Report of the Standards Committee Report on assessment of Complaints Work plan for the Standards Committee	
21st November 2019 (provisional)		
16th January 2020 (substantive)		
12th March 2020 (provisional)		
21st May 2020 (substantive)		
9th July 2020 (provisional)	Annual Review of the Code of Conduct	

17th September 2020 (substantive)	Annual Report on Local Government Ombudsman complaints Annual report of the Standards Committee	

ADVICE NOTE FOR COUNCILLORS ON BULLYING AND HARASSMENT with examples

Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable at work. Harassment can be experienced directly or indirectly (such as being in the room while unacceptable conduct is being displayed and being affected by it), and can occur as an isolated incident or as a course of persistent behaviour.

It is also important to note that even if behaviour is unintentional, it can still be classed as a form of harassment. Harassment is essentially about what the recipient deems to be offensive, not about what was intended. You should be aware, therefore, of the impact of your conduct on others and that what may seem harmless to you can be offensive to someone else.

Harassment can occur through verbal or written comments (including ones made online). The following list provides some examples but it is, by no means, exhaustive:

- a. Unwelcome physical contact such as touching or invading 'personal space';
- b. Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);
- c. Intrusive questioning, including the persistent discussion of a person's sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- d. Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. Again, it is the impact of any behaviour rather than the intent which is the key.

Bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, again, can occur through all means of communication. Bullying tends to be a pattern of behaviour or can be a one off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- a. Unwelcome physical, verbal or non-verbal conduct;
- b. Intimidatory behaviour including verbal abuse or the making of threats;
- c. Making someone's working life difficult;
- d. Disparaging, ridiculing or mocking comments and remarks;
- e. Physical violence; and
- f. Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

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Bath and North East Somerset Council, Full Council Meeting – 10th October 2019

Conservative Motion: B&NES Transport Options between Bristol and Bath

To be moved by Cllr Brian Simmons

This Council notes:

1. That there is an aspiration for a new railway station at Saltford amongst a section of the community;
2. The previous administration's work with the West of England Regional Mayor to ensure a new railway station at Saltford is now featured in a map of transport improvements in the Joint Local Transport Plan 4 (2019-2036);
3. That there is concern over Network Rail's ability to create sufficient capacity for trains to ever stop at Saltford and the cost of the project;

This Council subsequently believes:

4. In view of the promises made by the Liberal Democrats during the May 2019 Local Election Campaign - it is important that the feasibility of opening a railway station at Saltford is fully assessed in the interest of the community;

Therefore, this Council resolves to;

5. Ask the Cabinet to commission a detailed study, when resources allow, which sets out their plan for providing Saltford with a railway station;
6. Refer this matter to the relevant PDS panel to consider and monitor progress of the above and to receive reports from the Cabinet Member for Transport providing an update on how the plan is progressing.

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Bath and North East Somerset Council

Full Council meeting, Thursday 10 October 2019

Liberal Democrat Motion on Electoral Reform

To be proposed by a Liberal Democrat Councillor

Council:

1. Believes that young people should be allowed a say over their future.
2. Recognises that 16 and 17 year olds are knowledgeable and passionate about the world in which they live and are as capable of engaging in the democratic system as any other citizen.
3. Notes that there is currently an unequal situation across the United Kingdom, with 16 and 17 year olds having voting rights in Scotland and Wales that are not available to them in England and Northern Ireland.
4. Supports the need for greater engagement with young people, leading to greater involvement of young people in the decisions that affect their community.
5. Believes that lowering the voting age to 16, combined with strong citizenship education, would empower young people to better engage in society and influence decisions that will define their future.
6. Believes that people aged 16 and 17, who can consent to medical treatment, work full-time, pay taxes, get married or enter a civil partnership and join the armed forces, should also have the right to vote.
7. Recognises and supports the ongoing 'Votes at 16' campaign by the British Youth Council, the UK Youth Parliament and other youth organisations, supported by thousands of young people across the UK.
8. Notes that the "Youth Strike 4 Climate" protesters in B&NES presented a list of demands to the Council in May 2019, including the demand of government to: "recognise that young people have the biggest stake in our future, by incorporating youth views into policy making and bringing the voting age down to 16".
9. Calls for 16 and 17 year olds to have the right in all elections and referendums across the UK.

Council therefore:

10. Requests that the Leader write to relevant Ministers and local MPs: expressing this Council's support for the Votes at 16 campaign; calling for the extension of the franchise to 16 and 17 year olds in all elections and referendums across the UK; and indicating this Council's willingness to participate in any pilot scheme.
11. Requests that the Leader write to the local MYPs and the British Youth Council expressing this Council's support for the Votes at 16 campaign and requesting to join the Votes at 16 coalition.

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Council 10 October, 2019

The Living Wage

Labour Group to move:

Council notes:

- 1 In 2016 the government introduced a higher minimum wage rate called the National Living Wage, for those aged over 25 years;
- 2 This National Living Wage is not based on actual living costs. Instead, it is based on a target to reach 60% of median earnings by 2020 and currently stands at £8.21 per hour. The Minimum Wage for those under 25 is £7.70 per hour;
- 3 The Real Living Wage rate is independently calculated and based on what people need to get by. The Real Living Wage stands at £9 per hour outside London for those aged 18 and above. The rate is announced in the first week of November; and
- 4 Over 5,000 UK employers are now accredited by the Living Wage Foundation and voluntarily pay the Real Living Wage, including a number of local authorities. Bath and North East Somerset Council pays all employees on our main payscale the Real Living Wage.

Council believes:

- 5 Paying the Real Living Wage not only benefits employees but also employers and the wider economy.

Council agrees:

- 6 To ask the Cabinet within the budget proposals to consider the implications of the Council signing up for accreditation as a Living Wage Employer with the Living Wage Foundation; and
- 7 To use its influence as a major local employer and provider of services to urge other local employers to pay the Real Living Wage.

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Council 10 October, 2019

Tree Planting in B&NES

Labour Group to move:

Council notes:

- 1 The independent Committee on Climate Change says 1.5 billion trees need to be planted by 2050 for the UK to achieve its net-zero carbon target;
- 2 The Woodland Trust says that meeting this target would require 50 million young trees to go into the ground each year up until 2050. However, according to the Trust, in England in the past year, just 1,420 hectares of woodland was created, against a government ambition of 5,000 hectares a year. Its Big Climate Fightback is a campaign to get one million people to join the fight against climate change by pledging to plant a tree by 30 November;
- 3 Friends of the Earth have launched a campaign to double the tree cover. Doubling the number of trees could deliver annual carbon sequestration of around 37-50 MtCO₂e (million tonnes of carbon dioxide equivalent) per year. This is equal to around 10% of the UK's current greenhouse gas emissions;
- 4 Trees play a vital role in addressing the climate emergency as they remove emissions from the air around us. Trees and woodlands absorb CO₂, provide oxygen, cool urban areas, provide habitats for wildlife and give people opportunities to engage with nature;
- 5 The Institute of Chartered Foresters recommends an urban tree canopy cover of 20% and that it further recommends that those areas already achieving this target (for example Bath) should aim to increase the cover by a further 5%. Some parts of our area, for example, Paulton, have a tree canopy cover of only 9%.

Council believes:

- 6 Although planting trees will not on its own reverse climate change, tree planting can contribute to addressing the climate emergency and gives people a way to take direct action and should therefore be supported by this Council.

Council agrees therefore:

- 7 To support tree planting initiatives carried out by community groups, charities and other organisations and to undertake its own tree planting as part of a wider strategy identified at paragraph 9, ensuring that any such trees should be from sustainable sources;
- 8 To ask the Cabinet to consider within the budget proposals the production of a detailed tree coverage survey of B&NES with a particular focus on those locations affected by air pollution;
- 9 To ask the Cabinet to consider within the budget proposals the production of a clear strategy for planting trees in B&NES that, amongst other things:
 - a) Seeks to address climate change and mitigate air pollution through green infrastructure;
 - b) Recognises the differences between urban and rural areas and their specific needs;
 - c) Identifies appropriate tree types for specific locations and how these trees could be integrated into the landscape;
 - d) Supports residents to connect with the natural environment;

- e) Identifies how trees and other planting can support diverse habitats for wildlife; and
- f) Identifies how the planning process where possible, through for example a Supplementary Planning Document, could be used to:
 - (i) provide greater protection to existing mature trees;
 - (ii) deliver a net increase of tree cover across the district;
 - (iii) introduce a system of fines for destruction of protected trees;
 - (iv) ensure that no planning application for any development large or small shall be granted without a S106 for replacement planting;
 - (v) ensure that no planning application shall be granted which would involve the destruction of a neighbour's trees; and
 - (vi) require B&NES Council to replace trees it owns but fells.