

Council

Date: Tuesday, 26th May, 2020

Time: 5.00 pm

Venue: Virtual meeting - Public access via YouTube

To: All Members of the Council

Dear Member

You are invited to attend a meeting of the **Council** on **Tuesday, 26th May, 2020** in **Virtual meeting - Public access via YouTube**.

The agenda is set out overleaf.

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

Jo Morrison

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NOTES:

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

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

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 Council will broadcast the images and sounds live via the internet [on](#) YouTube. 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.

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 can be found at:

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

5. **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 - Tuesday, 26th May, 2020

at 5.00 pm in the Virtual meeting - Public access via YouTube

A G E N D A

1. APOLOGIES FOR ABSENCE
2. ELECTION OF CHAIR(MAN) FOR 2020/21
3. ELECTION OF VICE CHAIR(MAN) FOR 2020/21
4. DECLARATIONS OF INTEREST
5. MINUTES - 25TH FEBRUARY 2020 (Pages 5 - 14)
6. ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE
7. URGENT DECISIONS TO NOTE (Pages 15 - 16)
8. APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS (Pages 17 - 58)
9. APPOINTMENT OF MEMBER ADVOCATES (Pages 59 - 64)
10. ANNUAL REPORT OF THE CHARITABLE TRUST BOARD (Pages 65 - 68)

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

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 25th February, 2020

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Liz Hardman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Lisa O'Brien, Michelle O'Doherty, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, 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** Neil Butters, Alan Hale, Steve Hedges, Grant Johnson and Shaun Stephenson-McGall

94 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Manager drew attention to the emergency evacuation procedure as set out on the agenda.

95 DECLARATIONS OF INTEREST

Item 8 – Budget & Council Tax; - The Monitoring Officer issued a general dispensation to all Councillors in respect of their payment of Council Tax and any school governorships. She also granted a general dispensation for any Councillors in relation to specific items mentioned in the budget or in receipt of a specific service.

Declarations of interest were made by the following Councillors (all relating to item 8 – Budget & Council Tax);

Councillor Tim Ball – a disclosable pecuniary interest being in receipt of a care package.

Councillor Andy Wait – an 'other' interest, as chair of FAHLAG, a woodland reserve in Keynsham.

Councillor Sarah Warren – an 'other' interest in relation to the schools and music service budgets.

Councillor Robin Moss – an 'other' interest as Director of Radstock and Westfield Big Local CIC.

Councillor Paul Myers – an 'other' interest as Secretary of the Midsomer North Town Trust (Town Hall repairs being undertaken).

Councillor Liz Hardman – an 'other' interest as a Governor at Aspire Academy.

Councillor Karen Walker – an ‘other’ interest as Special Services Operational Manager at the Community Library (in receipt of funds).

Councillor June Player – an ‘other’ interest as a member of a Voluntary group.

Councillor Tom Davies – an ‘other’ interest as a Governor at Oldfield school.

Councillor Michelle O’Doherty – an ‘other’ interest as a Governor at Oldfield school.

Councillor Paul May – an ‘other’ interest as a non-executive Director on the Sirona Board. *[This declaration was made during item 8, when Sirona was mentioned during debate.]*

96 MINUTES - 14 NOVEMBER 2019, 16 DECEMBER 2019 (X2), 16 JANUARY 2020

The following minutes were approved and signed by the Chair.

14th November 2019 – moved by Councillor Paul Myers and seconded by Councillor Dine Romero.

16th December 2019 (S151) – moved by Councillor Brian Simmons and seconded by Councillor Dine Romero.

16th December 2019 (IRP) – moved by Councillor Dine Romero and seconded by Councillor Paul Myers.

16th January 2020 – moved by Councillor Dine Romero and seconded by Councillor Andy Wait.

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

The Chair informed Councillors that, with agreement from the Chair of the Children, Adults, Health & Wellbeing Policy Development & Scrutiny Panel Chair (Councillor Vic Pritchard) and Group Leaders, item 12 on this agenda (Maternity Services referral from the Panel) has been deferred to the March 26th 2020 Council meeting.

The Chair made the customary announcements regarding mobile phones, webcasting and microphone use.

She thanked members for attending the Holocaust Memorial Day ceremony, which was a memorable occasion. She added that it had been good to see so many Councillors at the Mayor of Bath’s inter-faith event on the theme of ‘water’. These events are so important when community harmony is needed more than ever.

The Chair made Members aware of the VE Day celebrations in Bath and NE Somerset on 8th May 2020, and the Abbey service of Thanksgiving on 10th May 2020 and asked Councillors to support events in their local communities too.

The Chair requested that the Council's good wishes for a speedy recovery be conveyed to David Redgewell, who was unable to speak on JTP4.

The Chair informed Members of the sad news that former B&NES Councillor for Paulton (1995 – 2003), Pat Hogg, had died. She is remembered as a doughty champion for equalities issues. The Chair asked Members to stand for a minute's silence.

98 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

99 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

Elizabeth Hallam made a statement and presented a petition of 1060 signatures calling for Entry Hill Golf course to be saved. Elizabeth explained her view that the golf course was being neglected, as responsibility for it was split between Greenwich Leisure Limited and the Council's Parks department. A full copy of the statement is available on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Paul Crossley about how many other Pay & Play courses there were within a 20-mile radius of the Entry Hill course, Ms Hallam responded that she was not aware of any that weren't an actual Golf club. Councillor Liz Hardman asked about affordability and if Entry Hill was cheaper than nearby clubs. Ms Hallam responded that it was £12.80 to play, which was considerably cheaper than the £30 - £40 rates at various nearby clubs that she listed.

Lara Varga made a statement opposing the new Charging Framework which she maintained will bring further costs to the most vulnerable in society. A full copy of the statement is available on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Rob Appleyard querying if Ms Varga had had an opportunity to discuss her concerns with officers, Ms Varga replied that she had met officers on a number of occasions but was not yet satisfied with the responses she had received.

Faye Dicker, a resident of Whitchurch village and founder of the South Bristol Wrong Road Group, made a statement regarding JLTP4. She welcomed the withdrawal from the Joint Spatial Plan but queried why the housing and ring road plans through greenbelt remained in the JLTP4 especially in the light of the climate emergency and expected ecological emergency declarations. A full copy of the statement is available on the Council's Minute book and attached to the online minutes. Councillor Jo Wright queried if Ms Dicker was aware of a connectivity deficit in the Whitchurch area, to which she responded that she was not, and would not like to see a ring road around the greenbelt.

Kim Hicks made a statement to Council calling upon Councillors to not adopt the JLTP4 with the South Bristol Orbital road still included. She urged Councillors to listen to the residents who had responded to the consultation report. A full copy of the statement is available on the Council's Minute book and attached to the online

minutes. Councillor Dine Romero queried if Ms Hicks considered there to be a connectivity deficit in and around Whitchurch and asked what measures she would like to see. Ms Hicks responded that she did not see a deficit, and would like to see encouragement to use alternative transport options.

The Chair thanked all the speakers for their contributions which were referred to the relevant Cabinet Members.

100 BUDGET & COUNCIL TAX 2020/21 AND FINANCIAL OUTLOOK

The Council considered a report presenting the Cabinet's revenue and capital budgets together with proposals for Council Tax and Adult Social Care Precept for 2020/21.

On a motion from Councillor Dine Romero, seconded by Councillor Paul Myers, it was **RESOLVED** that, in accordance with rule 16 (Suspension of Rules), the Council suspends Council rule 42 (Content and Length of Speeches) for the duration of this debate so as to enable variations to be permitted to the length of speeches by the Cabinet Member for Resources, the Conservative, Independent and Labour Group Leaders or their nominated Spokespersons, and the Chair of the Corporate Policy Development and Scrutiny Panel.

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

RESOLVED

1. That Council approves;

- a) The General Fund net revenue budget for 2020/21 of **£118.25m** and the individual service cash limits for 2020/21 as outlined in Annex 1.
- b) The savings and income generation plans outlined in Annex 2(i), priorities 2(ii), one-off allocations 2(iii), pressures 2(iv) in conjunction with the Equalities Impact Assessment Report in Annex 3.
- c) An increase in Council Tax of 1.99% in 2020/21 (an increase of £27.88 per Band D property).
- d) An increase of 1.99% to Council Tax for the Adult Social Care Precept in recognition of the current demands and financial pressures on this service. This is equivalent to an increase of £27.88 on a Band D property.
- e) The movement in reserves outlined in paragraph 5.5 of the report and the adequacy of Un-earmarked Reserves at £13.5m within a risk assessed range requirement of £12.3m - £13.5m.
- f) The Efficiency Strategy attached at Annex 4.
- g) The Capital Programme for 2020/21 of £109.507m including new and emerging capital bids outlined in Annex 5(i), planned sources of funding in 5.7.2, and notes the programme for 2021/22 to 2024/25 and that any wholly funded projects coming forward during the year will be added to the Capital Programme in line with the Budget Management Scheme.
- h) The delegation of implementation, subject to consultation where appropriate, of the capital programmes set out in Annex 5(ii) to Annex 5(iv)

to the relevant Director in Consultation with the appropriate Portfolio Holder.

- i) The Community Infrastructure Levy (CIL) allocations and amendments outlined in Annex 5(v).
 - j) The Capital & Investment Strategy attached at Annex 6.
 - k) The MRP Policy attached at Annex 7.
 - l) The Capital Prudential Indicators outlined in 5.7.8
 - m) The Annual Pay Policy Statement at Annex 9.
 - n) The Council Tax Support Scheme for 2020/21 shown in the following link: <http://beta.bathnes.gov.uk/sites/default/files/2020-01/Bath%20%26%20NE%20Someset%20S13A%20202021%20v3.pdf> and referred to in 5.3.4.
 - o) The Adult Social Care Charging and Financial Assessment Framework at Annex 10.
 - p) The Direct Payment Policy at Annex 11.
2. That the Council approves the technical resolutions that are derived from the budget report, and all the figures in that report, including the precepts for towns, parishes and other precepting bodies as set out in Annex 12.
 3. That Council notes the S151 Officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves outlined in 5.6.

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2020/21 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES:

4. That the 2020/21 revenue expenditure is funded as follows:

	Total £
2020/21 Gross Expenditure	352,251,749
2020/21 Income (service income and specific grants)	189,766,855
Core Funding:	
Retained Business Rates*	62,824,054
Collection Fund Surplus	2,224,840
2020/21 Gross Income	254,815,749
Council Tax Requirement (excluding Parish Precepts)	97,436,000

* Before Tariff Payment of £39.615m

5.
 - a. That it be noted that on the 18th December 2019 the Director of Finance (as authorised section 151 officer) agreed **66,879.90** Band D property equivalent as the Council Tax Base for the year 2020/21 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 35(5) of the Local Government Finance Act 1992.
 - b. The amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate is given as Annex 12 (Annex 1 (1)).
[Annex 12 (Annex 1 (1)) gives Band D Tax base by parish]

6. That the following amounts be now calculated by the Council for the 2020/21 financial year in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992, as amended:

- a. **£355,140,629** (=£352,251,749 (gross expenditure including contribution to reserves) +£2,888,880 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act.

[This is the gross expenditure incurred in performing functions and charged to the revenue account, contingencies for revenue, any financial reserves to be raised, financial reserves to meet prior year deficit not yet provided for, any amounts transferred from its general fund to its collection fund in accordance with section 97(4) of the Local Government Finance 1988 Act, and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]

- b. **£254,815,749** (gross income) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the 1992 Act.

[This is the income estimated to accrue which will be credited into the revenue account for the year in accordance with proper practices, any amounts transferred in the year from the collection fund to the general fund in accordance with section 97(3) of the 1988 Act, any amounts which will be transferred from the collection fund to the general fund pursuant to a direction under section 98(4) of the 1988 Act and will be credited to the revenue account for the year, and financial reserves used to provide for items in Section 31A(2)]

- c. **£100,324,880** being the amount by which the aggregate at 6(a) above exceeds the aggregate at 6(b) above calculated by the Council in accordance with Section 31A(4) of the 1992 Act as its Council Tax requirement for the year.

- d. **£ 1,500.08** being the amount at 6(c) above divided by the amount at 5(a) above, calculated in accordance with Section 31B of the 1992 Act, as the basic amount of Council Tax for the year.

[This is the average Band D Council tax including B&NES and parish precepts]

- e. **£ 2,888,880** being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the 1992 Act.

[This is the total of parish precepts]

- f. **£1,456.88** being the amount at 6(d) above less the result given by dividing the amount at 6(e) above by the amount at 5(a) above, calculated by the Council, in accordance with Section 34(2) of the 1992 Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

[This is the B&NES Band D Council tax only excluding parish precepts]

- g. The amounts given by adding to the amount at 6(f) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 5(b) above, calculated by the Council, in accordance with section 34(3) of the 1992 Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate are given at Annex 12 (Annex 1 (3)).

[Annex 12 (Annex 1 (3)) gives the Band D Council tax for each area including the parish precepts]

- h. The amounts given by multiplying the amounts at 6(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands are given in Annex 12, (Annex 1 (4)).

[Annex 12, (Annex 1 (4)) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

7. That it be noted that for the year 2020/21 the Police & Crime Commissioner for Avon and Somerset has determined the amount in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

8. Avon and Somerset Police

Valuation Bands

A	B	C	D	E	F	G	H
£151.87	£177.19	£202.50	£227.81	£278.43	£329.06	£379.68	£455.62

9. That it be noted that for the year 2020/21 Avon Fire Authority met on 12th February 2020 to determine the amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

10. Avon Fire Authority

Valuation Bands

A	B	C	D	E	F	G	H
£49.96	£58.29	£66.61	£74.94	£91.59	£108.25	£124.90	£149.88

11. That, having calculated the aggregate in each case of the amounts 8, 10 and 6(h) above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2020/21 financial year for each of the categories of dwellings shown, as listed in Annex 12 (Annex 1 (5)).

12. On average (for a Band D, 2 adult household) the Council Tax for 2020/21 will be as follows:

Reference Band D 2019/20 £		£ Band D 2020/21	% Increase on 2019/20
1,300.28	Bath and North East Somerset Council*	1,328.16	1.99*
100.84	- Adult Social Care (ASC)*	128.72	1.99*
1,401.12	Sub Total B&NES (Including ASC)	1,456.88	3.98
41.52	Average Parish Precept	43.20	4.05
73.48	Avon Fire Authority	74.94	1.99
217.81	Avon and Somerset Police	227.81	4.59
1,733.93	Total Tax Charged	1,802.83	3.97

[Overall annual increase in average Band D Council Tax is £68.90]

* The percentage figures represent the number of percentage points which increases for the Adult Social Care precept and the B&NES general expenditure charge each contribute to the overall increase set by the Council in 2020/21.

13. The Council's basic amount of Council Tax for 2020/21 is not determined to be excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

[Notes;

1. The above resolutions were carried on a named vote as set out below;

Councillors voting in favour (35) ; - Rob Appleyard, Tim Ball, Alison Born, Shelley Bromley, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Douglas Deacon, Winston Duguid, Mark Elliott, Andy Furse, Kevin Guy, Joel Hirst, Lucy Hodge, Duncan Hounsell, Dr Kumar, Hal McFie, Ruth Malloy, Matt McCabe, Sarah Moore, Michelle O'Doherty, Bharat Pankhania, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Alastair Singleton, Andy Wait, Sarah Warren, Ryan Wills, David Wood, Joanna Wright.

Councillors voting against (10); - Vic Clarke, Sally Davis, Michael Evans, Paul May, Paul Myers, Lisa O'Brien, Vic Pritchard, Brian Simmons, Karen Warrington, Chris Watt.

Councillors abstaining (9); - Sarah Bevan, Colin Blackburn, Chris Dando, Liz Hardman, Shaun Hughes, Eleanor Jackson, Robin Moss, June Player, Karen Walker.]

101 B&NES CORPORATE STRATEGY 2020-2024

Following recommendation by Cabinet on 13th February 2020, the Council considered a report seeking adoption of the Corporate Strategy and Corporate Delivery Programme to guide Council activity and budget planning over the next four years.

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

RESOLVED to;

1. Thank those who provided feedback on the draft Corporate Strategy and agree to continue to work with local communities to ensure their involvement during the strategy's implementation and review;

2. Note the responses and agree the recommendations and next steps following the feedback on the draft strategy, as set out in the Corporate Strategy Engagement Report in Appendix Two;
3. Note and consider the responses from the Policy Development and Scrutiny Panels also set out in the Corporate Strategy Engagement Report in Appendix Two;
4. Adopt the new Corporate Strategy 2020-2024, including the new Community Engagement Charter;
5. Adopt the new Corporate Delivery Programme 2020-2020.

[Notes;

1. *The above successful resolution was carried with 42 Councillors voting in favour and 10 Councillors voting against.]*

102 TREASURY MANAGEMENT STRATEGY STATEMENT AND TREASURY INVESTMENT STRATEGY 2020/21

The Council considered the Treasury Management Strategy Statement and Treasury Investment Strategy 2020/21 which is prepared within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code). This report fulfils the Authority's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.

The Strategy Statements were scrutinised by the Corporate Audit Committee at the 6th February 2020 meeting, and reported to Cabinet on 13th February 2020.

On a motion from Councillor Richard Samuel, seconded by Councillor Mark Elliott, it was unanimously

RESOLVED

To approve the actions proposed within the Treasury Management Strategy Statement (Appendix 1).

103 APPROVAL OF THE JOINT WEST OF ENGLAND LOCAL TRANSPORT PLAN 4 FOR ADOPTION BY WEST OF ENGLAND COMBINED AUTHORITY JOINT COMMITTEE

The Council considered a report seeking approval for the Joint Local Transport Plan 4 and to recommend the plan for adoption by the West of England Combined Authority Joint Committee.

On a motion from Councillor Joanna Wright, seconded by Councillor Matt McCabe, it was unanimously

RESOLVED to;

1. Approve the draft Joint Local Transport Plan 4 for adoption by the West of England Combined Authority Joint Committee; and
2. Delegate authority to the Director of Environmental Services, in consultation with the Cabinet Members for Transport Services, for any required drafting amendments to the Joint Local Transport Plan 4 and to advise the Leader of any recommended amendments prior to adoption by WECA Joint Committee.

[Notes;

1. *During debate, an amendment was moved by Councillor Paul May and seconded by Councillor Paul Myers seeking to add detail to the description of orbital corridor routes on page 399 of the agenda pack. This was lost with 14 Councillor voting in favour and 38 Councillors voting against.]*

104 REFERRAL FROM CHILDREN, ADULTS, HEALTH & WELLBEING PDS PANEL - MATERNITY SERVICES RECONFIGURATION UPDATE

This item was deferred until 26th March 2020.

105 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Lisa O'Brien made a statement to Council outlining a solution to rough sleeping and homelessness from the Billy Chip Foundation by purchasing a ceramic chip which can be used to exchange for food and drinks in certain food outlets. Councillor O'Brien described how the scheme works and encouraged Councillors to give it their support. Councillor Tim Ball asked for the details to be circulated to Members. Councillor Liz Hardman asked if Bath had any supporting outlets, to which Councillor O'Brien responded that there were currently three, with plans for more.

The Chair thanked everyone for their attendance and closed the meeting.

The meeting ended at 9.39 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Urgent decisions made – for noting

Date	Type of decision	Title	Decision	Authority to make decision
17 th March 2020	Officer Delegated Decision – Corporate Director (Place)	1802782TAXI	Determine ‘fit and proper’ status of a BANES Hackney Carriage/Private Hire Driver	Part 4G Rule 3 of the Constitution (urgent business) https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1380
23 rd March 2020	Officer Delegated Decision – Chief Executive	Declaration of a Major Incident in accordance with the 2004 Civil Contingencies Act	Declaration of a Major Incident to enable the Council to respond rapidly to any emergency arrangements arising as a result of the Covid-19 crisis.	Part 4G Rule 3 of the Constitution (urgent business) https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1385
3 rd April 2020	Officer Delegated Decision - Chief Executive	Temporary suspension of Enforcement Action	Temporary suspension of enforcement action against temporary changes of use of land or buildings, or other development where this is undertaken by or at the request of the Council or other public bodies in order to respond directly to the Covid -19 outbreak.	Part 4G Rule 5 of the Constitution (urgent business) https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1383

Urgent decisions made – for noting

21 st April 2020	Officer Delegated Decision - Chief Executive	Avon Pension Fund Investment Strategy decision	Approve the revised Avon Pension Fund Investment Strategy.	Part 4G Rule 5 of the Constitution (urgent business) https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1389
27 th April 2020	SMD – Cabinet Member for Resources	Covid-19 Council Tax Hardship relief	Agree officers be authorised to immediately reduce the council tax liability for all working age recipients of Local Council Tax Support during 2020/21 by the lower figure of their remaining liability for that year or £150.	Part 4C Rule 4 of the Constitution https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1391

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	26 th May 2020
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Terms of Reference of Panels, Committees and other bodies in the Council's Constitution</p>	

1 THE ISSUE

- 1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2020 to May 2021 and associated annual business.

2 RECOMMENDATION

Council is asked to:

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

- 2.7 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in section 5;
- 2.8 Note the arrangements for the conduct of Cabinet business, as set out in section 6;
- 2.9 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.10 Note the adoption of the Virtual Meetings Procedure rules, as set out in section 8;
- 2.11 Note the calendar of meeting dates that has been prepared up to May 2021 which is available on the Council's website;
- 2.12 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

- 4.1 The Council's Constitution sets out the approved non-executive and regulatory decision-making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 1 to this report.
- 4.2 Political groups have appointed members to the bodies listed in Appendix 1 and as Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees. Unless otherwise advised by the political groups, these appointments continue for the 4 year term.
- 4.3 The Terms of Reference of the Parish Liaison meeting have been updated as part of their annual review, which was undertaken by the Parish Charter Liaison Working Group. The amendments were considered at the Parish Liaison meeting held on 30th October 2019. Following approval by the Council, they will be approved by BANES Avon Local Council's Association at its AGM on 11th June 2020.

5 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

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

6 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

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

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

6.3 There were no such decisions taken in the previous municipal year.

7 APPOINTMENTS ON OUTSIDE BODIES

7.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with Group Leaders) for Council functions, and by the Leader for Cabinet ones.

8 CHANGES TO THE CONSTITUTION

8.1 Under Article 15.4 (b) of the Council's Constitution, the Monitoring Officer has agreed Virtual Meetings Procedure Rules (VMPR), in order to implement the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the 'Regulations'). These will remain in force until those Regulations cease to have effect on 7th May 2021, or are further amended by the Monitoring Officer;

<https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1392>

9 RISK MANAGEMENT

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

10 EQUALITIES

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

11 ADVICE SOUGHT AND CONSULTATION

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

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

Contact person	Jo Morrison, Democratic Services Manager (ext 4358)
Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	

TERMS OF REFERENCE

Appendix 1

1 Avon Pension Fund Committee

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

The Avon Pension Fund is a member of the Brunel Pension Partnership (Brunel). Brunel Pension Partnership Ltd (BPP Ltd) will gradually become responsible for implementing the Fund's Investment Strategy. The Fund's assets will transfer to portfolios offered by Brunel from April 2018 with most of the quoted assets transferring within 3 years. Once Avon's assets are within a Brunel portfolio, the appointment, monitoring and deselection of managers will be the responsibility of BPP Ltd. The Terms of Reference reflects this transition.

Function and Duties

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

The key duties in discharging this role are:

1. Having taken appropriate advice determining the following:
 - a. the investment strategy and strategic asset allocation
 - b. the administration strategy
 - c. the funding strategy.
2. Monitoring the performance of the investment strategy, scheme administration, and external advisors.
3. Ensuring that the investment strategy can be delivered by the portfolios offered by BPP Ltd. If not, agree alternative arrangements. In relation to Brunel Pension Partnership:
 - a. Monitoring the performance of BPP Ltd in delivering investment services to the Fund. Make representations to the Brunel Oversight Board on matters of concern regarding the service provided by BPP Ltd and the performance of its portfolios.
 - b. Monitoring the governance of Brunel Pension Partnership and making recommendations to the Brunel Oversight Board. Terminating the Service Agreement with BPP Ltd.

4. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
5. Approving the annual budget and 3 year Service Plan and resource requirements to deliver the work plan.
6. Approving variances to budget within a financial year.
7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's work plan.
8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
9. Making representations to government and responding to consultations as appropriate concerning any proposed changes to the Local Government Pension Scheme.
10. Nominating a representative (and named substitute) from the Committee to represent the Committee on the Oversight Board for Brunel Pension Partnership.

Delegations

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

Membership of the Committee

Voting members (14)	5 elected members from B&NES (subject to the rules of political proportionality of the Council) 3 independent members 1 elected member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council 1 nominated from the Higher and Further education bodies 1 nominated from the Academy bodies 1 nominated by the trades unions
Non-voting members (3)	1 nominated from the Parish Councils Up to 2 nominated from different Trades Unions

The Council will nominate the Chair and Vice Chair of the Committee. The Vice Chair will be the Chair of Investment Panel.

Meetings

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

Quorum

The quorum of the Committee shall be 5 voting members who shall include at least 1 member from Bath and North East Somerset Council

Substitution

Named substitutes to the Committee are allowed.

2 Investment Panel

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

The Investment Panel will:

1. Review strategic and emerging opportunities outside the strategic asset allocation and make recommendations to the Committee.
2. Review the performance of the investment and risk management strategies
3. Report matters of strategic importance to the Committee.

And have delegated authority for:

4. Monitoring the transition of assets to the Brunel portfolios and allocate assets to the relevant portfolio offered by Brunel
5. Approve and monitor tactical positions within strategic allocation ranges.
6. Approve allocations to emerging opportunities within the strategic allocations.
7. Approve commitments to Brunel's private market portfolios at each commitment cycle to maintain strategic allocations.
8. For Risk Management strategies, monitor the implementation of the structures, consider strategies for restructuring, and monitor collateral requirements.
9. For assets held outside Brunel:
 - Implement investment management arrangements in line with strategic policy.
 - Monitor investment managers' investment performance and make decision to terminate mandates on performance grounds.
10. Monitor the investment performance of the portfolios managed by BPP Ltd and report to Committee on investment matters with specific reference to strategy delivery.
11. Delegate specific decisions to Officers as appropriate.

Panel Membership

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

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

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

The Council will nominate the Chair of the Panel.

Panel Meetings

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

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

Panel Quorum

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

Panel Substitution

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

Panel Minutes

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

3 Brunel Oversight Board Representative

Brunel Oversight Board (the Board) is the primary governance body within the Brunel Pension Partnership. Each Fund within the partnership has a representative on the Board and this representative represents the Committee when discharging its duties.

Acting for the administering authorities in their capacity as shareholders in BPP Ltd., the Board has responsibility for ensuring that BPP Ltd delivers the services required to achieve investment pooling across the Brunel Pension Partnership.

Subject to the terms of reference for the Board and the applicable shareholder documentation, the Board’s role is to consider and address relevant matters on behalf of the administering authorities. These include the monitoring and strategic oversight functions necessary to its role, as well as acting as a conduit and focus of shareholder requirements and views.

Consistent with this role, the Board’s duties include reviewing and discussing any matter which it considers appropriate in relation to BPP Ltd including BPP Ltd.’s services, performance, operations, governance, strategy, financing and management.

The main duties of the Board Representative are:

1. To represent the Committee and Shareholder on the Brunel Oversight Board.
2. To ensure that the Committee’s views are communicated to the Board and BPP Ltd.

3. To ensure the Fund's and shareholder's interests are protected within Brunel in line with the legal framework within which Brunel operates.
4. To report back to the Committee and Shareholder all relevant issues discussed by the Board and recommendations to the Brunel Client Group and/or the Shareholders.
5. To seek the consensus view of the Committee for Shareholder and Board matters where necessary.
6. To raise issues with the Board at the request of Committee members, the shareholder representative or Head of Pensions.

4 Brunel Pension Partnership Working Group

This is a group of Committee members whose role is to consider in greater detail any issues arising from Brunel Pension Partnership with Officers, for example Reserve Matters, papers to be discussed at BOB. This will not include routine investment matters which are monitored by the Investment Panel.

This group will consist of:

- a) the BOB Representative,
- b) named BOB substitute
- c) the Chair and/or Vice Chair if not the BOB representative /substitute
- d) an independent committee member.
- e) Head of Pensions
- f) Investments Manager

The Working Group shall be quorate if three members are in attendance, with at least 2 that are not fund officers. The Head of Pensions shall chair the Working Group.

The Working Group shall meet as and when required as determined by the Head of Pensions. Meetings may be via telephone conference.

Key discussions and action points from the Working Group will be recorded and the committee will be updated at the next committee meeting.

The responsibilities of the working group are as follows:

With regard to any matters arising from Brunel Pension Partnership where the Avon Pension Fund have an interest:

- a) to consider each matter that will be brought to the Pension Committee and / or Shareholder representative for decisions in due course
- b) to provide guidance to the Pension Committee and / or Shareholder Representative in relation to each matter when they are being considered
- c) to provide guidance to the BOB representative as required
- d) to make recommendations to the Pension Committee regarding general oversight of the pool, as considered appropriate.

Officer Delegations

Officers are responsible for:

1. Implementation and day to day monitoring of the administration, investment and funding strategies and related policies.
2. Implementing investments in emerging opportunities within strategic allocations, either to be managed outside Brunel or instruct allocation to Brunel portfolio.
3. Implementing investment management arrangements in line with the strategic policy as follows:
 - a. For assets managed outside Brunel, this includes the setting of mandate parameters and the appointment of managers, in consultation with the Investment Panel.
 - b. For assets managed within Brunel, deciding and instructing the allocation to each Brunel portfolio.
4. Restructuring the risk management strategies as required where sensitive to market prices or technical in nature, having taken expert advice.
5. Rebalancing the investment assets to target strategic allocations, when deemed prudent to do so, taking account of tactical allocations approved by the Investment Panel.
6. Representing the Fund on the Brunel Client Group to develop Brunel investment strategies and policies which effectively support the interests of the Fund.
7. Commissioning Elective Services from BPP Ltd and issuing instructions as permitted by the Brunel Service Agreement to BPP Ltd.
8. The appointment of specialist advisors to support the Committee and Officers in discharging their functions.
9. Determining policies that support the investment and funding strategies having taken expert advice.
10. In consultation with the Chair of the Committee, the Head of Pensions will approve the draft Statement of Accounts and Annual Report for audit.
11. Authorising expenditure from the Fund in accordance with the annual budget.
12. Admitting new admitted bodies into the Fund subject to them meeting Fund policy.
13. The Section 151 Officer has authority to dismiss investment managers, advisors and 3rd party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
14. The Section 151 Officer has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount
15. Under its wider delegated powers, the Section 151 Officer has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.

16. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

Approved by Avon Pension Fund Committee 06 December 2019

5 Local Pension Board for Avon Pension Fund

Function and role

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

- a) to secure compliance with:
 - i. The LGPS (Amendment) (Governance) Regulations 2014 (the “regulations”)
 - ii. Any other legislation relating to the governance and administration of the Scheme
 - iii. Requirements imposed by the Pensions Regulator in relation to the Scheme; and
- b) to ensure the effective and efficient governance and administration of the Scheme.

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

The Board will exercise its responsibilities in the following areas:

- 1. Through monitoring and progress reporting to the Committee including making recommendations on the following activities;
 - a. Implementation of the Pensions Administration Strategy
 - b. Implementation of the Communications policy including the emerging digital strategy.
 - c. Monitoring compliance with the relevant legislation and Codes of Practice as set out by The Pensions Regulator;
 - d. Reviewing all new and emerging regulatory issues and themes and identifying material implications for the Fund
- 2. That governance arrangements and controls are in place to;
 - a. Ensure strategies policies and processes are in place to deliver the objectives of the Avon Pension Fund Committee

- b. Policies and processes are in place to achieve Employer and Fund compliance with their obligations under the Scheme and regulations
 - c. Monitor the administration performance, including implementation of compliance and improvement projects
 - d. Review Internal and External audit reports and other external inspection reports
 - e. Recommending improvement actions on the above to Pensions Committee where necessary.
3. From time to time the administering authority may consult the Board or ask assistance on specific issues.
 4. The Pension Board in undertaking its duties may make recommendations to the Avon Pension Fund Committee aimed at improving the effective governance and administration the scheme

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

Board Membership

There will be up to seven Board members comprising three member representatives, three employer representatives and an Independent Chairperson.

Member representatives can be drawn from the membership and are not restricted to Trades Union representatives. Employer representatives should be representative of the employers within the scheme.

No officer or councillor of the administering authority who is responsible for the discharge of any function under the LGPS regulations can be a member of the Board.

In respect of the Chairperson the term independent means having no current employment, contractual, financial or other material interest in either the Council or any scheme employer in the Avon Pension Fund. The Chairperson can delegate to another Board member if unable to attend a meeting.

The Service Director – One West will represent the Administering Authority as an independent support to the Board and oversee the operation of the Board to ensure it is achieving its terms of reference. They can make recommendations on any changes to Board membership or the terms of reference of the board to Council on an annual basis.

Appointment process

The Avon Pension Fund will facilitate the nominations process for all Board members; the appointment process will be undertaken by the Service Director – One

West. The appointment of the Chair will be following an advertised competitive process, which shall be subject to the Board's approval of the successful candidate.

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

Role of advisors

The Board may appoint professional advisors as appropriate to their work plan. The cost will be met within the budget approved by the administering authority.

Role of officers

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

Frequency of meetings

Meeting frequency will be dictated by the work plan of the Board and formal meetings will be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

Voting rights

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

Board Quorum

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

Substitutes and Sub-Committees

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

Board work plan and Budget

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

Access to Board papers

The agenda papers will be circulated in in line with normal council democratic processes and minutes of meetings will be recorded and published in the same way.

Term of office

All appointments will be for a four year term with the maximum term of Board membership limited to two terms. All new appointments will be subject to a review of performance after 12 months to assess any additional training requirements.

Code of Conduct

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

Declarations of Interest and Conflicts of interest

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

The Board is required to act within its Terms of Reference. The Board should ensure that in addition to the Council Policy it has its own policy for managing conflicts of interest in line with any further stipulations from the Pensions Regulator and members must abide by this policy.

Removal from Board

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

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

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

The Service Director – One West will consult with the Monitoring Officer to determine the correct process prior to any removal from the Board.

Expenses

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

Allowances

An annual allowance will be paid to the Independent Chairperson.

Knowledge and understanding

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

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

Reporting

The Board will publish an annual report to Council outlining the work it has carried out to fulfil its terms of reference including any recommendations on process or governance. This should be available via the Avon Pension Fund website to members and employers.

Direct reporting line if the Board has material concerns – Service Director – One West

The Board minutes will be circulated to administering authority and the Pension committee.

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

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

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

Data protection and Freedom of Information

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

6 - Terms of reference - Charitable Trust Board

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

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

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

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

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

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

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

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

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

The Board will comprise:

- Five councillors
(to include the Cabinet member responsible for Community Services and at least one councillor who is not a member of the controlling group but who's appointment is determined by the controlling group), and

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

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

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

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

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

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

Schedule 1 Charitable Trusts for which the Council is sole trustee	Schedule 2 Charitable Trusts for which the Council is responsible
The Alice Park	Weston Recreation Ground
Free Fields (Rainbow Woods)	4 The Circus
	Firs Field
	Beechen Cliff
	Backstones
	Innox Park
	Post Office Museum

7 Alice Park Trust Sub Committee

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

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

Appointed by: The Charitable Trust Board

Membership:

- 3 Councillors from the membership of the Charitable Trust Board (excluding the Cabinet member)
- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

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

Lead Officer	Head of Parks & Green Spaces
Deputy Officers	Team Leader Parks & Green Spaces
	Project Manager, Parks.

Decision Making Powers:

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

8 Corporate Audit Committee

Powers and Duties

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

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

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

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

- A. the Standards Committee of the Council with regard to matters of ethical governance;
- B. the relevant Policy Development and Scrutiny Panel(s) - to complement but not to duplicate the exercise of their legitimate role in checking compliance with Council processes and policies and in reviewing policies and practice;
- C. relevant Cabinet Members, in particular the Leader and the Cabinet Member for Resources, whose portfolios include executive functions related to the matters covered by these terms of reference
- D. the Council when developing the Council's Code of Corporate Governance

Membership

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

Chairing nomination rights are allocated to the Liberal Democrat Group.

Frequency of Meetings

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

9 Employment Committee

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

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

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

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

The Committee's Span of Responsibility

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

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

Membership

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

10 Bath and North East Somerset Health and Wellbeing Board

1. *Statement of purpose*

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

2 *Roles and responsibilities*

- 2.1 The Board will be responsible for:
 - developing a strong, place based vision for health and wellbeing
 - overseeing the development of local needs assessments, including joint strategic needs assessment (JSNA) and pharmacy needs assessment (PNA)
 - leading the development and delivery of the joint health and wellbeing strategy (JHWS)
 - considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
 - ensuring local placed-based health and social care commissioning plans have adequate regard to the JHWS
 - The Improved Better Care Fund for B&NES including sign off and ongoing oversight.
- 2.2 The Board will seek to:
 - influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA, PNA and JHWS
 - promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
 - work with and influence services including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health and wellbeing
 - work collaboratively across our local partnership framework
 - strategically performance manage key activity against the key priorities of the JHWS

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

3. Scope

- 3.1 The Board's scope shall be set out within the Joint Health and Wellbeing Strategy.
- 3.2 The Health and Wellbeing Board may consider services beyond health and social care enabling the Board to look more broadly at factors affecting the health and wellbeing of the B&NES population.

4. Accountability

- 4.1 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual duties and responsibilities.
- 4.2 The Board is responsible for working with the Children and Young People's Sub Group to deliver strategic commitments and outcomes, in line with the JHWS.
- 4.3 Accountability for safeguarding lies with the Local Safeguarding Adults Board and Local Safeguarding Children's Board.
- 4.4 The Safeguarding Children Board, the Safeguarding Adult Board and the Children and Young People's Sub Group will report to the Board on relevant performance outcomes against the JHWS priorities, through a regular performance reporting process.

5. Membership

5.1 Membership of the Board is:

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

- NHS England x 1
- 5.2 The Board will be co-chaired by the Council's Cabinet Member for Adult Social Care and Health and the Chair of the Clinical Commissioning Group. Chairing of each meeting will alternate between the two co-chairs and matters of agenda planning will be considered jointly. Co-chairs will also be able to provide cover and support to each other in the absence of one of them.
- 5.3 In the event of a vote on a substantive matter, the quorum for the meeting will be:
- 3 members of the Council
 - 1 member of the CCG
 - 1 member of Healthwatch B&NES
 - 1 health and social care provider representative
 - 1 member of Avon and Somerset Police, Avon Fire and Rescue, Higher and Further Education representative or Housing representative
- 5.4 Board members may nominate a named substitute from an appropriate member of their organisation or service.

6. *Wider engagement*

- 6.1 By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:
- Taking responsibility for good public engagement
 - Clarity about purpose
 - Harnessing a range of engagement methods
 - Engaging with everyone
 - Committed to cultural change
 - Providing access to information
 - In partnership
 - Feeding back engagement results
 - With Healthwatch B&NES
 - Evaluating engagement
- 6.2 The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.

- 6.2 The Council's policy development and scrutiny function offers an opportunity for broader engagement on key issues.
- 6.3 It is intended that one representative of each Political Group on the council, not currently represented on the board, be invited to formal Board meetings in an observer capacity.

7. *Business management*

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

11 Licensing Committee

Status of the Committee

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

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

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

Membership of the Committee

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

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

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

The Council's objectives on Licensing

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

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

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

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

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

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

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

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

Powers and Duties of the Committee

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

Animal Boarding Establishments Act
1963
Animal Welfare Act 2006
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites and Control of
Development Act 1960
Charities Act 2006
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Fireworks Act 2003
Food Act 1984
Food Safety Act 1990
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Highways Act 1980 Part VIIA
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous
Provisions) Act 1976
Mobile Homes Act 2013
Local Government (Miscellaneous
Provisions) Act 1982
Performing Animals (Regulation) Act
1925
Pet Animals Act 1951
Pet Animals 1951 (Amendment) Act
1983

Petroleum (Regulation) Acts
1928 & 1936
Poisons Act 1972
Police Factories, etc.
(Miscellaneous Provisions)
Act 1916
Public Health (Control of
Disease) Act 1984
Public Health Acts
Amendment Act 1907
Riding Establishments Act
1964
Riding Establishments Act
1970
Scrap Metal Dealers Act 2013
Theatres Act 1968
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Transport Act 1981
Vehicles (Crime) Act 2001
Violent Crime Reduction Act
2006
Zoo Licensing Act 1981

4. To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.

5. To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
6. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

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

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

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

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

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

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

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

[The Licensing Committee delegation scheme can be viewed in Part 3 of the Constitution.]

12 PLANNING COMMITTEE

Functions

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

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

2. The Committee is granted delegated authority to establish Development

Management working practices and protocols for operation on a District-wide basis by this and all other area-based committees.

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

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

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

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

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

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

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

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

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

Limitation on delegation

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

Frequency

Monthly

Membership

10 Members in the political proportion– 6 Liberal Democrat, 2 Conservative, 1 Independent Member and 1 Labour Member; chaired by a Liberal Democrat Member.

[May 2019 – the Independent Group have offered their allocation to the Conservative group to fill. For proportionality purposes, it remains an Independent group place. This arrangement can be withdrawn by the Independent group at any time.]

13 POLICY DEVELOPMENT AND SCRUTINY PANELS

General Terms of Reference

Role of Overview and Scrutiny¹ Panels

Overview and Scrutiny is the name in legislation given to the system of checks and balances implemented by the rest of the Councillors as they monitor the activity of the Cabinet and also assist them in developing policy. In Bath & North East Somerset Council, it is known as Policy Development and Scrutiny and is a key part of local government allowing citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.

The main decision making powers in Bath & North East Somerset Council lie with Councillors who sit on the Cabinet, intended to create clear leadership and accountability for service delivery. By contrast, Policy Development and Scrutiny is intended to review the work of the Cabinet and to enhance the performance of services. It is also designed to provide a forum through which policy review and development can be extensively examined before consideration and decision by the Cabinet and/or Full Council.

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

Policy Development and Scrutiny has two key roles:

Overview

- To assist the Council and the Cabinet in the development of new policy.
- To assist the Cabinet by giving comments on issues identified as "key decisions" prior to a decision being made.

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

- To assist the Cabinet by giving comments on service and budget plans at their draft stage and assisting in the development of its budget and policy framework.

Scrutiny

- Scrutinise performance management information to ensure that the Council is performing to agreed targets and to agreed action plans.
- Determine "call-ins" of decisions made but not yet implemented by the Cabinet.
- Scrutinise particular "key decisions" and other aspects of Cabinet activity to ensure compliance with agreed Council policies and plans.
- Evaluate the impact of Council and or Cabinet decisions and policies.

Within their allocated remits, each Panel has a broad-based responsibility for Policy Development and Scrutiny in its particular area of responsibility, including:-

- carrying-out of in-depth reviews, as set out in their Policy Development and Scrutiny Work Plan
- reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions
- make recommendations to the Cabinet arising from the outcome of the scrutiny process
- undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity, including evaluating the impact of Council and Cabinet decisions and policies
- offering overview advice and reports of policy development issues
- dealing with any relevant Councillor Call for Action
- carries out its roles within the Council's petition scheme
- may send communications and reports directly to other Policy Development and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
- may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights);
- may invite participants to give evidence, either verbally or in writing, on any issue contained within their Policy Development and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
- may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Policy Development and Scrutiny Procedural Rules
- may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers.

- conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future, and implement mechanisms to encourage and enhance community participation in the development of policy options;
- liaise with other external organisations to ensure that the interests of local people are enhanced by collaborative working;

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

Policy Development and Scrutiny Panel Remits

CORPORATE

Panel remit is –

- Democratic & Legal Services including Registration and Electoral Services
- Corporate Finance
- Procurement & Commissioning
- Pensions & Financial Administration
- Management Accounts
- Human Resources & Organisation Development
- Strategy, Engagement & Marketing Including Equalities
- Business Support, Programmes & Performance
- Digital & Customer Services
- Commercial Including Audit & Assurance²
- Property Investment including Estates
- Construction Maintenance & FM

Membership: 9 Members (6 LD, 2 Con, 1 Ind)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

CLIMATE EMERGENCY & SUSTAINABILITY

- *Delegated Flood Risk Management Panel*

Panel remit is –

- Tackling Climate Emergency³
- Natural Environment & Green Infrastructure
- Planning Policy, including Conservation and Enforcement
- Building Control & Public Protection including Health & Environment

² While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role which is undertaken by the Council's Corporate Audit Committee

³ Whilst this Panel will have primary responsibility for climate change issues, tackling the climate emergency will need consideration by all Panels.

- Housing, including, Strategy, Enabling & Development, Standards & Improvement and Homelessness Policy
- Heritage, Including Tourism, and Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Development & Management

Membership: 9 Members (6 LD, 1 Con, 1 Ind, 1 Lab)

[Chair is nominee of the Independent group. Vice Chair is nominee of the LD group.]

CHILDREN, HEALTH & WELLBEING

- *Delegated Committee for the statutory health scrutiny function under the Health & Social Care Act 2012*
- *Delegated Crime & Disorder Panel*
- *Delegated Curriculum Complaints Panel*

Panel remit is –

- Health Scrutiny including Healthwatch and Community Safety
- Public Health
- Integrated Commissioning including, Mental Health & Substances, Children, Better Care Fund, Learning disability, Transformation
- Safeguarding Outcomes
- Care Outcomes including Corporate Parenting
- Inclusion (SEND)
- Prevention (CYP)
- Safeguarding Children & Young People
- Safeguarding of Adults & Quality Assurance including Data Protection & Complaints
- Service Development
- Health, Safety & Wellbeing
- Education Transformation including virtual schools, school improvement and Music

Membership: 9 Members (6 LD, 2 Con, 1 Lab)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

In addition to General Terms of Reference

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

- a. review the decisions and performance at least once per year;

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

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

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

Health Scrutiny - The Health and Social Care Act 2012 requires local authorities with social services responsibilities to have in place arrangements to scrutinise health services. This function is bestowed on the local authority's Full Council but can be delegated however the Full Council sees fit. In Bath & North East Somerset Council, the function is delegated to the Health & Wellbeing Panel. Councillors on the Health & Wellbeing Panel therefore have a role, as representatives of the public, to hold to account local Health organisations when they are making big decisions about the future of health care provision in Bath & North East Somerset.

Provisions of the Health Scrutiny Regulations

- The council's overview and scrutiny body can scrutinise any NHS Commissioning Board, Clinical Commissioning Group or NHS body that provides services for people in the council's area.
- Local NHS bodies must provide any information the council reasonably requires (excluding information about individuals), and NHS staff can be required to attend and provide information.
- Scrutiny reports can be made to the council and to NHS bodies. If requested, the NHS body must respond within 28 days.
- NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.
- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.

- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.
- Following any health overview & scrutiny topic undertaken, the Committee will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

JOINT HEALTH SCRUTINY FUNCTION

Working across Local Authority Boundaries

Some health issues will be specific to the B&NES area whilst others (e.g. performance of large hospitals or regional health services with a wide catchment area) will extend beyond the B&NES local authority boundaries. Protocols for a Joint Health Scrutiny Committee for cross-boundary overview and scrutiny of health issues and institutions have been established with the other Councils in the former Avon area (as agreed at Council November 2003). In such cases, B&NES will adopt the following approach:

Membership

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

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

Terms of Reference

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions in connection with the consultation.

- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

Health Services located within B&NES *E.g. Royal United Hospital (RUH), Bath.*

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

Health Services located elsewhere but used by B&NES residents *E.g. Bristol Royal Infirmary (BRI)*

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

A Member of the B&NES Health & Wellbeing Panel attend such joint meetings, as are relevant, and report back to the rest of the health & wellbeing Panel.

14 PARISH LIAISON

Draft Revised Terms of Reference

For ratification in May 2020

1. Purpose

1.1 Parish Liaison is a partnership meeting between Bath & North East Somerset Council and the parishes within its district to facilitate the way in which they work together to serve the people of Bath and North East Somerset.

1.2 The Parish Charter is the framework within which the Parish Liaison meetings operate and support the implementation of the Charter's key principles of:

- Respecting and valuing each other
- Strengthening relationships

- Providing practical support
- Making the best of our skills and resources

1.3 The Parish Liaison meeting does not have any decision making powers but can advise and make representations to Bath & North East Somerset Council.

2. Membership

2.1 Membership of the Parish Liaison meeting is limited to elected representatives of Bath & North East Somerset Council and representatives of the parishes within the district.

2.2 Bath & North East Somerset Council will appoint representatives to the Parish Liaison meetings in such numbers as it decides.

2.3 The parishes will each be entitled to send their nominated representative (usually the Chair of the Council) and their Clerk to the meetings. Additional parish representatives may attend subject to notification to Democratic Services prior to the meeting date and the subsequent approval of the Chair of the meeting.

2.4 The Avon Local Councils Association for Bath and North East Somerset will be entitled to send representation to the meetings in their own right.

2.5 Officers of Bath & North East Somerset Council will attend meetings as necessary to advise and assist discussion.

3. Meetings

3.1 There will normally be three meetings per year, held in open session.

3.2 Meetings will usually be held in the evening for no longer than three hours.

3.3 There is an option for one of these meetings to be 'conference style' for networking and to provide training; updates; briefings and presentations on good practice from parishes. Where appropriate these will also be provided at other meetings in the cycle.

3.4 The meetings will be chaired by an agreed, elected representative of Bath & North East Somerset Council. The meeting Chair shall act independently and work on behalf of the Parish Liaison meeting for the wider benefit.

3.5 The Parish Liaison meeting is not a statutory meeting of the Council.

3.6 The general public may attend Parish Liaison meetings as observers but have no automatic right to speak or make statements. The Chair may exercise his/her discretion if a member of the public has given notice prior to the meeting date that they wish to raise an item of general interest and relevance to the membership.

3.7 Agendas and papers for meetings will be circulated a minimum of seven calendar days before a meeting. A record of each meeting will be taken.

4. Conduct at Meetings

4.1 The Parish Liaison meeting recognises that the Council and parishes have a common purpose to promote the wellbeing of Bath and North East Somerset, and serve the same residents. While the meeting relies on open discussions there is a need to respect and value each other's views and opinions.

4.2 Attendees will:

- engage positively in discussions
- work together on finding solutions
- sharing good practice
- help strengthen relationships

4.3 All those attending Parish Liaison meetings shall be accorded the same degree of respect, dignity and consideration by all other attendees, irrespective of people's protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and with regard to equalities legislation.

5. Agenda Setting

5.1 Parish Liaison will convene a sub-group for the purpose of setting the agendas for Parish Liaison as well as monitoring the Parish Charter. The sub-group will consist of representatives from the Council, parishes and Avon Local Councils Association for Bath and North East Somerset

5.2 Agenda items of relevance for discussion at Parish Liaison meetings will be those:

- That are strategic or legislative issues
- That have direct impact on all, or a significant number of parishes
- That support an effective working partnership between tiers of local government
- That relate to the Parish Charter
- Where a collective view from parishes would be helpful

5.3 Items that are not relevant for Parish Liaison will be those:

- That relate to a single, or small number of parishes
- For which other, effective channels of communication exist
- That are day to day operational issues
- That need to be addressed immediately

5.4 The agenda items will take account of other local Forums' interests in discussions on topics and will avoid duplication where possible. Further information on protocols can be found in the Parish Toolkit.

5.5 The infrequency of Parish Liaison meetings means that it is not a practical forum through which to engage in routine enquiries and those that require immediate action.

6. Review

6.1 The Terms of Reference will be reviewed annually and any agreed changes will be ratified at the Annual General Meetings of Bath & North East Somerset Council and Avon Local Councils' Association for Bath and North East Somerset, usually held in May.

Definition of Terms

For the purposes of this Terms of Reference, the term 'parishes' relates to Town, Parish and Village Councils and Parish Meetings.

15 Re-Structuring Implementation Committee

The Committee's Span of Responsibility

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

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

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

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

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

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

Membership

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

16 Education (School Appeals) Panels

Function

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

Membership

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

Timetable

Meetings fixed as and when necessary.

17 Standards Committee

Terms of reference

- (a) Promote and maintain high standards of conduct by Councillors; Parish Councillors; co-opted members and church and parent governor representatives
- (b) Oversee the effectiveness of the Council's Constitutional arrangements from an ethical perspective and make recommendations to the Council on any desirable or necessary changes
- (c) Recommend to the Council Codes of Conduct and Practice or Protocols for members and/or employees of the Council, including planning issues and Arrangements for dealing with complaints
- (d) Monitor and review such Codes and Protocols and the Register of Members interests
- (e) Consider and determine any allegations of misconduct against Members of the Council in accordance with the Codes and the Arrangements for dealing with complaints against councillors

- (f) Grant dispensations to Councillors; Parish Councillors; co-opted members and church and parent governor representatives relating to disclosable pecuniary interests as set out in the Localism Act 2011.
- (g) Consider i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.
- (h) Consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) Consider and determine the Council's response to any internal or District Audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (j) Make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for members and employees of the Council;
- (k) Make arrangements for training to Councillors; Parish Councillors; co-opted members and employees in connection with any matter within the terms of reference of the Committee.
- (l) Liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (m) Recommend to the Council from time to time as necessary the appointment of Independent Members to the Committee following open advertisement, short listing and interview.

Membership of the Standards Committee

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

Quorum

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

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

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

WEST OF ENGLAND COMBINED AUTHORITY ARRANGEMENTS

18 WECA Overview And Scrutiny Committee

Terms of Reference of the West of England Combined Authority Overview and Scrutiny Committee are available on the WECA website;

<https://westofengland-ca.moderngov.co.uk/mgCommitteeDetails.aspx?ID=143>

19 WECA Audit Committee

Terms of Reference of the West of England Combined Authority Audit Committee are available on the WECA website;

<https://westofengland-ca.moderngov.co.uk/mgCommitteeDetails.aspx?ID=144>

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	26 th May 2020	
TITLE:	Appointment of Member Advocates	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Member Advocate Role description		

1 THE ISSUE

- 1.1 The Council has a scheme to appoint Member Advocates who provide a voice for certain interests within the Council or community.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Appoint the following Councillors as Member Advocates;

MEMBER ADVOCATE	AREA	CABINET MEMBER
Cllr Sue Craig	Great Spas of Europe	Cllr Paul Crossley
Cllr Jess David	Biodiversity	Cllr Sarah Warren
Cllr Alan Hale	Safer Roads	Cllr Joanna Wright
Cllr Yuktेशwar Kumar	BAME issues	Cllr Dine Romero
Cllr Ruth Malloy	Twinning	Chair of Standing Committee
Cllr Paul Myers	Community & Public Buildings	Cllrs Tim Ball/Paul Crossley
Cllr Alastair Singleton	Renewable Energy	Cllr Sarah Warren

Cllr Shaun Stephenson-McGall	Engagement with students	Cllr Dine Romero
Cllr Chris Watt	Looked After Children	Cllr Kevin Guy
Cllr Ryan Wills	Rural Communities	Cllr Dine Romero

2.2 Invite the above Councillors to report briefly to the Council AGM each year on their activity.

3 THE REPORT

3.1 Member Advocates are elected members who, in addition to their other Council responsibilities, make sure that the issue or group that they are championing is taken into consideration when policy is being developed and decisions are made.

3.2 This may cover the following types of activity;

- (1) Asking questions about performance and resourcing for the issue;
- (2) Raise the profile of the issue and make the authority aware of good practice
- (3) Engage with external bodies and community groups who work or have an interest in the issue.

3.3 The Advocate will work co-operatively with the relevant Cabinet member and cannot commit the Council or work outside the political management or executive arrangements.

3.4 The full description of the role is attached.

4 STATUTORY CONSIDERATIONS

4.1 Members must operate within the parameters of the role description.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There are no direct financial implications arising from these proposals.

6 RISK MANAGEMENT

6.1 Members must operate within the parameters of the role description.

7 CLIMATE CHANGE

7.1 There are no direct implications from this appointment. Member Advocates do not have decision making powers; however, climate change issues may be part of the Advocates' consideration.

8 OTHER OPTIONS CONSIDERED

8.1 None.

9 CONSULTATION

9.1 Group Leaders.

Contact person	Jo Morrison, Democratic Services Manager
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Member Advocates

What are they?

The Council has appointed a number of Councillors to be advocates for certain interests within the Council and in the community. They are listed below:

MEMBER ADVOCATE	AREA	CABINET MEMBER
Cllr Sue Craig	Great Spas of Europe	Cllr Paul Crossley
Cllr Jess David	Biodiversity	Cllr Sarah Warren
Cllr Alan Hale	Safer Roads	Cllr Joanna Wright
Cllr Yukteshwar Kumar	BAME issues	Cllr Dine Romero
Cllr Ruth Malloy	Twinning	Cllr Dine Romero
Cllr Paul Myers	Community & Public Buildings	Cllr Dine Romero
Cllr Alastair Singleton	Renewable Energy	Cllr Sarah Warren
Cllr Shaun Stephenson-McGall	Engagement with students	Cllr Dine Romero
Cllr Chris Watt	Looked After Children	Cllr Kevin Guy
Cllr Ryan Wills	Rural Communities	Cllr Dine Romero

What do they do?

Advocates are primarily to advocate the needs of their particular “interest” area. They do not have decision making powers.

The Member Advocate will provide a brief description (*as a guide - no more than 50 words*) for the Annual General Meeting in May each year about the work they have done in their role in that year, in agreement with the Cabinet member.

How do they work?

The Advocate;

- will work co-operatively with the relevant Cabinet member;

Approved at Council May 2020

- needs an up to date understanding of Council and partner issues affecting their "interest";
- cannot commit the Council or work outside the political management or executive arrangements;
- will work to promote their "interest" within and with the community
- will provide advice as required;
- should/could be a nominated Council representative on a relevant outside body;
- can attend relevant conferences relating to their "interest" subject to the prior approval of their Group Leader and in consultation with the relevant Cabinet Member;
- is not a media contact;
- does not receive an allowance for this role.

Officer information and advice

To perform their role effectively, the Advocate;

- * liaise with the relevant Cabinet Member and Policy Development and Scrutiny Panel Chair(s)
- * must work through/report back through a nominated lead Director
- * will use the Councillors' dashboard as a consultation tool on relevant planned decisions
- * receive briefings from officers as appropriate

Officers are advised to consider this role when they brief members on relevant topics. There is not an automatic right of attendance by the Advocate during such discussions but, given the role vested in them by the Council, there are certain expectations on the Advocate about being "kept in the loop" on relevant issues.

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	26 May 2020
TITLE:	Annual Report of the Charitable Trust Board
WARD:	All
AN OPEN PUBLIC ITEM	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Council on the work of the Charitable Trust Board over the past year.

2 RECOMMENDATIONS

- 2.1 To note the report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The purpose of the Charitable Trust Board is to facilitate the management of the charitable trusts for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity. Currently the only charitable trust which the Board oversees is the Alice Park Trust. This is managed by a Sub-Committee consisting of three voting members (elected members of the Council) and two independent non-voting members.
- 3.2 The Charitable Trust Board is satisfied that the finances of the charity are being managed adequately with the support of the Council's finance team. Its accounts and annual report were submitted to the Charity Commission within the required statutory timescales.

4 THE REPORT

4.1 Meetings and Membership

- 4.1.1 The Charitable Trust Board has met twice in the last municipal year, in July 2019 and January 2020.

- 4.1.2 The current membership of the Charitable Trust Board is:

Cllr Paul Crossley (Chair)

Cllr Rob Appleyard

Cllr Paul Myers

Cllr Mark Roper

Cllr Joanna Wright

There is currently a vacancy on the Board for an Independent Member which has not been filled for some time. This vacancy has now been advertised and interviews will take place later in the year.

5.1 Activities Undertaken

5.1.1 The Charitable Trust Board is satisfied that the Alice Park Trust is:

- Being managed in pursuit of its charitable purposes.
- Financially solvent.
- Acting within the requirements of its governing documents.
- Dealing with its regulatory and public accountability obligations.

5.1.2 The Board also considered a request from a third party to transfer responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative. At its last meeting the Board asked officers to prepare a report for consideration following a review of the governance arrangements for the Alice Park Trust Sub-Committee along with the merits and risks of a potential transfer of responsibility to a third party as compared to the current arrangements. Members decided to retain the sole trusteeship delivery model for the governance of the Trust.

5.1.3 The Board also asked the Alice Park Trust Sub-Committee to produce a 10-year plan for the Trust with the aim of becoming financially sustainable. The local community will be consulted on the draft plan. The Sub-Committee will also put forward proposals for a suitable community engagement model for consideration at the next meeting of the Charitable Trust Board.

5.1.4 The Board also considered a report regarding 4 The Circus, Bath and requested officers to appoint three Trustees to the Frances Georgina Cooke charity to fill existing vacancies.

5.2 Finances of the Alice Park Trust Sub-Committee

5.2.1 Expenditure incurred for Alice Park Trust in 2018/19 was £38,378; this was offset by income of £15,786.

5.2.2 The deficit of £22,592 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.

- 5.2.3 Net Assets of the Trust are valued at a cost of £189,734. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.
- 5.2.4 The accounts for 2018/19 have been prepared by the Council's Finance team and have been independently audited by the Audit West Team.
- 5.2.5 The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission.
- 5.2.6 An annual report for the Trust has also been prepared for submission to the Charity Commission.
- 5.2.7 The park was open for public access throughout the year, including use of the tennis courts and tea chalet (although the closure of some facilities has recently been necessary due to the current Covid-19 outbreak) and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.
- 5.2.8 At the last meeting of the Charitable Trust Board a query was raised about the accuracy of the accounts that have been submitted to the Charity Commission. The Section 151 Officer has responded to the member of the public who raised the query stating that there is no need for the accounts to be restated as the categorisation of income as presented does not compromise their accuracy. However, the presentation issue raised by the member of the public will be taken on board for future years.

6 RATIONALE

- 6.1 Under its terms of reference the Charitable Trust Board is required to submit an annual report to the Council.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CLIMATE CHANGE

- 8.1 This is an internal matter, so climate change considerations are not relevant.

9 CONSULTATION

- 9.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

10 RISK MANAGEMENT

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

Contact person	Mandy Bishop – Director, Environment Services Email: Mandy_Bishop@bathnes.gov.uk Tel: 01225 394019
Background papers	None
Please contact the report author if you need to access this report in an alternative format	