

Council

Date: Thursday 25th May 2023

Time: 6.30 pm

Venue: Council Chamber - Guildhall, Bath

To: All Members of the Council

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday 25th May 2023** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

Jo Morrison

Democratic Services

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

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

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

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. **Emergency Evacuation Procedure**

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Council - Thursday 25th May 2023

at 6.30 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF CHAIR 2023 - 2024

It is a legal requirement that the first formal business at the Annual General meeting shall be the election of a Councillor to be the Chair of the Council. The term of office of the Chair expires on the election of his successor at the Annual meeting of the Council in 2024. The present Chair of the Council is Councillor Shaun Stephenson-McGall who will preside over the election of his successor. Once the new Chair is elected, she will make and sign her Declaration of Acceptance of Office, and receive the Chain of Office.

3. APPOINTMENT OF VICE CHAIR 2023 - 2024

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

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

6. MINUTES (Pages 7 - 16)

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

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

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

8. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

9. URGENT DECISION BY CHIEF EXECUTIVE - ENTRY HILL DEPOT CALL-IN VALIDATION (Pages 17 - 18)

This item is reported for information only and not for debate.

10. NOTIFICATION OF MEMBERS ELECTED ON 4TH MAY 2023 (Pages 19 - 20)

11. APPOINTMENT OF LEADER

The Council is required to elect a Councillor to be the Leader of the Council for the 4 year term from May 2023 AGM to May 2027 AGM. The Council is asked to note that all decisions regarding the appointment of a Deputy Leader, Cabinet Members and portfolios, the executive delegation scheme and frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

12. APPOINTMENT OF COMMITTEES AND PANELS, AND OTHER ANNUAL BUSINESS (Pages 21 - 76)

This report invites the Council to consider its non-executive and regulatory committee arrangements for the Council year May 2023 to May 2024 and other associated annual business. The Council is also required to formally undertake a statutory review of the political proportionality arrangements (as triggered under section 15 of the Local Government and Housing Act 1989) in respect of bodies that are required to be politically proportionate, following the recent local Council elections in May 2023, and this report addresses this.

13. PLEDGE TO CHILDREN IN CARE (Pages 77 - 86)

Following the publication of 'Care Matters: Time for Change' in June 2007, there has been a requirement for all Local Authorities to develop and publish a Pledge to their Looked after Children and Care Leavers. The Pledge sets out the services and support children should expect to receive.

Since the implementation of our Pledge in 2008, Bath & North East Somerset's Pledge to Children in Care has continued to be updated to reflect current regulations, guidance and best practice. The pledge is co-produced with children and young people in care and care experienced young adults.

The new Council following local elections is invited to affirm its commitment to the Pledge.

14. QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

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

15. QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

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

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

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 16th March, 2023

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

Apologies for absence: **Councillors** Douglas Deacon, Mark Elliott, Alan Hale, Steve Hedges, Grant Johnson, Paul Myers and Dine Romero

84 EMERGENCY EVACUATION PROCEDURE

The Chair asked the Democratic Services Manager to read out the emergency evacuation procedure.

85 DECLARATIONS OF INTEREST

Councillor Dave Wood declared a non-pecuniary interest in item 8 as Director of Avon Needs Trees. [This disclosure was made at the start of that item.]

86 MINUTES - 21ST FEBRUARY 2023

On a motion from Councillor Vic Pritchard, seconded by Councillor Karen Warrington, it was unanimously

RESOLVED that the minutes of 21st February 2023 be confirmed as a correct record and signed by the Chair.

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

The Chair made the following two announcements about recent Council successes;

'We were informed in early March that our 'preparing for the future programme', changing how we worked and the refurbishment of Keynsham Civic Centre, has been shortlisted for the national PPMA Excellence in People Management Awards 2023. Congratulations to all involved! It's great to see the hard work of the many teams who contributed to this successful project being recognised.

Last week the Council found out that the Roman Baths has been shortlisted as a finalist in the Museums and Heritage Awards for Learning Programme of the Year.
<https://awards.museumsandheritage.com/2023-shortlist/>

This is such wonderful recognition for our learning and participation team and workshop leaders who have created a truly unique experience for schools in the new Clore Learning Centre and Investigation Zone. The award ceremony will take place in May.'

And finally, in the light of some councillor colleagues not standing again, including some after many years, the Chair took this opportunity to say thank you on behalf of Bath and North East Somerset for their service to our community. And as this was the last Council meeting for this electoral term, the Chair explained that he had arranged for a photographer to take a photo of members in the Chamber. Some members will recall this was last done in 2017.

88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

89 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

The following members of the public had registered to address Council;

Deborah Collins made a statement about Active travel, a copy of which has been placed on the Minute book and is attached to these minutes. Councillor Vic Pritchard asked Ms Collins whether she agreed that an acceptable balance was needed between car travel and other forms of travel. Ms Collins agreed that a balance was needed but the problem is that moving to car friendly policies in the short-term may be convenient, but this means traffic then increases and it becomes harder for everyone.

Onkar Saini made a statement about community engagement with regard to the Voter ID item later on the agenda, a copy of which has been placed on the Minute book and is attached to these minutes. Councillor Vic Pritchard checked which ward Mr Saini was standing in, and was informed it was Combe Down.

Naomi Johns, Director of the West of England Falconry centre, made a statement regarding the ecological emergency item and how that aligns with the work of the centre, a copy of which has been placed on the Minute book and is attached to these minutes. She briefly outlined the work of the charity and explained that they were forming relationships with key groups, looking for funding opportunities and to share research and raise awareness and would love to align with the Council too. Councillor Guy asked if she would like to meet with a Cabinet member to take this further, to which Ms Johns replied that she would.

Fiona Gourley had registered to make a statement about the Village Agents' scheme. As Fiona had tested positive for covid and was unable to attend the meeting, David Harding presented the statement on Fiona's behalf. A full copy of the statement has been placed on the Minute book and is attached to these minutes.

Bob Goodman made a statement about this Administration's approach to residents, a copy of which has been placed on the Minute book and is attached to these minutes. In reference to comments made during his statement, Councillor Richard Samuel asked Mr Goodman if he was aware that this Administration had followed all

financial procedures and policies that were in place when Mr Goodman was a councillor, and further whether he was aware that the Council deferred millions of pounds to the business community during the covid period, without a single complaint. Mr Goodman did not agree with this position. Councillor Colin Blackburn referred to Mr Goodman's comment regarding inept consultation and asked if he had any examples of that, to which Mr Goodman referred to the recent Parks department consultation on Backstones Open Space.

Dana Lazarevic made a statement about institutional discrimination, a copy of which has been placed on the Minute book and is attached to these minutes. Councillor Eleanor Jackson asked Ms Lazarevic if she was aware that only 15% of senior academic posts are held by women, to which Ms Lazarevic responded that she was aware and added that she had applied for non-academic positions too, and had still been rejected.

David Harding made a statement about public transport within the Chew Valley and specifically the supported bus service 672 which had not been funded by WECA and would shortly lose its funding from the Council. He outlined the reasons why this service was so vital and potential problems with the Demand Responsive Transport (DRT) proposals and asked if the Council would consider a further extension of the financial support while the DRT service was being established. Councillor Richard Samuel asked Mr Harding if he was aware that, due to the specific circumstances around public transport in the Chew Valley and the untested nature of the DRT service, he had today approved further finances, in conjunction with the Cabinet Member for Climate and Sustainable Travel to extend the support to the 672 service to the end of July 2023. Mr Harding responded that he had not been aware, and greatly welcomed this news. Councillor Liz Hardman asked Mr Harding if he was aware that all the supported bus services subsidised by B&NES Council were in Bath and none in North East Somerset, to which Mr Harding responded that he was aware and was also aware that the proposal to WECA included a spine service and a Chew Magna to Bristol service being retained.

Angela Goldson made a statement about HGV traffic. A full copy of the statement has been placed on the Minute book and is attached to these minutes. Councillor Vic Pritchard asked Ms Goldson if she was saying that a chicane road layout was against public opinion, to which Ms Goldson replied that she was. Councillor Robin Moss asked if residents were consulted on the parking model, to which Ms Goldson replied that the original model they were consulted on had a continuous line of parking on both sides of the road, using inaccurate measurements. When residents pointed out this would not work, the alternatives presented were for residents to keep parking on the east side of the road which currently works well, or the chicane so residents were only consulted on an unworkable model.

David Redgewell had submitted a statement about the public transport network. As David was unable to attend due to the train strike, Councillor Hardman summarised the main points. A full copy of the statement has been placed on the Minute book and is attached to these minutes.

Andy Stewart made a statement regarding the Climate & Ecological emergency item on the agenda. A full copy of the statement has been placed on the Minute book and is attached to these minutes. Councillor Sarah Warren asked if Mr Stewart was

aware how many trees the Council had planted, to which Mr Stewart responded that he had planted a considerable amount and thought that the Council had planted over 11 thousand. Councillor Vic Pritchard asked Mr Stewart if he was aware that the Clean Air zone was introduced by the Conservative Administration and Mr Stewart responded that it was implemented by the Liberal Democrat Administration. Councillor Robin Moss asked if Mr Stewart shared his hope that the Administration's tree planting figures were more accurate than its house building figures, to which Mr Stewart responded that he was acutely aware of the need for social and affordable housing in the city and commended the Council for all it was doing to try and increase that.

Chad Allen made a statement about English ivy and its negative effect on trees' ability to photosynthesise. He called on the Council to consider this in its tree planting programme and take steps to remove this invasive weed which is destroying our natural habitat. Councillor Karen Walker asked if Mr Allen thought the Council should do more to stop the invasion of English ivy, to which he responded that he thought we all should be doing more.

The Chair thanked all speakers for their statements which would be considered by the relevant Cabinet Member.

90 CLIMATE ANNUAL REPORT & ECOLOGICAL EMERGENCY ACTION PLAN

The Council considered a report which set out the progress on the climate and ecological emergencies work over the past year and described future work plans.

On a motion from Councillor Sarah Warren, seconded by Councillor Jess David, it was

RESOLVED to

1. Note the positive progress and achievements over the last year on implementation of the council's Climate Strategy. This is summarised in the Climate Progress Report, at Annex 1, which includes a range of climate and nature case studies and the annual carbon performance dashboard for the whole area;
2. Note the particular progress made in understanding renewable energy in Bath and North East Somerset and in the development of the delivery pipeline shown in the renewables section of the Climate Progress Report, at Annex 1.
3. Note the Climate Action Plan and Route-map to 2030, at Annex 2.
4. Note the updated Climate Strategy, at Annex 3.
5. Note the development of the Ecological Emergency Action Plan, at Annex 4.
6. Note that the ambition on nature recovery contained in the Ecological Emergency Action Plan will only be fully realised with external investment and through working in partnership; and

7. Approve the Climate Annual Report and the new Ecological Emergency Action Plan.

[Notes;

- 1. The above resolution was carried with 48 Councillors voting in favour, and 1 Councillor abstaining.]*

91 JOINT COMMUNITY SAFETY PLAN

The Council considered a report setting out the current position on the Council's draft Joint Community Safety Plan.

On a motion from Councillor Alison Born, and seconded by Councillor Vic Pritchard, it was then unanimously

RESOLVED to agree the Joint Plan.

92 LOCAL GOVERNMENT ELECTIONS 2023: ELECTION FEES

The Council considered a report which set out the proposed fees to be paid to the Returning Officer and the staff he employs to undertake various duties in connection with these elections.

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

RESOLVED to

1. Agree the scale of fees payable to the Returning Officer and his staff as set out in Appendix 1 to the report.

93 CONSTITUTION REFRESH - PART 2

The Council considered a report recommended to them from the Constitution working group who had met on 24th February. This picked up the further rationalisation work needed on the Financial Regulations, Contract Standing orders and picked up a few glitches identified since the new Constitution was adopted in July 2022.

On a motion from Councillor Tim Ball, seconded by Councillor Robin Moss, it was unanimously

RESOLVED to

1. Agree to move the whole of Section 3.9 - Financial Regulations and Budget Management Scheme - to the Library and amend section 3.7 as set out in Appendix 1, and described in paragraphs 3.1 – 3.5 of the report;

2. Agree with the small amendment to the Code of Conduct to reinstate the link to the Councillor role descriptions, in line with Council's earlier wishes, as set out in paragraph 3.6 of the report;
3. Agree the wording in paragraph 3.7 of the report be added to the public speaking rules within the Constitution (and the guidance) to clarify deadlines when a meeting is adjourned after the agenda has been published;
4. Agree the necessary constitutional and scheme of delegation changes for approval regarding the statutory officers disciplinary process, as set out in paragraphs 3.9 – 3.11 and that the Director of People & Policy be given delegated authority to take all steps necessary to implement these;
5. Agree the revised Contract Standing Orders, as explained in paragraph 3.12 and appendices 2 and 3 of the report;
6. Note that the full review of the Contract Standing Orders will be brought back to Council once the legislation is in place;
7. Agree the delegations to the Chief Executive as Electoral Registration Officer and Returning officer for those powers described in paragraphs 3.15 - 3.17 of the report; and
8. Agree that these changes take effect from 1st April 2023.

94 'FRIENDSHIP AGREEMENT' WITH THE CITY OF OLEKSANDRIYA, UKRAINE

Following the formation of a new local group, the Friends of Oleksandriya, this report sought to further develop the relationship with the city of Oleksandriya by putting in place a formal friendship agreement between B&NES Council and the city of Oleksandriya.

On a motion from Councillor Kevin Guy, and seconded by Councillor Chris Dando, it was unanimously

RESOLVED to

1. Pursue and agree a friendship agreement between B&NES Council and the city of Oleksandriya;
2. Agree to establish a working group to work with the Friends of Oleksandriya and Oleksandriya City Council to draft a friendship agreement; and
3. Delegate authority to the Chief Executive and Leader of the Council to negotiate, agree and sign the finalised friendship agreement on behalf of B&NES Council.

95 MOTION FROM LIBERAL DEMOCRAT GROUP - VOTER ID

On a motion from Councillor Matt McCabe, seconded by Councillor Joel Hirst, it was

RESOLVED that

Council:

1. Notes that new Voter ID requirements, introduced by the Elections Act 2022, involve voters having to show photo ID before being issued with a ballot paper at all elections from May 2023 onwards.
2. Notes with concern that this new requirement creates a new barrier to residents exercising their democratic right to vote and may lead to some Bath and North East Somerset residents being disenfranchised.
3. Notes that a list of 'accepted' forms of photo ID has been published and that this includes fewer forms of ID held by younger and marginalised people.
4. Notes that voters can obtain a 'Voter Authority Certificate' from the Council if they do not have an 'accepted' form of photo ID.
5. Notes with concern the additional costs and administrative burden this will place on Electoral Services, and the risk of abuse towards poll workers from anyone denied a vote due to lack of ID.
6. Believes that this legislation is unnecessary, undemocratic and an egregious example of attempted voter suppression.

Council therefore:

7. Calls on Cabinet members and Council services to make every effort to communicate these new requirements, to avoid any resident being disenfranchised.
8. Calls on the government to urgently expand the list of 'accepted' forms of photo ID and to fully fund the costs to Councils of implementing this policy; and
9. Requests that the Leader communicate Council's views to government and to our local MPs.

[Notes;

1. *During debate, an amendment was moved by the Independent group, to remove point 6 of the recommendation. This was lost, with 8 Councillors voting in favour, 38 Councillors voting against and 1 Councillor abstaining.*
2. *During debate, an amendment was moved by the Conservative group, welcoming the strengthening of the electoral process but acknowledging this could discourage some voters. This was lost, with 11 Councillors voting in favour and 36 Councillors voting against.*
3. *The successful resolution was carried with 37 Councillors voting in favour, 10 Councillors voting against and 1 Councillor abstaining.]*

96 MOTION FROM COUNCILLOR WRIGHT - HGV TRAFFIC

On a motion from Councillor Joanna Wright, seconded by Councillor Robin Moss, it was unanimously

RESOLVED that

Council notes that:

1. Government figures show that HGV traffic nationally is increasing. The most recent figures (September 2021) show that whilst car traffic had decreased, there was an 8.9% increase in HGV traffic in just one year.
2. The growth of HGV traffic on many of our local roads generates noise and air pollution and undermines residential safety. It can have a real impact on the quality of life of residents living on affected streets, including sleepless nights and mental health problems. It affects cyclists and pedestrians, especially older or vulnerable people and families with small children.
3. One significant cause of HGV traffic along unsuitable roads is the use by lorry drivers of Google Maps and/or sat navs that are only intended for car use. In extreme cases, HGVs are routed up narrow, unsuitable routes and become stuck (one example is Brooklyn Road, Lambridge).
4. Locally, a large volume of HGV traffic is caused by new development. Residents frequently report frustration that the appropriate routing of construction traffic is not given sufficient care and attention as part of the planning process, and may feel like an afterthought, when from their perspective it should be front and centre.
5. Bath and North East Somerset Council does not require a 'Construction Traffic Management Plan' to be submitted at the same time as a planning application for major development.

Council resolves to:

6. Ask the Cabinet Member for Transport to write to Government Transport Minister Mark Harper asking for his view on the Local Government's Association's call for HGVs to be required to use commercial satnavs; and expressing this Council's support for such a measure.
7. Ask officers to review the 'National and Local Information Requirements – Planning Applications (including Outline, Reserved Matters and Variation of Condition)' document and to **pass this matter to the relevant Policy Development and Scrutiny Panel to consider the value of** making the submission of a 'Construction Traffic Management Plan' a mandatory validation requirement for planning applications for major developments *that should be accompanied by appropriate enforcement*. This will allow our officers, councillors and the public to have access to more information when determining the suitability of planning applications.

8. Subject to the **PDS review and** funding being identified, produce a 'Construction Traffic Management Plan' guidance document for developers that highlights the importance of routing construction traffic away from narrow, unsuitable and residential roads in order to ensure that this is an integral feature of any planning applications and is actively considered at the earliest possible stage in the planning process.

[Notes;

1. *The above successful resolution contains wording proposed by the Conservative group – the italicised section in point 7 “that should be accompanied by appropriate enforcement” – which was accepted into the substantive by Councillor Wright.*
2. *The above successful resolution contains additional wording proposed by the Liberal Democrat group to refer this matter to Scrutiny – the bold wording in points 7 and 8 – which was accepted into the substantive by Councillor Wright.]*

97 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

The Chair made reference to the public and councillor questions and responses which had been circulated prior to the meeting and will be added to the Council's Minute book and online record.

Councillors Richard Samuel, Andy Furse and Gerry Curran made farewell statements to Council, in the light of this being the last Council meeting for each of these councillors, highlighting significant moments and thanking staff and their councillor colleagues for their support.

The meeting ended at 9.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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URGENT DECISION BY CHIEF EXECUTIVE – ENTRY HILL DEPOT CALL-IN VALIDATION

The Chief Executive is authorised to undertake any action he considers appropriate to address situations where it is neither practicable nor possible to effect the Council's normal procedures or arrangements for either executive or non-executive business (Constitution rule 3.4.5). [The action taken was recorded and is now reported to the first available meeting of the Council].

Decision

The Chief Executive validated the call in and used his emergency powers to suspend the normal requirements on timing for the period in which a call-in meeting must normally be held.

In making this decision, the Chief Executive confirmed with the relevant officers that there was no urgent timeframe for completion of disposal of the site, which could therefore wait until a Panel is convened to consider this in the new Administration.

Reason

The call-in on this issue was received very close to the 4th May election, the issue was deemed too sensitive to be considered in the week leading to the election and no constituted Panels would be in place until after the Council AGM on 25th May 2023.

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Name	Political party	Ward
Councillor Michael Auton	Liberal Democrats	Midsomer Norton North
Councillor Tim Ball	Liberal Democrats	Twerton
Councillor Alex Beaumont	Liberal Democrats	Keynsham North
Councillor David Biddleston	Labour Party	Keynsham South
Councillor Colin Blackburn	Independents	Westmoreland
Councillor Alison Born	Liberal Democrats	Widcombe & Lyncombe
Councillor Anna Box	Liberal Democrats	Chew Valley
Councillor Deborah Collins	Liberal Democrats	Widcombe & Lyncombe
Councillor Paul Crossley	Liberal Democrats	Southdown
Councillor Chris Dando	Labour Party	Radstock
Councillor Jess David	Liberal Democrats	Moorlands
Councillor Mark Elliott	Liberal Democrats	Lansdown
Councillor Sarah Evans	Conservative Party	Midsomer Norton Redfield
Councillor Fiona Gourley	Liberal Democrats	Bathavon South
Councillor Kevin Guy	Liberal Democrats	Bathavon North
Councillor Alan Hale	Conservative Party	Keynsham South
Councillor Ian Halsall	Liberal Democrats	Oldfield Park
Councillor Dave Harding	Liberal Democrats	Chew Valley
Councillor Gavin Heathcote	Independents	Peasedown
Councillor Steve Hedges	Liberal Democrats	Odd Down
Councillor Saskia Heijltjes	Green Party	Lambridge
Councillor Oli Henman	Liberal Democrats	Walcot
Councillor Joel Hirst	Liberal Democrats	Odd Down
Councillor Lucy Hodge	Liberal Democrats	Lansdown
Councillor Duncan Hounsell	Liberal Democrats	Saltford
Councillor Shaun Hughes	Independents	Midsomer Norton North
Councillor Dr Eleanor Jackson	Labour Party	Westfield
Councillor Samantha Kelly	Liberal Democrats	Newbridge
Councillor George Leach	Liberal Democrats	Keynsham North
Councillor John Leach	Liberal Democrats	Walcot
Councillor Hal MacFie	Liberal Democrats	Keynsham East
Councillor Ruth Malloy	Liberal Democrats	Weston
Councillor Lesley Mansell	Labour Party	Radstock
Councillor Paul May	Liberal Democrats	Publow with Whitchurch
Councillor Matt McCabe	Liberal Democrats	Bathavon South
Councillor Shaun Stephenson-McGall	Liberal Democrats	Timsbury
Councillor Sarah Moore	Liberal Democrats	Twerton
Councillor Ann Morgan	Liberal Democrats	High Littleton
Councillor Robin Moss	Labour Party	Westfield
Councillor Michelle O'Doherty	Liberal Democrats	Newbridge
Councillor Bharat Ramji Nathoo Pankhania	Liberal Democrats	Combe Down
Councillor June Player	Independents	Westmoreland
Councillor Manda Rigby	Liberal Democrats	Bathwick
Councillor Dine Romero	Liberal Democrats	Southdown
Councillor Paul Roper	Liberal Democrats	Kingsmead
Councillor Sam Ross	Green Party	Clutton & Farmborough
Councillor Onkar Saini	Liberal Democrats	Combe Down
Councillor Toby Simon	Liberal Democrats	Bathwick
Councillor Alison Streatfeild-James	Liberal Democrats	Saltford
Councillor George Tomlin	Liberal Democrats	Kingsmead
Councillor Malcolm Treby	Liberal Democrats	Weston
Councillor Andy Wait	Liberal Democrats	Keynsham East
Councillor Karen Walker	Independents	Peasedown
Councillor Sarah Warren	Liberal Democrats	Bathavon North
Councillor Tim Warren	Conservative Party	Midsomer Norton Redfield

Councillor David Wood
Councillor Joanna Wright

Liberal Democrats
Green Party

Mendip
Lambridge

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	25 th May 2023	
TITLE:	APPOINTMENT OF COMMITTEES AND PANELS, PROPORTIONALITY CONSIDERATIONS & OTHER ANNUAL BUSINESS	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Political proportionality and committee chairing arrangements structure – <i>to follow</i>		
Appendix 2 - Terms of Reference of Panels, Committees and other bodies in the Council’s Constitution		
Appendix 3 – Member Advocate Annual Activity reports		
Appendix 4 – Job description for Cabinet Project Lead		

1 THE ISSUE

- 1.1 This report invites the Council to consider its non-executive and regulatory committee arrangements for the Council year May 2023 to May 2024 and other associated annual business. The Council is also required to formally undertake a statutory review of the political proportionality arrangements (as triggered under section 15 of the Local Government and Housing Act 1989) in respect of bodies that are required to be politically proportionate, following the recent local Council elections in May 2023, and this report addresses this.
- 1.2 Due to the Paulton election being delayed to a date in June, this report relates to the current Council of 57 Councillors. The Constitution requires that the matters detailed in section 2 are to be determined at the annual meeting of Council. A revised proportionality table will be brought to the next Council on the 20 July and the decisions taken at the AGM will be reviewed, in light of the revised proportionality table, under paragraph 1 of Council Procedure Rule 3.1.36 being an exception to the SIX MONTH RULE.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and attached at Appendix 1, incorporating any amendments arising following the formation of political groups and arising from this meeting;
- 2.2 Approve the terms of reference for Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly, with any necessary revisions arising from this meeting;
- 2.3 Approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality and the nominations made by the political groups (whilst noting the non-proportional basis of operating for the Licensing Sub-Committee as explained in paragraph 3.10);
- 2.4 Appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 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 and the allocation of chairing entitlements made at this meeting;
- 2.6 Determine the bodies on which independent co-opted members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly (Appendix 1);
- 2.7 Expressly disapply the proportionality rule to the Restructuring Implementation Committee (*with no Councillor voting against*), as set out in section 3.9;
- 2.8 Confirm the chairing arrangement for the Standards committee set out in 3.11 should continue (with an independent member taking the chair);
- 2.9 Agree to defer consideration of allocation of Political Assistants until the outcome of the Paulton election is known, and therefore confirm existing appointments until then, on an interim basis;
- 2.10 Appoint 3 members to Avon Fire Authority on a proportionality basis to be determined, noting there is a degree of urgency to these appointments as the AFA Induction and AGM commences in June;
- 2.11 Note, in light of the decision taken earlier on the agenda to appoint a Leader, that the Leader will publish in due course, a scheme of delegation of executive functions;
- 2.12 Note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 5.3;
- 2.13 Note the position regarding the frequency of meetings (as set out in Section 6) as the basis for enabling the diary of meetings to be prepared, including a date of 16th May 2024 for the May Council AGM, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis;

- 2.14 Re-appoint the existing Independent Remuneration Panel (IRP);
- 2.15 Instruct the IRP to consider a Special Responsibility Allowance for the Cabinet Project Lead role, using the Job Description at Appendix 4;
- 2.16 Note the activity of the Member Advocates, as set out in Appendix 3;
- 2.17 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;
- 2.18 Confirm the scheme of delegations, previously agreed at Council, as set out at Part 2 of the Constitution;
- 2.19 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 THE REPORT

- 3.1 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub Committees but the basic principles are:-
 - a) not all the seats on the body shall be allocated to one particular party;
 - b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
 - c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;
 - d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.
 - e) Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub Committees, and to make the actual appointments. A Committee or Sub Committee must, however, comprise at least two voting members.
- 3.2 As it is only the Council that can make appointments to its committees (and only the Council has the power to remove) the Council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness, and, as the Council has agreed that it is highly desirable (and in the case of the Planning Committee mandatory) that

political groups should only nominate members as substitutes if they have had relevant training in the work of the committee, this approach enables training and resources to be better focussed and better discharges its fiduciary duty to ratepayers.

- 3.3 Under regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 as amended, the appointed proper officer (the Monitoring Officer) has the duty to notify the relevant leaders of the political groups 'as soon as practicable' after the agreed allocation of seats (or after any vacancies subsequently arising) so that such political groups may nominate members from their groups for appointment by the Council to the seats allocated on its committees to their groups.
- 3.4 Should a political group fail to express its wishes in relation to such appointment within three weeks beginning with the date on which the proper officer gave due written notice, the Council has discretion to make such appointment to that seat as they think fit in accordance with regulation 15 of the same regulations. The seats could be left vacant for a period of time.
- 3.5 Section 15 of the Local Government and Housing Act 1989 (the 1989 Act) details how and when appointments to ordinary committees must be allocated, as applying only to those members who are part of a political group. [The Local Government (Committees and Political Groups) Regulations 1990 Regulation 8 defines political groups as two or more members of the authority who wish to be treated as a political group by giving notice to the Proper Officer].
- 3.6 There are currently no 'unaligned' councillors, as all councillors are part of a political group.

Proportionality - Alternative arrangements

- 3.7 Should the Council wish to make alternative arrangements, the Council may disapply the political balance requirements in whole or in part **provided no Councillor votes against those alternative arrangements** (section 17(1) of the Local Government and Housing Act 1989 and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990).
- 3.8 These alternative arrangements cease to have effect each time a review is triggered in accordance with section 15 of the Act.
- 3.9 This is specifically requested with regard to the Restructuring Implementation Committee (constituted of the Group Leaders)

Disapplication of proportionality

- 3.10 The following bodies are not required to be politically proportionate; Area Committees, Health and Wellbeing Board, the Cabinet and any Licensing Committee or Sub-Committee appointed by the Licensing Act 2003.

Standards committee chairing arrangement

- 3.11 The Standards committee features in the proportionality table with chairing rights allocated to a political group. This is statutorily required for when a formal vote is needed, as independent members do not have voting rights. However, in order to preserve the non-political nature of the committee and maintain trust

and confidence in its operation, the committee has operated with one of the independent members taking the chair and it is hoped that this arrangement will continue.

4 POLITICAL ASSISTANTS

- 4.1 Since its inception, this Council has offered to each of the qualifying Political Groups, the support of a Political Assistant. These are officers who are specifically recruited to give political support and advice directly to members of the group. They hold fixed term contracts and their terms of office expire on the day of the Annual General Meeting of the Council in a year of ordinary election (ie the date of this meeting).
- 4.2 The Local Government and Housing Act, 1989 is the legislation governing such appointments. That legislation sets down eligibility criteria for a Political Assistant, on the basis that the Council first agrees to allocate such posts to all eligible political groups. The criteria are:
- a) the political group must have at least 10% of the total Council membership;
 - b) no more than 3 x Political Groups with 10% or more seats to qualify;
 - c) where there is only one Political Group with 10% or more seats, then that group and one other only shall qualify.
 - d) The Council will need to determine therefore (a) whether it wishes to make an allocation of Political Assistants to eligible groups; (b) if it does, then to which groups will such an allocation be made; and c) indicate what arrangements it intends to make to support the remaining groups.
- 4.3 The election in Paulton has been postponed until 22nd June 2023, meaning that the complete political make-up of the Council of 59 Councillors will not be known until after this result. The recommendation in this report (Para 2.9) is that a decision on this matter is deferred until the outcome of the Paulton election is known and in the existing arrangements are confirmed in the interim. An updated political proportionality table will be brought to the next Council following this and any decisions regarding allocation of Political Assistants will be made at that point.

5 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

- 5.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council.
- 5.2 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 3.5.16 refers). This Council has decided that will happen on an annual basis.
- 5.3 There were 2 such decisions taken in the previous municipal year;

RULE 3.5.16 – Two month extension of supported bus service 672

To set out the case for a further 2 month extension to the supported bus service 672.

Decision Maker: Cabinet Member for Climate and Sustainable Travel
Decision published: 17/03/23

Decision: The Cabinet Member agrees to release up to £70,000 from the Council's earmarked public transport reserves to enable a 2 month extension to the 672 supported bus service until 30 July 2023.

Lead officer: Pam Turton

RULE 16 (old Constitution) – Appendix 1 to the Discretionary Rate Relief Policy

To agree the proposal relating to the Discretionary Rate Relief Policy. This gives guidance to officers administering claims for discretionary rate relief under discretionary powers provided by the Local Government Finance Act 1988.

Decision Maker: Cabinet Member for Economic Development and Resources
Decision published: 16/06/2022

Decision: The Cabinet Member agrees to approve the proposal relating to these reliefs as set out in Appendix 1.

Lead officer: Rob Brunton

6 COUNCIL MEETING SCHEDULE

- 6.1 The frequency of Full Council, Committee and Panel meetings is decided by the Council. The pattern of meetings previously approved was based on the Full Council meeting six times a year (in May, July, September, November, February and March). The general pattern of Committee and Policy Development & Scrutiny Panel meetings was based on a meeting cycle of once every two months. The Planning Committee meets on a monthly cycle. The Licensing Sub-Committee meets as required to deal with the applications. Committees and Panels have discretion to vary their schedule of meetings according to workload, but Members need to be aware that there are resource and workload implications if there are significant changes made to the overall frequency of meetings.
- 6.2 Once meeting dates are arranged, they will be available online and can be downloaded by Members.

7 MEMBER ADVOCATES

- 7.1 The Council has appointed a number of Member Advocates to champion the needs of a particular interest;

<https://democracy.bathnes.gov.uk/documents/s74089/Member%20Advocates%20role%20description.pdf>

- 7.2 The scheme requires a brief annual report to Council about the work the Advocate has done in their role in the preceding year. A summary of these is attached at Appendix 3.

8 APPOINTMENTS ON OUTSIDE BODIES

8.1 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.

9 STATUTORY CONSIDERATIONS

9.1 Relevant statutory considerations are addressed in parts 3 to 5 above in relation to the specific recommendations required to be determined in part 2.

10 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

10.1 There are no additional costs associated with the proposals contained in this report.

11 RISK MANAGEMENT

11.1 The recommendations are to ensure that the Council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

12 EQUALITIES

12.1 This report deals with the Councils practical arrangements for conducting Council business during the Municipal Year and applies legislation and regulations which are themselves subject to equality Impact assessments.

13 CLIMATE CHANGE

13.1 There are no climate implications arising directly from this report.

14 OTHER OPTIONS CONSIDERED

14.1 None.

15 CONSULTATION

15.1 This report has been cleared by the Chief Executive, S151 Officer, Monitoring Officer and Group Leaders.

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

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ALICE PARK TRUST SUB-COMMITTEE

2.7.1 Committee Scope

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 Charitable Trust Board on an annual basis 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

2.7.2 Functions

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.

To agree the Trust's annual budget and business plan.

To approve the use of any reserves.

To agree the Trust's annual accounts.

To receive and respond to the audit findings relating to the annual accounts.

To receive reports on the effective day to day management and financial performance of the Trust.

To allow interested parties to give their view on the performance and direction of the Trust.

2.7.3 Composition

3 Councillors from the membership of the Charitable Trust Board (excluding the lead Cabinet Member) and the 2 Ward Members (voting) for Lambridge plus 2 non-voting independent members.

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

2.7.4 Quorum

3 voting Members.

2.7.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.8 AVON PENSION FUND COMMITTEE

[Approved by the Avon Pension Fund Committee 28 June 2021]

2.8.1 Committee Scope

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 be responsible for implementing the Fund's Investment Strategy. Most of the Fund's assets have transferred to portfolios offered by Brunel with only less liquid legacy assets remaining under direct management of the Fund. Once Avon's assets are held within a Brunel portfolio, the appointment, monitoring and deselection of managers will be the responsibility of BPP Ltd.

2.8.2 Functions 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.

2.8.3 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 below.

2.8.4 Composition

Voting Members (14)	<p>5 elected Members from B&NES (subject to the rules of political proportionality of the Council)</p> <p>3 independent members</p> <p>1 elected Member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council</p> <p>1 nominated from the Higher and Further education bodies</p> <p>1 nominated from the Academy bodies</p> <p>1 nominated by the trades unions</p>
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Non-voting members (3)	1 nominated from the Parish Councils Up to 2 nominated from different Trades Unions
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The Council will nominate the Chair and Vice Chair of the Committee. The Vice Chair will be the Chair of Investment Panel.

2.8.5 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.

2.8.6 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.

2.8.7 Substitution

Named substitutes to the Committee are allowed.

2.9 AVON PENSION FUND INVESTMENT PANEL

2.9.1 Committee Scope

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.

2.9.2 Functions

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 the Risk Management Strategies monitor the outcome versus strategic objectives and consider whether any strategic changes are required to manage emerging risks.
9. For assets held outside Brunel:
 - a) Implement investment management arrangements in line with strategic policy.
 - b) 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.

2.9.3 Composition

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 and 3 shall be the independent members of the Committee. (The membership shall include the Chair of the Committee and /or the Vice- Chair).

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 period of four years in line with the Avon Pension Fund Committee.

The Council will nominate the Chair of the Panel.

2.9.4 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.

2.9.5 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.

2.9.6 Substitution

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

2.9.7 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.

2.10 BRUNEL OVERSIGHT BOARD REPRESENTATIVE

2.10.1 Committee Scope

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.

2.10.2 Functions

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.

2.11 BRUNEL PENSION PARTNERSHIP WORKING GROUP

2.11.1 Committee Scope

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.

2.11.2 Functions

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.

2.11.3 Composition

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) Group Manager, Funding, Investments and Risk

2.11.4 Quorum

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.

2.11.5 Meeting Arrangements

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.

2.12 OFFICER DELEGATIONS AVON PENSION FUND

In addition to the responsibilities listed in the Council's scheme of delegation, some additional responsibilities for functions specifically related to pension fund activities and the authorisation of transactions have been delegated to officers by the Pension Fund Committee. These are set out in the Fund's Scheme of Delegation and include the following:

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. Implement the strategic risk management objectives of the Fund and take necessary action to ensure delivery of strategic outcomes. Ongoing consideration of these issues will be undertaken by the Funding and Risk Management Group (see section 6) who will report decisions and ongoing considerations to the Investment Panel.
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 Director – One West (or Section 151 Officer in their absence) 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 Director – One West (or Section 151 Officer in their absence) 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 Director – One West (or Section 151 Officer in their absence) 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.

2.13 FUNDING AND RISK MANAGEMENT GROUP

2.13.1 Committee Scope

The Funding and Risk Management Group (FRMG) is a group of Avon Pension Fund officers and specialist advisors whose role is to consider in greater detail all strategic and operational aspects of the Risk Management Strategies.

2.13.2 Functions

In addition, it has specific delegated authority as follows:

1. Agree the operational structures to meet the strategic objectives determined by the Avon Pension Committee
2. Make changes to the structures as needed to ensure strategic outcomes continue to be achieved or to manage emerging risk
3. Implement the strategies including
 - a. Counterparty selection
 - b. Trigger frameworks
 - c. Collateral arrangements
 - d. Setting benchmarks
4. Determine the framework for monitoring the strategies and reporting to Panel & Committee

2.13.3 Composition

The Group will consist of the following:

From the Avon Pension Fund:

- Head of Pensions
- Group Manager, Funding, Investments and Risk
- Investment Manager
- Senior Investments Officer
- Other Fund Officers as required (for example Funding Manager, Governance & Risk Advisor)

Advisors

- Investment Consultant or deputy
- Risk Consultant or deputy
- Scheme Actuary or deputy

- Investment Manager as required

2.13.3 Quorum

FRMG shall be quorate if the following are in attendance:

- 2 Pension Fund Officers one of which must be the Head of Pensions or Group Manager, Funding, Investments and Risk
- Risk Consultant or deputy
- Investment Consultant or Scheme Actuary

2.13.4 Meeting Arrangements

FRMG will meet as and when required as determined by the Head of Pensions/Group Manager, Funding, Investments and Risk, but at a minimum quarterly. Meetings will be virtual/ by telephone conference.

Meetings will be chaired by the Head of Pensions or Group Manager, Funding, Investments and Risk. Key discussion and action points will be recorded, and minutes will be circulated to the Investment Panel. The group will also update the Panel at the following meeting.

2.14 CHARITABLE TRUST BOARD

2.14.1 Committee Scope

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.

2.14.2 Functions

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 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 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

2.14.3 Composition

- Five Councillors
(to include the Cabinet Member responsible for Neighbourhood Services and at least one Councillor who is not a Member of the

controlling group but whose 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.

2.14.4 Quorum

Quorum will be three Councillors. Decisions will be by a majority of the Councillors present.

2.14.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.14.6 Support Arrangements

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

2.15 CHILDREN, ADULTS, HEALTH & WELLBEING POLICY DEVELOPMENT AND SCRUTINY PANEL

2.15.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.15.2 Functions

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

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 Scrutiny Panel with responsibility for health. Councillors on this 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.

2.15.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.15.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.15.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.16 CLIMATE EMERGENCY AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL

2.16.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.16.2 Functions

The Panel remit is:

- Tackling Climate Emergency¹
- Natural Environment & Green Infrastructure
- Planning Policy, including Conservation and Enforcement
- Building Control & Public Protection including Health & Environment
- Housing, including Strategy, Enabling & Development, Standards & Improvement and Homelessness Policy
- WECA (Housing & Transport)
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Development & Management
- Designated Flood Risk Management Panel

2.16.3 Composition

¹ Whilst this Panel will have primary responsibility for climate change issues, tackling the climate emergency will need consideration by all Panels.

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.16.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.16.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.17 CORPORATE AUDIT COMMITTEE

2.17.1 Committee Scope

The Corporate Audit Committee is responsible for the Council's powers and duties relating to the annual accounts, audit plans, the Annual Governance Statement, risk management arrangements and the other key financial governance procedures.

2.17.2 Functions

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To review and note on behalf of the Council the audited accounts of Council owned companies, in accordance with Council company governance arrangements, statutory requirements and guidance.
3. To approve the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year.
4. 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).
5. 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.
6. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
7. 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.

8. To consider the annual Audit & Inspection Letter from the External Auditor and to monitor progress on accepted recommendations.
9. 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).
10. 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 e.g. the procurement of External Audit Services, monitoring the governance of Council owned companies.
11. 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 with responsibility 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

2.17.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#). There will also be one independent non-voting co-opted member.

2.17.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.17.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#).

2.18 CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL

2.18.1 Committee Scope

To undertake a system of checks and balances to monitor and review the activity of the Cabinet and to assist with policy development in respect of the functions set out below.

2.18.2 Functions

The 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
- Heritage, including Tourism & Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA (Skills & Business)

2.18.3 Composition

The size of the Panel will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.18.4 Quorum

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

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.18.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4.](#)

2.19 EMPLOYMENT COMMITTEE

2.19.1 Committee Scope

The committee fulfils a number of functions relating to the Council's role as an employer.

2.19.2 Functions

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, including those relating to disciplinary, capability, grievance and redundancy matters for all staff, including teachers.

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

2.19.3 Composition

The Committee when meeting to consider ordinary business, or as a hearing, will comprise 3 Members having regard to the rules on political proportionality. A chair will be elected at each hearing.

2.19.4 Quorum

3 Members.

2.19.5 Competency

Members shall not sit on the Employment Committee until they have received the necessary training.

2.19.6 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4](#) provided they have received the necessary training.

2.20 HEALTH & WELLBEING BOARD

2.20.1 Background

Health and Wellbeing Boards were required to be established in all local authorities under the Health and Social Care Act 2012 as a key mechanism for driving joined up working at a local level.

Health and Wellbeing Boards are committees of the local authority.

The legislative framework for Health and Wellbeing Boards is within the Health and Social Care Act 2012 and the Health and Care Act 2022.

2.20.2 Vision

Together we will address inequalities in Bath and North East Somerset so people have the best start in life, live well and age well in caring, compassionate communities, and in places that make it easier to live physically and emotionally healthy lives

BaNES local authority works with local partners, in partnership with Swindon and Wiltshire as part of the Integrated Care System and with other local authority partners in the West of England Combined Authority to ensure that those services that are shared across a wider population meet the requirements.

2.20.3 Functions

The Board must undertake the following statutory functions:

- Prepare and publish a Joint Health and Wellbeing Strategy (JHWS) for B&NES, setting the vision for desired population level outcomes, strategic direction and high-level priorities for system partners to operationalise, to meet needs identified in the Joint Strategic Needs Assessment (JSNA), referred to locally as the Strategic Evidence Base.
- Prepare and publish a JSNA (Joint Strategic Evidence Base) of current and future health, care and wellbeing needs of the population and ensure this informs the B&NES JHWS and the B&NES, Swindon and Wiltshire (BSW) Integrated Care Strategy.

- Encourage integrated working between health and social care commissioners, and the use of the Health and Care Act 2022 and the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS.
- Encourage closer working in planning, commissioning and delivery of services to improve the health and wellbeing of the population of B&NES and reduce health inequalities.
- Prepare and publish a Pharmaceutical Needs Assessment for pharmaceutical services in B&NES.
- Receive and respond to the draft/revised joint forward plan of the BSW Integrated Care Board.
- Be the accountable partnership for the Better Care Fund.

Achieving the vision and fulfilment of the statutory functions will be supported by the following actions. The Board will:

- Be visible and influential, championing the improvement of health and wellbeing and reduction in inequalities as important strategic issues. It will influence organisations and partnerships both within and external to the B&NES locality and wider Integrated Care System in reflecting this in their operational and commissioning plans.
- Develop strong links with and influence developments in wider services that impact on health and wellbeing including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health, wellbeing and inequalities, and ensure a focus on mental well-being in conjunction with good physical health.
- Ask partners to show how they embed and deliver meaningful action against the priorities in the Health and Wellbeing Strategy.
- Periodically refresh the Health and Wellbeing Strategy in line with evidence from the Joint Strategic Evidence Base.
- Monitor progress of implementation of the Health and Wellbeing Strategy, and ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- Ensure there are effective and sufficient mechanisms and resource to communicate, engage on and co-produce Health and Wellbeing Strategy priorities with local people and stakeholders, working closely with the Third Sector.
- Consider the Integrated Care Partnership's Integrated Care Strategy when preparing or revising its Health and Wellbeing Strategy; and be active participants in the development of the Integrated Care Strategy.

- Consider whether the ICB's joint forward plan (previously the CCG's commissioning plan) has given due regard to the Health and Wellbeing Strategy.
- Strengthen its attention on community resilience and on identifying and building on community assets.
- Work closely with the B&NES Healthwatch and Third Sector partners to ensure appropriate engagement, involvement and feedback with residents, patients and service users.
- Encourage partners to consider sufficient resourcing, both fiscal and human, of the prevention and inequality agendas.
- Seek to secure collaboration in the system to reduce duplication and make best use of available resources.
- Receive a copy of the ICB's joint capital resource plan outlining planned capital resource use, so to help align local priorities and provide consistency with strategic aims and plans.
- Provide strategic oversight and direction to ensure that the approaches adopted for health and wellbeing services are aligned with the aspirations of local partners to operate in a sustainable manner and to address the climate emergency.
- Produce an annual report presented to Cabinet/full Council outlining achievements of the Board in respect of the improvement of health and wellbeing, a reduction of health inequalities for the population of B&NES and influencing Council priorities on the wider determinants of health.

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

2.20.4 Scope

The Board's scope shall be set out within the Joint Health and Wellbeing Strategy.

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.

2.20.5 Accountability

Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual duties and responsibilities.

The Board will establish on-going and short lived sub-groups as needed that will report to it. Subgroups established will reflect the priorities of the Health and Wellbeing Board such as children and young people, JSNA, updating the Health and Wellbeing Strategy etc.

Accountability for safeguarding lies with the B&NES Community Safety and Safeguarding Partnership (BCSSP).

PROCEDURE

2.20.6 Membership

The Membership of the Board is:

- B&NES Council x 7 (Cabinet Member for Adult Services, Cabinet Member for Children's Services, Chief Executive, Director of Adult Social Care, Director – Children and Young People, Director of Public Health, Director of Sustainable Communities)
- B&NES Swindon and Wiltshire Integrated Care Board x 2 (ICB Place Director, nominated ICB Executive 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 and Third Sector representatives x 5 (acute care, community care, primary care, mental health service, and voluntary, community and social enterprise sector)
- NHS England x 1

The Board will be chaired by a Cabinet Member nominated by the Leader of the Council and supported by a Vice Chair agreed by the Board.

The Council will provide secretariat support to the Chairperson in setting dates for meetings, preparing agendas, and minuting meetings

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 Integrated Care Board
- 1 member of Healthwatch B&NES
- 1 health and social care provider or Third Sector representative
- 1 member from either of Avon and Somerset Police or Avon Fire and Rescue
- 1 member from either Higher and Further Education or Housing

Board members may nominate a named substitute from an appropriate member of their organisation or service.

2.20.7 Wider engagement

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 with Healthwatch B&NES and 3SG
- Feeding back engagement results
- Evaluating engagement

The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.

The Council's policy development and scrutiny function offers an opportunity for broader engagement on key issues.

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.

2.20.8 Business management

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.

The Board will act in accordance with the Council's committee procedures.

Formal Board meetings shall be held in public. The Board may resolve to hold closed sessions in accordance with the Access to Information rules.

The Board will develop a work programme framed by the HWS which will guide its work.

The Board will meet at least 5 times per year in public as a minimum, with the flexibility for development sessions and agenda planning meetings held in private.

2.21 INDEPENDENT PERSON PANEL

The Independent Person Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purpose of advising on matters relating to the dismissal of officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (the “Statutory Officers”) in accordance with Schedule 3 to the Local Authorities (Standing orders) (England) Regulations 2001 as amended.

The Independent Panel will:

- a) hear, consider, ask questions and comment in respect of Statutory Officer discipline that could lead to dismissal; and
- b) make a report and recommendation to Full Council in accordance with the Council's policies and Employment Procedure Rules

The quorum is 2 Independent Persons (minimum).

The panel will operate in accordance with the following procedure rules:

- a) The Employment Procedure Rules and Council Procedure Rules will apply to this Panel.
- b) The Independent Person Panel may meet concurrently with the Restructuring Implementation Committee where a hearing or meeting could result in a recommendation to Council for dismissal of a Statutory Officer; or meet separately.
- c) All of the Council's Independent Persons appointed pursuant to section 28 (7) Localism Act 2011 shall be invited to attend and, if at the relevant time there are fewer than two such persons who are able to attend, then the Independent Persons appointed by another neighbouring Council shall be invited to attend.
- d) The Panel shall be appointed from those Independent Persons who have accepted an invitation to be considered for

appointment in the following priority order:

- An Independent Person who has been appointed by the Council and who is a local government elector in the Council's area;
 - Any other Independent Person who has been appointed by the Council;
 - An Independent Person who has been appointed by another local authority or local authorities.
- e) Independent Persons must have undertaken appropriate training.
- f) The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer.

2.22 INDEPENDENT REMUNERATION PANEL

2.22.1 Preamble:

The Members' Allowances Independent Remuneration Panel is established in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. This requires local authorities to establish and maintain an independent remuneration panel which will broadly have the functions of providing the local authority with recommendations on its remuneration scheme and the amounts to be paid.

2.22.2 Objects:

- 1) To make recommendations to the Council on the appropriate form and level of remunerations (as required) for

- all Councillors (i.e. the basic allowance);
- special responsibility allowances;
- childcare and dependent carer's allowances for Councillors;
- travel and subsistence allowances;
- conference and meetings allowances.

- 2) In providing such advice, the Panel will have regard to:

- the roles which Councillors are expected to fulfil and the differing roles and responsibilities of particular Councillors;
- the current method of local administration;

- practice amongst other local authorities in the UK;
 - the current statutory framework for the remuneration of Councillors and the scope which the Council has to establish and vary its own arrangements, and any commentary on that (from the Audit Commission, Local Government Association, Local Government Management Board and other interested parties).
 - the previous recommendations and decisions taken by the Council in respect of the last review.
- 3) To make recommendations to the Avon Pension Fund (if requested) on the level of remuneration of the Chair and Members.
 - 4) To make recommendations to the Council (if requested) on any other issues.
 - 5) To make recommendations to any parish council (if requested) on allowances schemes.

2.22.3 Frequency of Meetings

The Panel will meet as and when necessary, to meet the obligations set out above.

2.22.5 Membership and chairing

The Panel will comprise 3 independent members and the Chair of the Panel will be appointed by the Panel.

2.22.6 Remit of the Panel

The Panel is an independent body and should not be seen to be influenced by the Council. All Members will be expected to assist the Panel with their deliberations. In recognition of the work the Panel will be required to undertake, administrative support will be provided by the Head - Legal and Democratic Services.

Information provide to the Panel will be dealt with on a confidential basis unless otherwise agreed and the Panel will ensure their confidentiality is maintained.

2.22.7 Terms of Office

- 6) The members of the Panel agree to comply with the Bath & North East Somerset Code of Conduct for Members.

- 7) The Council will have the right to remove particular members from the Panel in special circumstances such as:
 - a) Becoming disqualified from serving on the Panel for any of the reasons set out in the person specification
 - b) Persistent non-attendance
 - c) Breach of confidentiality
 - d) Any conduct that brings the Panel into disrepute and/or prejudices its impartiality or its effective operation.

2.22.8 Indemnity

- 8) The members of the Panel will be indemnified by the Council for their work on the Panel.

2.23 LICENSING COMMITTEE

2.23.1 Committee Scope

The Licensing Committee is a statutory committee of the Council appointed to discharge the local authority's licensing functions, except the approval of licensing policies, the setting up of the 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 and its members shall operate in accordance with the [Good Practice guide](#) approved by Council.

2.23.2 Functions

- 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 enactments as may fall within the remit of the Committee.
- 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.

2.23.3 Composition

The size of the Committee will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.23.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.23.5 Competency

Members of the Licensing Committee shall not sit on the Licensing Committee until they have attended training.

2.23.6 Substitutions

Substitute Members are permitted in line with [Council Procedure Rules](#) and having received licensing training.

2.24 LICENSING SUB-COMMITTEE

2.24.1 Committee Scope

This Licensing Sub-Committee shall hear and determine all licence applications as set out in the Bath and North East Somerset Council [Statement of Licensing Policy](#)

2.24.2 Functions

The Licensing Sub Committee has appointed by the Licensing Committee to discharge the Council's licensing functions.

2.24.3 Composition

Licensing Sub-Committee shall consist of 3 Members in accordance with political proportionality.

2.24.4 Quorum

The quorum shall be three.

2.24.5 Substitutions

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

A substitute will substitute for the entirety of the meeting.

2.25 PARISH LIAISON MEETING

2.25.1 Committee Scope

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.

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

2.25.2 Functions

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

2.25.3 Composition

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.

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

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 and the subsequent approval of the Chair of the meeting.

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

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

2.25.4 Meetings

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

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

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

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.

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

The general public may attend Parish Liaison meetings as observers but have no automatic right to speak or make statements. The Chair may exercise their 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.

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.

2.25.5 Conduct at Meetings

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.

Attendees will:

- Engage positively in discussions
- Working together on finding solutions
- Sharing good practice
- Help strengthen relationships

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 and belief, sex and sexual orientation and with regard to equalities legislation.

2.25.6 Agenda Setting

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.

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

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

- That relate to a single, or small number of parishes, other than important items raised by a single parish or a small number of parishes that are agreed by the Parish Liaison agenda setting group which will be included on the agenda
- For which other, effective channels of communication exist
- That are day to day operational issues
- That need to be addressed immediately

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.

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.

2.25.7 Review

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.

2.25.8 Definition of terms

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

2.26 PLANNING COMMITTEE

2.26.1 Committee Scope

The Committee will exercise the Council's functions as Local Planning Authority. The Committee will also discharge the Council's powers and duties in respect of public rights of way and commons registration. All of the Committee's decisions are subject to the applicable schemes of delegation, depending on the specific decision being taken. In addition, decisions of the Committee on planning matters are subject to the limit on delegations of functions as described below. With regard to planning decisions, the Committee will act in accordance with the planning policy framework for B&NES which includes National Planning Policy Guidance, the National Planning Policy Framework and in accordance with the [Council's Planning Code of Conduct](#).

2.26.2 Functions

The Committee has delegated authority to exercise the Council's functions as Local Planning Authority.

The Committee has delegated authority to exercise the Council's powers and duties in respect of public rights of way and commons registration.

The Committee has delegated authority to establish working practices and protocols for operation on a District-wide basis.

The Committee has 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) where the matters are contentious.

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

Note 2 – *For these purposes, 'contentious' is defined as an application which receives more than 12 objections or an application which has received an objection from either the affected parish/town council or one of the affected ward Members.*

Limitation on delegation of functions

The exercise of this delegated authority is subject to the Director with overall responsibility for planning, or the Head of Planning (or any of the other Managers specifically listed in the Planning Scheme of Delegation 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 or the Head of Planning (as the case may be) considers necessary. Further to such reconsideration, the Committee shall be

entitled to make such decision or determination as it sees fit.

The [Planning scheme of delegation](#)

2.26.3 Composition

The size of the Committee will be determined by Council. Appointments will be made having regard to rules on political proportionality – as set out in the [proportionality table](#).

2.26.4 Quorum

One quarter of the membership or 3 Councillor/voting Members of the Committee whichever is greater.

2.26.5 Competency

Members of the Committee shall not sit on the Committee until they have attended training.

2.26.5 Substitution

Substitutions will be permitted at meetings of the Committee from among other Members of the Council having attended training.

A substitute will substitute for the entirety of the meeting.

2.26.6 Support arrangements

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

- establish such sub committees and working parties as are considered helpful in exercising the above functions.
- delegate any of its functions to a sub-committee and to delegate any of its non-policy making functions to Officers (see delegation scheme).
- To monitor service delivery and service trends and to make recommendations.
- To be a body of influence across its geographical area of responsibility and with the community in its area.
- To engage in consultation with the community and specifically with other bodies which have an interest in the span of responsibility of this Committee.
- To participate with others in joint initiatives on planning.

2.27 RE-STRUCTURING IMPLEMENTATION COMMITTEE

2.27.1 Committee Scope

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

2.27.2 Functions

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 in accordance with the Statutory Officers Disciplinary process including the power to suspend a statutory officer and appoint external advisors as appropriate.

To take any disciplinary action short of dismissal in respect of a Statutory Officer in accordance with the Statutory Officers disciplinary process.

Approving any special severance cases for any employee above £20,000 up to a maximum of £100,000. Approving all voluntary redundancy and flexible retirement cases for any employee that are in excess of £100,000 on total costs including redundancy, pay in lieu of notice, holiday pay and pension costs.

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

2.27.3 Composition

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

2.28 STANDARDS COMMITTEE

2.28.1 Committee Scope

Promote and maintain high standards of conduct by Councillors; Parish Councillors; co-opted members and church and parent governor representatives.

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.

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.

Monitor and review such Codes and Protocols and the Register of Members interests

2.28.2 Functions

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

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.

Consider

- any application for exemption from political restrictions in respect of a post, by the holder of that post, and
- any application from any person for a direction requiring a post to be included in the list of politically restricted posts.

Consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.

Consider and determine the Council's response to any internal or District Audit regulatory recommendations referred to the Committee by the Monitoring Officer.

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.

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.

Liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;

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.

2.28.3 Composition

- 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 Persons will be invited to attend the meeting and provide relevant comment.

2.28.4 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.

2.28.5 Substitution

Substitute Members are permitted in line with [Council Procedure Rule 3.1.4.](#)

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MEMBER ADVOCATES – ANNUAL ACTIVITY REPORT 2022-23

Councillor Neil Butters – Member Advocate for Rail Liaison

MetroWest - More Frequent Services

Have lobbied for some time for half-hourly services at Oldfield Park and Keynsham. New timetable coming in on 21st May will deliver that and more, eg: 5 trains 7-8 am towards Bristol. Some 36 trains per weekday each direction at OP and K. Some 24 trains per day each way at Freshford.

Saltford

Continued to press for revived station.

Rail in Wales & West 2023

Invited to attend *Modern Railways* Fourth Friday Club conference, Bristol. Also, visit to St Philip's Marsh Diesel Depot. (28/29 March.)

GWR Annual Community Rail & Stakeholder Conference, Bristol

Invited to attend on 27 June. Explained would no longer be a councillor, but invited anyway!

Public Transport Consortium

Co-opted member of national executive. Useful – two-way - source of information.

Councillor Jess David – Member Advocate for Green Infrastructure and Nature Recovery

- Took part in monthly meetings with officers and attended meetings with stakeholders.
- Contributed to policy work including the development of the B&NES Ecological Emergency Action Plan, WaterSpace Study workshop (Nov 2023).
- Hosted a web event on the ecological emergency as part of B&NES Climate and Biodiversity Festival, and took part in other events.
- Supported community projects to benefit nature working with Your Parks, the council's parks team and other community-based organisations.

Cllr Alan Hale – Member Advocate for Road Safety

It has been a busy year.

I have continued to give advice and support to the ward councillor regarding the perceived dangerous junction near Queen Charlton as the situation has not yet changed. The councillor continues to receive questions from time to time.

Charlton Road in Keynsham continues to suffer both excess speed and HGVs breaching the weight limit. I have been in correspondence with the police but with little success.

I have continued to lead the Keynsham councillors to resolve the appalling catalogue of casualties caused by the cycle lane configuration in Keynsham High Street. A recent Freedom of Information request revealed that in just over a year there have been 59 casualties in High Street due to the cycle lane causing trips and falls resulting in broken bones, lost teeth, serious cuts, bruises, dislocations and facial injuries.

I have remained available to councillors to give support and advice on road safety matters throughout the year. I have also responded to questions from members of the public who had noted my advocacy.

Councillor Yuktेशwar Kumar – Member Advocate for BAME issues

The Race Panel was established in October 2020 and several enthusiastic and learned members from cross sections of the society joined the panel. The panel has met almost every month since then without any cost to the council. In 2022-23, the panel invited several guests and scholars who work on race & gender issues to speak at some of the meetings. The panel members are extremely active and share various informative articles and events among the group which is then cascaded further. The panel's remit includes:

- Educational inequalities
- Employment inequalities
- Financial inclusion and poverty
- Hate crime and preventing discrimination
- Health and well-being inequality

Some residents also raised the issue of discrimination etc. and the panel listened to their concerns and guided them in the right direction.

It was also disappointing to note that several panel members resigned from the forum in the latter half of the year.

Councillor Ruth Malloy – Member Advocate for Great Spas of Europe and Twinning

The Great Spa Towns of Europe

The Great Spa Towns of Europe Association (GSTEA) was officially launched in April 2022 in Spa, Belgium. All eleven spa towns have now joined, with Bath's membership confirmed in February 2023. The GSTEA's purpose is to facilitate the ongoing management, conservation and promotion of this UNESCO serial, transnational World Heritage Site. The GSTEA General Assembly meets twice a year: the first meeting was held in Frantiskovy Lazne, Czechia in September 2022 and the second one in Bath in March 2023. Her Excellency Laura Davies, UK Ambassador to UNESCO, attended and presented BaNES Council Leader Kevin Guy with the official UNESCO certificate, confirming the city of Bath's inscription on the World Heritage List as one of the eleven Great Spa Towns of Europe.

Twinning

Last year Bath and Alkmaar celebrated 75 years of friendship. A commemorative paving stone was uncovered in Alkmaar by Mayor Anja Schouten and in May 2023 a 'twin' paving stone will be uncovered here by the Mayor of Bath. In November 2022 officers from Alkmaar municipality came for a 3-day visit to exchange ideas with their BaNES counterparts on the subject of sustainability, with the added aim of encouraging more links between citizens' groups in both cities. Three twinning associations were present at the Christmas Market in December 2022: Braunschweig, Alkmaar and Aix-en-Provence. Everyone agreed it was very worthwhile, not in terms of sales (making a profit was never an aim) but as a way of promoting twinning to people visiting the Christmas Market. Bath-Beppu Friendship Association has been busy with events at Widcombe Social Club and the BRLSI. The Bath-Aix en Provence Twinning Association (TA) also regularly holds meetings at the BRLSI and has a full programme of activities. Bath-Braunschweig TA was asked by Braunschweig municipality to find hip-hop performers to attend their biennial *Kulturnacht* in June 2023; the invitation was passed on to Bath Spa University. Discussions continue with both Bath universities to find placements for their Turing Scheme students in our twin cities. However, this is proving more difficult than expected and it's unlikely that any students will go to Alkmaar this summer. Finally, the Lord Mayor of Braunschweig is due to visit Bath in November, having had to postpone his visit three times, on account of the covid pandemic and the death of our late Queen.

Councillor Sarah Moore – Member Advocate for Accessibility

Over the past 12 months I have been fortunate to talk with various groups and individuals that represent our residents who have a variety of access concerns and had some very informative discussions.

This has included in person meetings with residents with visual impairments and mobility issues and I have had a walk and talk meeting across Twerton which has highlighted a large number of issues that need to be resolved and am hoping to do this across the authority over the next 12-24 months, joined by the relevant ward members.

Other accessibility issues have been highlighted across the authority area and I am looking forward to working with the Cabinet Members and officers to start addressing these as soon as possible.

Councillor Alastair Singleton – Member Advocate for Renewable Energy

The last year has seen significant and accelerating progress towards our ambitions to see at least 300 MW of renewable energy installed across B&NES as part of our 2030 Net Zero goal – and this in the face of continuing constraints from a dysfunctional electricity grid distribution system.

As Advocate, I have continued to co-ordinate our support for the Local Electricity Bill, and worked with partners across the district to support and encourage development of technically sound and appropriately sited renewable energy projects. This work has included liaising with local Community Energy groups, colleagues, officers, academics and others to raise the profile of rapid take up of renewable energy as a critical element of the B&NES climate strategy, as well as providing suggestions and input for the WECA Climate Emergency Action Plan.

Successes for the year include the first round of the WECA-sponsored Solar Together group buying scheme, through which over B&NES 300 households were able to invest in PV and battery storage. We are keen that the exercise should be repeated this year, and there are encouraging signs of similar localised initiatives taking shape within our area. Some excellent commercial and private renewables schemes have come through the planning process and the Council has completed some admirable projects on our own estate.

Less positive is what can sometimes appear a glacial pace of progress in tackling elements of the Council's campaign in the face of a rapidly worsening climate crisis, and two major disappointments remain outstanding at the end of the year. These are the challenges of resolving the stalemate at the disputed Resourceful Earth site near Queen Charlton, and crystallising action to sanction the long-promised

community-owned solar array at the B&NES-owned Riverside View development, providing cheap clean energy to the neighbouring Keynsham Leisure Centre.

I must pass on the baton to others to see those through.

Councillor Shaun Stephenson-McGall – Member Advocate for Engagement with students

Together with Cllr Romero I have sat on the Student Community Partnership Board and attended or held a 'watching brief' for its sub-committee / groups / Forums on Housing, Personal Safety, River Safety and Green (Group). The SCP includes Bath College and Norland College as well as the two University's and their Students' Unions. I liaise regularly with the Community Coordinator, SCP, and her Team, who are based at the University of Bath site at Dartmouth Avenue, Oldfield Park. Cllr Romero and I have spent much time trying to secure and agree a long-term financial funding strategy for the SCP including for the Community Wardens which were initially funded through a successful Bath CIL bid.

Councillor Chris Watt - Member Advocate for Looked After Children

No report was supplied.

Councillor Ryan Wills – Member Advocate for Rural Communities

I have aimed to represent and raise the matters and issues for our rural communities. I have attended events held by the Rural Services Network including their annual conference in addition to seminars for specific topical policy areas. These has included net zero, the economy, connectivity and transport. have also then raised these issues and others with Cabinet members, helping us to ensure that we fully consider how decisions may affect rural areas differently.

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Role Description for Cabinet Project Lead

This role description identifies the responsibilities specific to the role of Cabinet Project Leads and should be read in conjunction with the role description of all councillors.

1. Accountabilities

- To the Leader
- To the relevant Cabinet Member

2. Roles and Activities

- Undertake research relating to the Cabinet Member's Portfolio area
- Assist in the development of policies within the Cabinet Member's Portfolio area
- Work on particular projects or programmes within the Cabinet Member's Portfolio area
- Help to promote specific media opportunities relating to key projects, with regular feedback to the Cabinet Member
- Attend seminars and meetings as requested by the Cabinet Member
- Liaise with non-executive members to ensure that the Cabinet Member is fully aware of issues which are of concern to them
- Assist the Cabinet Member in establishing and maintaining professional, effective, and efficient working relationships with opposition groups, Chairs of Committees/Panels and Senior Officers
- Work with other Cabinet Members and Cabinet Project Leads on shared policy and project developments
- Liaise with outside bodies, partner organisations, service users and members of the public in relation to portfolio responsibilities
- Assist the Cabinet Member to manage their workload and deal with such issues or projects (whether long-term or time limited) as shall be agreed with them

3. Personal and role development

As for 'All Councillors' plus:

- Ensure up to date knowledge of portfolio-related developments and policies at national and local level
- Attend relevant briefings for the Cabinet Member's portfolio area as required

4. Role Restrictions

A Cabinet Project Lead cannot:

- Take formal decisions at Cabinet meetings or make Single Member Decisions
- Deputise for a Cabinet Member at full Council or Cabinet meetings
- Be a member of the Scrutiny Committee which scrutinises his or her Cabinet Member's portfolio

Bath & North East Somerset Council		
MEETING:	Full Council	
MEETING DATE:	25 th May 2023	
TITLE:	Pledge to Children in Care	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		

1 THE ISSUE

Following the publication of 'Care Matters: Time for Change' in June 2007, there has been a requirement for all Local Authorities to develop and publish a Pledge to their Looked after Children and Care Leavers. The Pledge sets out the services and support children should expect to receive.

Since the implementation of our Pledge in 2008 Bath & North East Somerset's Pledge to Children in Care has continued to be updated to reflect current regulations, guidance and best practice. The pledge is co-produced with children and young people in care and care experienced young adults.

The new Council following local elections is invited to affirm its commitment to the Pledge.

2 RECOMMENDATION

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

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

There are no direct financial implications arising from re-approving the Pledge. The Pledge sets out standards for corporate parenting which can be met within existing capacity and resources.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Pledge is a requirement from 'Care Matters', the aim of which was to establish and promote best practice for Children in Care and Care Leavers. The Pledge enables the participation of Children in Care about matters which affect them (article 12 UN Convention of the rights of the child). The Pledge provides a way to improve the life chances of disadvantaged teenagers and young people.

5 THE REPORT

- 5.1 The Local Authority has statutory duties under the Children Act 1989 to identify children in need including those in need of protection from abuse or neglect, and to provide services to promote and safeguard their welfare. These include duties to looked after children who need to come into public care, towards whom the Council has duties effectively to act as a 'corporate parent'. These duties are established in the Children Act 1989 and as amended by subsequent legislation, and requirements for their implementation are detailed in Regulations and Guidance.
- 5.2 Children come into care for a variety of reasons. These include abuse or neglect, absent parenting, family breakdown, homelessness at age 16 or 17 and or as unaccompanied asylum seeker children (UASC). Children may be in care by order of a court (particularly in cases of abuse or neglect); or by agreement with parents; or at the request of young people (aged 16-17) who are homeless. Children may also be remanded into care when facing criminal charges.
- 5.3 Elected Members are ultimately accountable for the quality of corporate parenting provided to these children – the Council collectively acts as corporate parent. The overall duty of the Council, and therefore all elected Members, as corporate parent is to safeguard and promote the welfare of children in care. As a corporate parent we should all ask the question 'would this be good enough for my child?' The Pledge to Children in Care provides a means to address this question in more detail as it covers key aspects of corporate parenting. The Pledge also sits alongside other initiatives and ambitions we have developed (The Virtual School, The Looked After Health Team, The Local Offer) to try and close the gap between the outcomes for children in care and those who have never been in care.
- 5.4 Corporate parenting – just like parenting in a family – does not stop when a child becomes an adult at 18. We have a duty to support young people moving on from care – often known as 'care experienced young adults' – until they are 25 years. The Pledge therefore contains standards for our continuing support to care leavers. Alongside this, legislation promotes the opportunity of 'Staying Put' for those wishing to remain with their carers beyond age 18, and this scheme is well established and successful in Bath & North East Somerset.
- 5.5 The Pledge sets out 10 promises covering standards of service children in care are entitled to. These standards are drawn from the legal framework within which the Council acts as a corporate parent and set local standards for best practice in

this context. The selection of standards for inclusion in the Pledge was based on what young people told us locally was most important to them.

- 5.6 The Pledge sets a benchmark against which young people, elected Members, staff, carers and partners can judge whether corporate parenting in Bath and North East Somerset is delivering the ambitions for our children in care and care leavers. An In Care Council has been established to monitor whether these standards are met from a young people's perspective. This is a group of young people in care supported by local charity 'Off The Record' and commissioned by the Council to support young people's participation in service improvement. Members of the In Care Council are members of the Corporate Parenting Members Group to ensure elected Members are able to hear young people's views on their experience of being in care.
- 5.7 The pledge has recently been updated. The In Care Councils reviewed the Pledge in Jan 2023 and provided feedback and suggestions for update- all of which are reflected in the revised Pledge. The Pledge has also been reviewed in line with existing and new Legislation (i.e., Extended Duties, 2018) and consultation undertaken with Members and Staff. The Pledge will continue to be reviewed over the forthcoming term, by both the In Care Councils and the Corporate Parenting Group Members, in order to evaluate its effectiveness and implementation. All cabinet members are encouraged to submit comments via the Corporate Parenting Group
- 5.8 The Corporate Parenting Group meets quarterly and all elected Members are welcome to attend. The next meeting is scheduled for 6th June 2023.
- 5.9 It is important to remember that effective Corporate Parents consider their role for children and young people within B&NES, not just within the Corporate Parenting Group Meeting, but in their everyday role as a councillor. The Pledge assists Members in carrying out this very important role.

6 RATIONALE

- 6.1 There is a requirement for Children's Services to publish a Pledge to children in their care. This informs children of what they can expect, and contains promises that can be measured and judged. Our Pledge aligns us to good practice nationally and the OFSTED inspection of Children's Services will consider how the pledge is being delivered.

7 OTHER OPTIONS CONSIDERED

- 7.1 Due to the requirement for a Pledge to be published, no other options have been considered.

8 CONSULTATION

- 8.1 *Cabinet Member; Members; Staff; Service Users; Partner Agencies*

- 8.2 The Council's original Pledge was drawn up in 2008 in consultation with young people, staff and the Cabinet Member for Children's Service. An updated version was presented in 2011, 2015 and 2018 following discussion with the Corporate Parenting Members Group and In Care Council. Updates are co-produced with children and young as a matter of principle in B&NES. The Pledge is currently on the Early App and is available on the website ..

9 RISK ASSESSMENT

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

Contact person	<i>Rachael Ward, Head of Service: Care Outcomes</i> <i>01225 477914</i>
Background papers	<p><i>'The Care Matters: Time for Change' publication can be seen at</i> https://www.gov.uk/government/publications/care-matters-time-for-change</p> <p><i>'Promoting the Health and Wellbeing of Looked After <u>Children</u>'</i> https://www.gov.uk/government/publications/promoting-the-health-and-wellbeing-of-looked-after-children--2</p> <p><i>Promoting the Education of Looked After Children and Preciously Looked After Children</i> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting the education of looked-after children and previously looked-after children.pdf</p> <p><i>Extending Personal Advisor Support to all Care Leavers to age 25</i> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683701/Extending_Personal_Adviser_support_to_all_care_leavers_to_age_25.pdf</p>
Please contact the report author if you need to access this report in an alternative format	

What is the Pledge?

It is the Councils Promise to you on what you can expect from us during your time in care, and when you move on.

Where the Pledge talks about 'We' it means the Adults at the Council, Councillors, Social Workers and professionals who are responsible for you while you are in care. 'We' are your Corporate Parents and are here to support you to achieve the best in your childhood, adolescence and into adulthood.

'We' know we will not always get things right, but we Pledge to do our best.

Bath and North East Somerset's Pledge to Children Looked After and Care Leavers

Your Social Worker

- ✓ You will have a social worker and we will try our best to make this the same social worker over time
- ✓ You will have your social workers contact details so you can reach them when you need to, however they may not always be available but there will be someone in the team that will be able to help until your social worker is available.
- ✓ If you contact us, your social worker, or someone else in the team, will return your call within two working days
- ✓ Your social worker will be in touch with you regularly, at least every 6 weeks, depending on your needs

How we make decisions

- ✓ We will involve you in planning our services and explain our decisions
- ✓ This means that we will.
 - Ask you what you want
 - Listen to what you say
 - Act on what you have told us
- ✓ We will try our best to do what you ask, but sometimes we will not be able to make this promise and when this happens, we will explain why.

Your Care Plan

- ✓ You will have an up-to-date Care Plan that is designed to meet your needs
- ✓ Your Care Plan will consider your race, religion and cultural needs
- ✓ We will have high aspirations for your opportunities, and support you to achieve your goals, and will celebrate these
- ✓ Your Care Plan will be written down and you will be given a copy
- ✓ We will act on your Care Plan
- ✓ Your Care Plan will be reviewed at least every six months
- ✓ Meetings to review your Care Plan will be run by an Independent Reviewing Officer. You will know their name and how to contact them

Your Independent Reviewing Officer (IRO)

Independent Reviewing Officers check that children in care are looked after well and listened to

- ✓ You will have an Independent Reviewing Officer, (IRO), who will work with you, your social worker, carers and family to ensure that your needs are being met, and that your wishes and feelings are being listened to, and where possible acted upon.
- ✓ We will try to ensure you have the same IRO for every review. If your IRO needs to change, we will talk with you about this, and ensure you meet your new IRO before any meetings take place.
- ✓ Your IRO will contact you before your reviews to obtain your views, wishes and feelings. This can be through a meeting (face to face), telephone or letter, you and your IRO can agree on the best way to communicate with one another.

Where you live

- ✓ We will find you a home that is as near to your family and friends as possible
- ✓ We will find you a home that suits you and meets your individual needs
- ✓ If you move, we will try to keep you at the same school (if that is what you want)
- ✓ We will offer you an independent advocate before you move, except in an emergency.
- ✓ If you move, your Independent Reviewing Officer will review your Care Plan within four weeks

Friends and Family

- ✓ We will ask you who you want to stay in touch with
- ✓ We will help you to stay in touch with your family, friends and other people who are important to you
- ✓ If you are not allowed to see someone, your social worker will make sure you understand the reasons why

Your Education

- ✓ Our Virtual School is here to help you.
- ✓ We will help you to do the best that you can
- ✓ We will make sure you get a place at the best school for you
- ✓ Your school will have a named teacher for children in care and their job is to look after your needs. We will make sure you have their name and contact details
- ✓ You will be fully involved in plans to support you in school. These plans will be in your Personal Education Plan (PEP)
- ✓ We will offer you high quality work experience opportunities
- ✓ We will support you to remain in education after you are 16 years, or alternatively on a traineeship or apprenticeship

Your Identity

- ✓ We will meet your religious and cultural needs
- ✓ We will ensure that you have opportunity to meet other people who share your way of life or culture
- ✓ We will encourage you to develop your talents, interests and hobbies and support you to do the things that you enjoy
- ✓ We will celebrate your successes and achievements

Your Health

- ✓ We will look after your emotional needs as well as physical health needs
- ✓ We will encourage you to be healthy
- ✓ We will make sure there is always someone to talk to about how you feel
- ✓ We will make sure you get regular health checks ups with a nurse or GP
- ✓ We will make sure you get regular dental and optician check ups

You will be given the contact details for the nurse for children in care, who can give you confidential advice and help you be as healthy as you can.

Leaving Care and Moving On

- ✓ You can stay in care until you are 18. You may even be able to continue living with your carers or in your care setting after you are 18
- ✓ We will ensure that a Pathway Plan is created to plan for your move towards independence. The IRO will ensure this reflects what you need and the support you may require when you become 18
- ✓ Your Pathway Plan will be reviewed every six months
- ✓ We will support you to move on from care
- ✓ We will support you to do what you decide
- ✓ If you want to go back into education or training between 18-25, we will make a new plan to support you
- ✓ We will stay in touch with you until you are 25 years old
- ✓ You will have a copy of your Pathway Plan

Local Offer

Our Local Offer is the support and services we offer to you when you leave or are about to leave care. We know it is a big step when you move out of care and start living on your own or with friends, but we don't stop caring for you. We want to make sure you feel safe and supported and know where and who to go to for help and advice.

Here is the link to the Local Offer <https://beta.bathnes.gov.uk/care-leavers-local-offer>

Helping you sort out problems and worries

- ✓ We will work hard to sort out any problems or worries that you have
- ✓ If we can't do what you ask, we will explain the reasons why
- ✓ We will make sure you know how to get an independent advocate – that's someone who will listen to you and work with you to get things changed
- ✓ We will make sure you have all the information you need to make a complaint and we promise to always take your complaints seriously
- ✓ You can contact your IRO if you are worried or don't feel listened to, they will try to help and can support you should you wish to make a complaint



In Care Councils

What is the In Care Council?

They provide an opportunity for children and young people in care, and those Leaving Care, to have their voices heard and make a positive difference within the community. OTR regularly holds meetings, trips, and fun activities where you can spend time with other children and young people, share experiences, have influence, and develop your own skills.

Off the Record BANES <https://www.offtherecord-banes.co.uk/> are funded by B&NES to support our Senior and Care Experienced in Care Councils. There are three groups you can join:

Junior In Care Council for those aged 8-13

Senior In Care Council for those aged 14 – 17

Care Experienced Council for those aged 18-25

The In Care Council help monitor this Pledge to make sure the Council are supporting you

Contact OTR on:



01225 312 481



ICC@offtherecord-banes.co.uk

Children's Rights and Advocacy

OTR are also funded by B&NES to run an 'Advocacy' service.

An Advocate is someone who makes sure that your views and wishes are heard. They help you speak out when things aren't going well and will give you the support you need and help you understand your rights.

Contact OTR on:



01225 312481



advocacy@offtherecord-banes.co.uk

Are we keeping our promises?

You can let us know how well we are doing by sending your comments to:

Head of Service: Care Outcomes

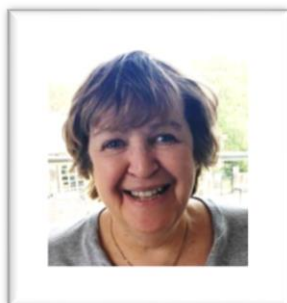


01225 477914



OR

If you want to make a complaint



Sarah Watts

Complaints and Data Protection Team Manager



01225 477931



sarah_watts@bathnes.gov.uk

**Thank you for reading this Pledge –
It's your Pledge and it's your right to ask
questions.**