

# Council

**Date: Thursday 20th July 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 20th July 2023** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Jo Morrison  
Democratic Services Manager  
for Chief Executive

Please note the following arrangements for pre-group meetings:

## 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](http://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, 20th July, 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. APOLOGIES FOR ABSENCE

#### 3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 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.

#### 4. MINUTES - 25TH MAY 2023 & 15TH JUNE 2023 (Pages 7 - 16)

Both sets of minutes to be confirmed as a correct record and signed by the Chair.

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

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

#### 6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

If there is any urgent business arising since the formal agenda was published, the Chair will announce this and give reasons why 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.

#### 7. NOTIFICATION OF MEMBERS ELECTED ON 22ND JUNE 2023

To note that Councillors Liz Hardman and Grant Johnson were elected to the Paulton ward on 22<sup>nd</sup> June 2023.

#### 8. 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.

#### 9. ANNUAL BUSINESS ITEMS DEFERRED FROM THE AGM (Pages 17 - 24)

This report invites the Council to consider the annual business items that were deferred from the 25<sup>th</sup> May 2023 Council.

#### 10. REPORT OF INDEPENDENT REMUNERATION PANEL (Pages 25 - 30)

The Independent Remuneration Panel on Members' Allowances were asked by Council on 25<sup>th</sup> May 2023 to specifically consider the new role of Cabinet Project Lead and whether an allowance was appropriate. They met on 19<sup>th</sup> June to consider this and their recommendations are included in the report.

#### 11. APPOINTMENT OF MEMBER ADVOCATES (Pages 31 - 36)

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

#### 12. CORPORATE STRATEGY 2023-2027 (Pages 37 - 52)

The council's Corporate Strategy will guide council activity and budget planning over the next four years. This report invites Council to adopt the Corporate Strategy and its associated outcomes framework as set out in the appendix.

#### 13. FRIENDSHIP AGREEMENT WITH OLEKSANDRIYA (Pages 53 - 60)

At its meeting of 16<sup>th</sup> March 2023, Council resolved to pursue and formalise a friendship agreement between B&NES Council and the city of Oleksandriya. Delegated authority was given to the Chief Executive and Leader of the Council to negotiate, agree and sign the friendship agreement on behalf of B&NES Council. The Leader has exercised this authority and Council is now invited to give its approval to invite the Mayor of Oleksandriya City Council to counter-sign the document on 21<sup>st</sup> July 2023.

#### 14. TREASURY MANAGEMENT OUTTURN REPORT 2022/23 (Pages 61 - 82)

Treasury risk management at the Authority is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2021 Edition (the CIPFA Code), which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report within six months after the end of each financial year. This report gives details of performance

against the Council's Treasury Management Strategy for 2022/23.

15. AVON PENSION FUND TERMS OF REFERENCE JULY 2023 (Pages 83 - 94)

The Avon Pension Fund Committee discharges the responsibilities of the Council in its role as the administering authority of the Avon Pension Fund in accordance with the Local Government Pension Scheme Regulations 2013 (as amended). The APF Committee recommended a change in the quorum of the committee set out in its Terms of Reference (ToR) at its last meeting on 23<sup>rd</sup> June 2023 and seek Council approval for the change.

16. STANDARDS COMMITTEE ANNUAL REPORT 2022 - 2023 (Pages 95 - 122)

To consider the annual report of the Standards Committee.

17. MOTION FROM THE LIBERAL DEMOCRAT GROUP - KNIFE CRIME (Pages 123 - 124)

18. 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, 25th May, 2023

Present:- **Councillors** Michael Auton, Tim Ball, Alex Beaumont, David Biddleston, Colin Blackburn, Anna Box, Deborah Collins, Paul Crossley, Chris Dando, Jess David, Mark Elliott, Fiona Gourley, Kevin Guy, Alan Hale, Ian Halsall, Dave Harding, Gavin Heathcote, Steve Hedges, Saskia Heijltjes, Oli Henman, Joel Hirst, Lucy Hodge, Shaun Hughes, Dr Eleanor Jackson, John Leach, Hal MacFie, Ruth Malloy, Lesley Mansell, Matt McCabe, Paul May, Sarah Moore, Ann Morgan, Robin Moss, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Toby Simon, Shaun Stephenson-McGall, Alison Streatfeild-James, George Tomlin, Malcolm Treby, Karen Walker, Sarah Warren, Tim Warren CBE, Andy Wait and David Wood

Apologies for absence: **Councillors** Alison Born, Sarah Evans, Duncan Hounsell, Samantha Kelly, George Leach and Joanna Wright

**1 EMERGENCY EVACUATION PROCEDURE**

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

**2 ELECTION OF CHAIR 2023 - 2024**

It was proposed by Councillor Kevin Guy, seconded by Councillor Robin Moss and supported by Councillors Shaun Hughes, Tim Warren and Sam Ross and then

**RESOLVED** that Councillor Sarah Moore be elected Chair of the Council for the Council year 2023/24.

Councillor Sarah Moore made and signed her Declaration of Acceptance of Office, received the Chain of Office from Councillor Stephenson Mc-Gall and then addressed the Council. She thanked Members for their support and confidence in her and also the residents of Twerton and Whiteway. She explained she was looking forward to various aspects of the Chair role, including showcasing our wonderful city, towns and villages, presiding over important events and citizenship ceremonies. She expressed her intention to visit a large number of local charities and organisations to meet the volunteers who contribute to this vital role in the community.

**FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR SARAH MOORE PRESIDED AT THE MEETING.**

**3 APPOINTMENT OF VICE CHAIR 2023 - 2024**

It was proposed by Councillor Shaun Hughes, seconded by Councillor Kevin Guy, and unanimously

**RESOLVED** that Councillor Karen Walker be elected Vice-Chair of the Council for the Council year 2023-24.

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

#### **4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5 MINUTES - 16TH MARCH 2023**

On a motion from Councillor Chris Dando, seconded by Councillor Eleanor Jackson, it was

**RESOLVED** that the minutes of the meeting of 16<sup>th</sup> March 2023 be approved as a correct record and signed by the Chair.

#### **6 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

Councillor Sarah Moore presented Councillor Shaun Stephenson-McGall with his past Chair's badge.

It was proposed by Councillor Kevin Guy, seconded by Councillor Robin Moss, supported by Councillors Shaun Hughes, Sam Ross and Tim Warren and

**RESOLVED** that this Council places on record its appreciation of the services performed by Councillor Shaun Stephenson-McGall in the office of Chair of the Council for 2022/23.

Councillor Stephenson-McGall then addressed the Council and, in so doing, thanked Members and officers for their support during his year in office. He highlighted a number of the key moments of the year and made particular reference to presiding over the ceremonies that marked the death of Queen Elizabeth 2<sup>nd</sup>, and the proclamation for King Charles.

The Chair then;

1. Welcomed and congratulated all newly elected Councillors and invited the Council to place on record its appreciation of the past service given by the Members who retired following the election;
2. Invited the Council to note the appointment of Councillor Kevin Guy as Liberal Democrat Group Leader, Councillor Robin Moss as Labour Group Leader, Councillor Shaun Hughes as Independent Group Spokesperson, Councillor Joanna Wright as Green Party Group Leader and Councillor Tim Warren as Conservative Group Leader;
3. Reminded everyone to switch off/to silent their mobile phones and laptops;



4. Announced that the meeting was being webcast and invited anyone who did not wish to be filmed to make themselves known to the camera operators; and
5. Reminded Members to use their microphones so that their comments are picked up for the webcast.

## **7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business.

## **8 URGENT DECISION BY CHIEF EXECUTIVE - ENTRY HILL DEPOT CALL-IN VALIDATION**

Council noted the urgent decision that had been taken by the Chief Executive on 25<sup>th</sup> April 2023 to suspend the normal requirements on timing for the period in which a call-in meeting must normally be held, as the call-in had been received very close to the 4<sup>th</sup> 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 this Council AGM on 25<sup>th</sup> May 2023.

## **9 NOTIFICATION OF MEMBERS ELECTED ON 4TH MAY 2023**

This item was noted.

## **10 APPOINTMENT OF LEADER**

On a motion from Councillor Sarah Warren, seconded by Councillor Michelle O'Doherty, it was

**RESOLVED** that Councillor Kevin Guy be elected Leader of the Council for the 4 year term from May 2023 AGM to May 2027 AGM.

*[Notes;*

1. *The above successful resolution was carried with 49 Councillors voting in favour, 2 Councillors abstaining and 0 Councillors voting against.]*

## **11 APPOINTMENT OF COMMITTEES AND PANELS, AND OTHER ANNUAL BUSINESS**

On a motion from Councillor Kevin Guy, seconded by Councillor Robin Moss, it was

**RESOLVED** to

1. Approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and as circulated to all Councillors in advance of the meeting (and appended to the minutes);
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;

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 of the report);
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;
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;
6. Agree the bodies on which independent co-opted members have seats as either voting or non-voting members and appoint those members accordingly (as set out in the political proportionality table appended to the minutes);
7. Expressly disapply the proportionality rule to the Restructuring Implementation Committee (with no Councillor voting against), as set out in section 3.9 of the report;
8. Confirm that the chairing arrangement for the Standards committee set out in paragraph 3.11 of the report should continue (with an independent member taking the chair);
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;
10. Appoint 3 members to Avon Fire Authority on a proportionality basis to be determined;
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;
12. Note the urgent executive decisions that have been taken in the last municipal year, as set out in paragraph 5.3 of the report;
13. Note the position regarding the frequency of meetings (as set out in Section 6 of the report) 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;
14. Re-appoint the existing Independent Remuneration Panel (IRP);

15. Instruct the Independent Remuneration Panel to consider a Special Responsibility Allowance for the Cabinet Project Lead role, using the Job Description at Appendix 4 of the report;
16. Note the activity of the Member Advocates, as set out in Appendix 3 of the report;
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;
18. Confirm the scheme of delegations, previously agreed at Council, as set out at Part 2 of the Constitution; and
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.

*[Notes;*

1. *The above successful resolution was carried with 49 Councillors voting in favour, 2 Councillors abstaining and no Councillors voting against.*
2. *During debate, Councillor Jackson queried whether SACRE should be included in the proportionality table and it was agreed this issue would be resolved outside the meeting.]*

## **12 PLEDGE TO CHILDREN IN CARE**

Councillor Paul May moved this item, making reference to a slightly revised Pledge document which had been circulated to all Councillors (and is attached to these minutes). The amended wording is the second bullet point of the 'Your Care plan' section and set out below;

- ✓ "Your Care Plan will consider your age, gender identity, sexual orientation, disabled or non-disabled status, religion or beliefs, ethnicity and cultural needs"

In seconding the item, Councillor Dine Romero drew Members' attention to section 5.7 of the report, stating that it should refer to all Councillors, and not just Cabinet Members.

It was then unanimously

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

## **13 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC**

Statements were made by the following members of the public;

Chad Allen made a statement calling on the Council to take action to remove English ivy from the trees in its area, as it was harmful to the tree population and affected the tree's ability to filter clean air. He explained it was not a native species, having been introduced into the country in the 18<sup>th</sup> century.

Adam Reynolds made a statement calling for the pace of activity in delivering public realm improvements to be accelerated. The statement is attached in full. Councillor Saskia Heijltjes asked Mr Reynolds if he was clear about the guidance for liveable neighbourhoods, and what they could deliver. Mr Reynolds responded that he understood hard measures needed to be in place before softer measures could be introduced.

Mrs Harrington presented a petition of nearly 500 signatures with the following request, and spoke in support;

*"We, the undersigned residents of Bath and North East Somerset, and/or regular users of the supported bus services from neighbouring villages in Somerset, petition the authority to reconsider its decision to withdraw the subsidy for the 82 Tynning, Radstock-Paulton via Westfield and Paulton Hospital services and find means of funding it, and to restore the 42 Odd Down to the RUH.*

*Because*

- The elderly, disabled and those on low incomes are disproportionately affected, and have no alternatives so will be condemned to loneliness and isolation.*
- School children will not be able to travel independently to Midsomer Norton secondary schools.*
- Waiting for the no 4 (RUH) often means ill people standing for 20-30 minutes due to jams in Weston.*
- NE Somerset residents are being discriminated against.*
- There is a climate emergency. Using public transport reduce B&NES carbon footprint."*

Councillor Kevin Guy asked if Mrs Harrington was aware that the WECA Mayor was responsible for bus transport, not the Council. Mrs Harrington responded that the WECA Mayor had said that it was the Council, not WECA, who were responsible. Councillor Sam Ross asked Mrs Harrington if she was aware that WECA had asked all its constituent councils to increase their bus subsidy budgets. Mrs Harrington responded that locals would not mind paying towards this.

David Redgewell made a statement about various transport issues, including suggestions for addressing rural bus issues, and urged all parties to address this quickly by working together to find solutions. A copy of the statement has been placed on the Minute book. Councillor Kevin Guy asked if Mr Redgewell considered that, if BSIP money for these services is not provided, B&NES should advocate that it comes directly to the Council, as in North Somerset. Mr Redgewell responded that it was necessary to check the regulations and go through the proper processes. Councillor Saskia Heijltjes asked if Mr Redgewell was aware of an article regarding demand responsive transport likely failing if supported bus services were removed. Mr Redgewell replied that he was aware, and made the wider point that it was about

connecting people, places and communities and that he was worried about parts of the region.

Alexander Robinson, SU President for the University of Bath, made a statement about further developing the civic relationship between the Council, students and education providers and gave the example of Nottingham who had developed a Student Living Strategy. The statement is attached. Councillor Kevin Guy asked if Mr Robinson would be happy to meet up, to which he replied that he would. Councillor Saskia Heijltjes asked how the Council could better support students to which he replied that active engagement was good. The campaign to encourage students to vote had been good, and this needed to continue with possible surgeries and events at the University.

Robbie Bentley made a statement highlighting the mental health aspects which needed consideration with regard to the public transport issues raised by earlier speakers. He urged collaboration with WECA and the Leaders of other Councils to provide solutions.

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

#### **14 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS**

Councillor Eleanor Jackson made a statement about rural community bus services, a copy of which has been added to the Minute book and attached to the online record.

Councillor Saskia Heijltjes made a statement about effective scrutiny and the Green Party group's aspiration to be more involved in this vital part of the Council's decision making processes. A copy of the statement has been added to the Minute book and attached to the online record. Councillor Kevin Guy asked if her group would reconsider the offer of a place on the Corporate Audit Committee, which played an important role in scrutinising the Council's financial and governance position. Councillor Heijltjes replied that she would take this back to the group.

Councillor Sam Ross made a statement calling for collaborative working across the political groups and expressing regret that they had not been consulted earlier during the allocation of committee and panel places. As a North East Somerset Councillor, she highlighted that for small communities such as the one she represents, often needs are higher but investment is lower leading to inequity of provision. Councillor Kevin Guy asked Councillor Ross if she was aware that committees and panels were established on a proportional system. Councillor Ross replied that she was aware, as had been made clear by her statement. Councillor Karen Walker asked if Councillor Ross was aware that all councillors can make statements at PDS panel meetings, to which Councillor Ross replied that she was.

The Chair thanked the Councillors for their statements which will be addressed by the relevant Cabinet Members.

The meeting ended at 7.51 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

# BATH AND NORTH EAST SOMERSET COUNCIL

## MINUTES OF COUNCIL MEETING

Thursday, 15th June, 2023

Present:- **Councillors** Michael Auton, Tim Ball, David Biddleston, Colin Blackburn, Alison Born, Deborah Collins, Paul Crossley, Jess David, Mark Elliott, Fiona Gourley, Alan Hale, Gavin Heathcote, Saskia Heijltjes, Oli Henman, Joel Hirst, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Samantha Kelly, John Leach, Hal MacFie, Ruth Malloy, Matt McCabe, Sarah Moore, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Shaun Stephenson-McGall, George Tomlin, Karen Walker, Sarah Warren, Tim Warren CBE, Andy Wait, David Wood and Joanna Wright

Apologies for absence: **Councillors** Alex Beaumont, Anna Box, Chris Dando, Sarah Evans, Kevin Guy, Ian Halsall, Dave Harding, Steve Hedges, Lucy Hodge, George Leach, Lesley Mansell, Paul May, Ann Morgan, Robin Moss, Toby Simon, Alison Streatfeild-James and Malcolm Treby

### 15 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Manager read out the emergency evacuation procedure.

### 16 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair welcomed all Councillors, former Councillors and their families and friends.

Following the recent death of former Councillor and Honorary Alderman Malcolm Hanney, the Chair asked everyone to stand for a minute's silence.

### 17 APPOINTMENT OF HONORARY ALDERMEN AND ALDERWOMEN

The Chair invited Councillor Sarah Warren, as Deputy Leader of the Council, to move the motion, which was seconded by Councillor Tim Warren CBE.

It was then unanimously

**RESOLVED** that the former B&NES Councillors set out below should have conferred on them the title of Honorary Alderman or Alderwoman in recognition of their eminent and distinguished service both to this Council and its predecessor Councils;

**Rob Appleyard** – Councillor Paul Crossley spoke in support of this nomination.

**Sarah Bevan** – Councillor Karen Walker spoke in support of this nomination.

**Neil Butters** – Councillor Fiona Gourley spoke in support of this nomination.

**Doug Deacon** – Councillor June Player spoke in support of this nomination.

**Michael Evans** - Councillor Tim Warren CBE spoke in support of this nomination.

**Andrew Furse** - Councillor Dine Romero spoke in support of this nomination.

**Paul Myers** – Councillor Tim Warren CBE spoke in support of this nomination.

**Lisa O’Brien** - Councillor Alan Hale spoke in support of this nomination.

**Vic Pritchard** – Councillor Tim Warren CBE spoke in support of this nomination.

**Brian Simmons** – Councillor Alan Hale spoke in support of this nomination.

**Chris Watt** – Councillor Tim Warren CBE spoke in support of this nomination.

In accepting nominations, the newly appointed Aldermen and Alderwomen thanked the Council for the honour and many paid tribute to officers for all their hard work over the years, and their communities for their support.

The meeting ended at 6.30 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Council</b>	
MEETING DATE:	<b>20<sup>th</sup> July 2023</b>	
TITLE:	<b>ANNUAL BUSINESS ITEMS DEFERRED FROM AGM</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 – Updated political proportionality and committee chairing arrangements structure		
Appendix 2 – Group Assistant proposals		

## **1 THE ISSUE**

- 1.1 This report invites the Council to consider the annual business items that were deferred from the 25<sup>th</sup> May 2023 Council.
- 1.2 The delayed Paulton election meant that the full political make-up of the Council of 59 Councillors was not available at the Council AGM. The election for that ward took place on 22<sup>nd</sup> June and so a revised proportionality table is now brought to Council. All the resolutions of the Council AGM relating to annual business, unless addressed here, still stand.

## **2 RECOMMENDATION**

**The Council is asked to;**

- 2.1 Approve the revised political proportionality table for the composition of committees and panels and the appointment of Members to those bodies in accordance with the requirements of political proportionality;
- 2.2 Expressly disapply the proportionality rule to the Restructuring Implementation Committee (with no Councillor voting against), as set out in section 3.9;
- 2.3 Agree the allocation of Political Assistants and Group Support Officers as set out in Appendix 2;

- 2.4 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).

## **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). [Due to the delayed Paulton election, contracts were extended until the end of July to allow this item to be brought back.]
- 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.

## **5 STATUTORY CONSIDERATIONS**

5.1 Relevant statutory considerations are addressed in parts 3 and 4 above in relation to the specific recommendations required to be determined in part 2.

5.2 The Council Constitution at paragraph 3.6.7 specifically provides for officer support to groups that do not qualify for a Political Assistant provided that Council decides to do so.

## **6 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

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

## **7 RISK MANAGEMENT**

7.1 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.

## **8 EQUALITIES**

8.1 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.

## **9 CLIMATE CHANGE**

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

## **10 OTHER OPTIONS CONSIDERED**

10.1 None.

## **11 CONSULTATION**

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

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

## DRAFT POLITICAL PROPORTIONALITY TABLE – JULY 2023 – 59 COUNCILLORS

Compulsory cumulative proportionality	Number on Committee	Liberal Democrat (41) 70%	Labour (7) 12%	Independent (5) 8%	Conservative (3) 5%	Green (3) 5%	Chair Allocation	Vice Chair Allocation	Co-opted members
Corporate PD&S	<b>9</b>	7	1	1			LAB	LD	
Climate Emergency & Sustainability PD&S	<b>9</b>	6	1	1		1	LD	LAB	
Children, Adults, Health & Wellbeing PD&S	<b>9</b>	6	2*	1	(1)*		LD	LAB	4
Planning Committee	<b>10</b>	7	1	1	1		LD	LD	
Corporate Audit Committee	<b>5</b>	3	1			1	LAB		1
Avon Pension Fund Committee	<b>5</b>	3	1			1	LD	LD	12 voting, 3 non voting
Employment Committee	<b>3</b>	3					LD		
Standards Committee	<b>5</b>	3		1	1		<i>LD</i>	<i>LD</i>	6 non voting * <i>(current working practice is Chair is independent member unless Chair vote required)</i>
<b>TOTALS</b>	<b>55</b>	<b>38</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>3</b>			

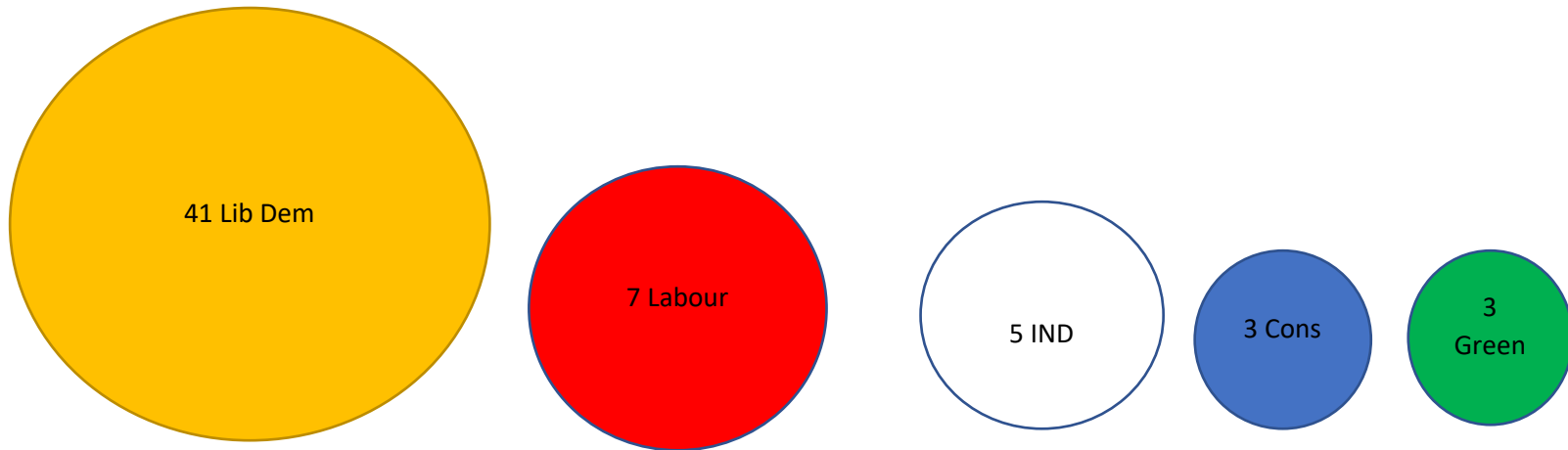
\* Conservative Group offering one seat to the Labour Group

<b>Compulsory individual proportionality</b>	<b>No. on Cttee</b>	<b>LD</b>	<b>Lab</b>	<b>Ind</b>	<b>Con</b>	<b>Green</b>			
Licensing Sub-Committee	<b>3</b>	2+1**	(1)**	(1)**	(1)**		LD		
<b>Optional proportionality</b>									
Licensing Committee	<b>11</b>	8	1	1	1		LD		
<b>Fixed memberships</b>									
WECA Overview & Scrutiny Committee	<b>2</b>	2							
WECA Audit Committee	<b>2</b>	2							
Health & Wellbeing Board	<b>2</b>	2 (appropriate Cabinet Members)	1 (observer)	1 (observer)	1 (observer)		<i>Shared between CM &amp; CCG Chair (or equivalent)</i>		
Pensions Investment panel	<b>3 (Chair &amp; Vice of APF)</b>	2	1						4
Restructuring Implementation Committee	<b>5</b>	Group Leader	Group Leader	Group Leader	Group Leader	Group Leader			
Charitable Trust Board *	<b>5</b>	1 Cab Mem + 3	1						
Alice Park Trust *	<b>5</b>	3				2 (Ward member)			2

- CTB - 5 councillors (to include Cabinet member responsible for Community Services) plus at least 1 Councillor who is not a member of controlling group but appointed by controlling group, plus 3 others).
- APT – 3 Councillors from the membership of the Charitable Trust Board (*excluding the Cab Member*) + the 2 Ward members for Lambridge as voting members + 2 co-opted non-voting members.
- \*\* No other group prepared to fill the Licensing Sub place hence 3 LDs

Current in principle agreement on Political Assistants and group support officers following the Paulton ward election results on the 22 June 2023.

Seats for 59 Councillor Council



<b>Current position</b>	1 Full Time Political Assistant	1 P/T Group Support Officer 18.5 Hrs p/wk	1 PT Group Support officer 18.5 hrs p/wk	1 Full Time Political Assistant	None
<b>Proposed</b>	1 Full Time Political Assistant plus 1 PT group support officer 18.5 Hrs p/wk	1 P/T Political Assistant 23 Hrs p/wk	2 PT Group Support officer 1 x23 hrs p/wk to support Ind & Cons groups 1 x 9 hrs p/wk to support the Green group		
<b>Change</b>	<b>Additional 18.5 hrs p/wk</b> admin/group support officer	<b>Additional 4.5 hrs per/wk</b>	The Conservative group lose their Political Assistant and the existing group support officer of 18.5 hrs per week is increased by <b>4.5 hrs per wk</b> with the total 23 hrs to support the Ind & Cons groups with an additional post of <b>9 hrs per wk</b> to support the Green group.		
<b>Reason for change</b>	Additional admin support required after additional 6 seats	Marginal additional demand to be met from the additional P/T resource	No party meets the 10% requirement for a Political Assistant, but a group support officer as a SPOC is helpful to the democratic process and ensures that each group has support in proportion to the seats they hold.		

This proposal is cost neutral. The full time 37 hr p/wk Political Assistant that supported the Conservative group will fund the additional PA/admin support.

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Council</b>	
MEETING DATE:	<b>20<sup>th</sup> July 2023</b>	
TITLE:	<b>Report of the Independent Remuneration Panel on Members' Allowances</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 Updated job description for Cabinet Project Lead role		

## **1 THE ISSUE**

1.1 The Independent Remuneration Panel on Members' Allowances were asked by Council on 25<sup>th</sup> May 2023 to specifically consider the new role of Cabinet Project Lead and whether an allowance was appropriate. They met on 19<sup>th</sup> June to consider this.

## **2 RECOMMENDATION**

### **The Council is asked to**

- 2.1 Note the comments and recommendations of the Independent Remuneration Panel (IRP) on Members' Allowances, as set out in Section 3;
- 2.2 Agree that the job description for the role be slightly revised to reflect the volume of work and nature of the role, as attached at Appendix 1, and that should this be incorporated into the Councillor Roles document linked from the Code of Conduct in the Constitution;
- 2.3 Approve the Cabinet Project Lead role be paid an allowance equivalent to 1 x the basic allowance (currently £10,225);

- 2.4 Agree the necessary changes to the Constitution sections regarding Cabinet arrangements, as set out at Section 3.7 of this report to include the new allowance in Schedule 1 Part 1 of the Constitution;
- 2.5 Agree to increase the allowance rate for IRP members from £50 to £70 per meeting as set out in section 4.5; and
- 2.6 Formally thank the Panel for their work.

### **3 THE REPORT**

- 3.1 The Panel considered a report setting out the role, accounts from previous Cabinet Assistants and comparator data with other Authorities. The Panel also had an opportunity to hear from and ask questions of Cllr Kevin Guy in his role as Leader, and Cllrs Jess David and Matt McCabe as previous Cabinet Assistants.
- 3.2 The Panel agreed that a clear rationale had been established for the role; – the scan of portfolios is large and there is a clear programme of work.
- 3.3 The Panel further agreed that the new title accurately describes the role but commented that the agreed job description did not cover the points that Cllr Guy had made in his explanation or the experience of the Councillors that the panel had interviewed, and proposed additions to appropriately describe the role, as set out in Appendix 1.
- 3.4 The panel noted that Councillors had been reluctant to claim allowances for the child-care allowance to which they were entitled.
- 3.5 The Panel confirmed that their usual approach for setting an allowance amount was to work within the existing bandings of the scheme if possible. Following consideration of the evidence received and testimonials from the Councillors, they therefore proposed the rate of 1 x the basic allowance (currently £10, 225).
- 3.6 The Panel noted that evidence shows that some form of mentoring would have proved useful in the past and that such an arrangement should be considered as part of the ongoing development of these member posts.
- 3.7 The Panel were clear that the new role needed to be recognised within the Council's constitutional framework and it is proposed that the italicised wording below is added to Sections 1.6 (The Cabinet) and Section 2.2.3 (The Cabinet Composition);

*The Leader may allocate Cabinet Project Leads to support Cabinet Members, in research and project work. The decision making responsibility remains with the Cabinet Member, and the Cabinet Project Lead may not substitute at Cabinet meetings for the Cabinet Member.*

(link to the Constitution);

<https://democracy.bathnes.gov.uk/documents/s77259/Constitution.pdf>

## **4 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

4.1 The Local Authorities (Members Allowances) (England) Regulations 2003 constitute the legal framework for councillors' allowances. The Council must establish an Independent Panel to advise on these and the Council is required to have regard to the advice and recommendations of the Panel when it decides on the allowances that councillors are paid. The Council must approve the allowance to be paid to members of the panel and a small increase in allowance is recommended in para 4.5 below

4.2 The Council's existing Scheme of Allowances remains in force until it is amended by any changes approved at this meeting following consideration of the Panel's report.

4.3 The Members' Allowances budget for 2023/24 is;

Basic allowance	570,515
Superannuation	5,462
NI	91,827
Special Responsibility allowances	387,980

4.4 The revenue budget was set in February 2023 which was in advance of Independent Remuneration Panel review of Cabinet Member Allowances. As a result the Revenue Budget Contingency will be allocated recurrently to fund the additional costs, of which include the increase to the special responsibility allowances, on-costs including national insurance and pensions, plus additional costs associated with travel/conference attendance, and administrative support for the Cabinet Project Leads. Total additional cost is estimated at £60k.

4.5 Furthermore, the Panel receive a small payment per meeting. In line with neighbouring Authorities' practice, the Panel rate will increase from £50 to £70 per meeting, subject to Council approval, which is included in the estimated cost in paragraph 4.4.

## **5 RISK MANAGEMENT**

5.1 A risk assessment was not required.

## **6 EQUALITIES**

6.1 Elected representatives should be remunerated fairly for the duties that they undertake and in doing so this should encourage a more diverse and broader spectrum of the community to enter public life.

## **7 CLIMATE CHANGE**

7.1 No direct impact.

## **8 OTHER OPTIONS CONSIDERED**

8.1 None

## **9 CONSULTATION**

9.1 The Independent remuneration Panel has consulted members and considered comparator authorities members allowance schemes in making its recommendations.

9.2 The Monitoring Officer, the Chief Executive and the Chief Financial Officer have been consulted.

<b>Contact person</b>	Jo Morrison, Democratic Services Manager jo_morrison@bathnes.gov.uk
<b>Background papers</b>	None.
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## **B&NES 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. In addition, the role will recognise the executive and constitutional authority and accountability of the relevant Cabinet Member.

This role will assist delivery of the Cabinet's transformational and ongoing work programme by supporting the Cabinet as a whole and an individual Cabinet Member with his/her portfolio workload.

### **1. Accountabilities**

- To the Leader, who will also determine issues of capacity and priority;
- To the relevant Cabinet Member

### **2. Roles and Activities**

- Develop and lead projects, as designated by the Cabinet Member, from concept design, through delivery to completion
- Undertake research relating to the specific project or other relevant matters within a Cabinet Member's Portfolio area
- Assist in the development of policies both in terms of the Cabinet as a whole and 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 Leader/Cabinet Member
- Liaise with non-executive members and senior officers to ensure that the Cabinet/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 specific projects and other portfolio responsibilities

- Provide support for championing the vision and interests of the Cabinet and of specific projects
- In the context of projects allocated, to act as an advocate for services within a Cabinet Member's portfolio
- 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 (recognising the Leader's role in managing issues of capacity and priority.)

### **3. Personal and role development**

- Be responsible for personal development and undergo appropriate development and continuous improvement through any appropriate means, including such mentoring support arrangements as the Council (through the Leader) may provide.

<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Council</b>	
MEETING DATE:	<b>20<sup>th</sup> July 2023</b>	
TITLE:	<b>Appointment of Member Advocates</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 – Member Advocate Role description		

**1 THE ISSUE**

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

**2 RECOMMENDATION**

The Council is asked to;

2.1 Appoint the following Councillors as Member Advocates;

<b>MEMBER ADVOCATE</b>	<b>AREA</b>	<b>CABINET MEMBER</b>
Cllr Jess David	Green Infrastructure & Nature Recovery	Cllr Sarah Warren
Cllr Fiona Gourley	Rural communities	Cllr Sarah Warren
Cllr Kevin Guy	Armed Forces and Veterans	
Cllr Alan Hale	Safer Roads	Cllr Manda Rigby
Cllr Ian Halsall	Engagement with Students	Cllr Paul May
Cllr Liz Hardman	Looked after children	Cllr Paul May

Cllr Saskia Heijltjes	Active Travel - Bath	Cllr Sarah Warren
Cllr John Leach	Climate Adaptation	Cllr Sarah Warren
Cllr Ruth Malloy	Great Spa Towns of Europe	Cllrs Matt McCabe and Paul Roper
Cllr Ruth Malloy	Twinning	Cllr Kevin Guy
Cllr Sarah Moore	Accessibility	All portfolios
Cllr Michelle O'Doherty	Homeless people	Cllr Matt McCabe
Cllr Shaun Stephenson McGall	Active Travel - North East Somerset	Cllr Sarah Warren
Cllr Shaun Stephenson McGall	LGBTQ+ issues	All portfolios
Cllr Sam Ross	Rural Housing and community buildings	Cllr Matt McCabe
Cllr George Tomlin	Social Housing Tenants	Cllr Matt McCabe
Cllr Andy Wait	Rivers and waterways	Cllr Tim Ball

2.2 Agree the updated Member Advocate role description; and

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

### **3 THE REPORT**

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

3.2 This may cover the following types of activity;

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

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

3.4 The full description of the role is attached.

### **4 STATUTORY CONSIDERATIONS**



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

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

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

## **6 RISK MANAGEMENT**

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

## **7 CLIMATE CHANGE**

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

## **8 OTHER OPTIONS CONSIDERED**

8.1 None.

## **9 CONSULTATION**

9.1 Group Leaders.

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

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## **Member Advocates**

### **What are they?**

The Council has a scheme for appointing a number of Councillors to be advocates for certain interests within the Council and in the community.

### **What do they do?**

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

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

### **How do they work?**

The Advocate;

- will work co-operatively with the relevant Cabinet member, meeting regularly with them and providing quarterly reports to them;
- will review previous Advocates' reports for guidance;
- will liaise with other advocates working on related issues;
- needs an up to date understanding of Council and partner issues affecting their "interest";
- cannot commit the Council or work outside the political management or executive arrangements;
- will work to promote their "interest" within and with the community
- will provide advice as required;
- should/could be a nominated Council representative on a relevant outside body;
- can attend relevant conferences relating to their "interest" subject to the prior approval of their Group Leader and in consultation with the relevant Cabinet Member;
- is not a media contact and will not use the Advocate role as a platform to promote party political policies;
- will respect the confidentiality of any non-public information/briefing they receive in the course of their duties;
- does not receive an allowance for this role.

### **Officer information and advice**

To perform their role effectively, the Advocate;

- can liaise with the relevant Cabinet Member and Policy Development and Scrutiny Panel Chair(s)
- must work through/report back through a nominated lead Director

- will monitor relevant planned decisions, making use of the tools provided through the Councillors' intranet dashboard.
- receive briefings from officers as appropriate

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

The roles are for one year and to be reviewed/reappointed at each Council AGM within a 4 year term.

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Council</b>
MEETING DATE:	<b>20 July 2023</b>
TITLE:	<b>Bath and North East Somerset Council Corporate Strategy 2023-2027</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
<ul style="list-style-type: none"> <li>• Appendix Draft B&amp;NES Council Corporate Strategy 2023-2027</li> </ul>	

## **1 THE ISSUE**

1.1 The council’s Corporate Strategy will guide council activity and budget planning over the next four years. This report invites Council to adopt the Corporate Strategy and its associated outcomes framework as set out in the appendix.

## **2 RECOMMENDATION**

**Council is asked to;**

**2.1 Adopt the Corporate Strategy 2023-2027 as set out in the appendix.**

## **3 THE REPORT**

3.1 This report sets out the Corporate Strategy for the council, running from 2023-2027. Once adopted, the Corporate Strategy will be the council’s overarching strategic planning document. The Strategy builds upon its 2020-24 predecessor, retaining the council’s purpose, core policies and principles; whilst also introducing an extended outcomes framework to further refine priorities.

3.2 The Corporate Strategy sets the vision and priorities for the organisation. Delivery frameworks and associated key performance indicators will be developed following the adoption of this overarching document.

[The Corporate Strategy Framework 2023-2027](#)

3.3 The draft Corporate Strategy is set out in full in the appendix. It proposes to expand the existing framework which determines the council focus and how it will work:

- (i) We have **one** overriding purpose – to **improve people’s lives**. This brings together everything we do, from cleaning the streets to caring for our older people. It continues to be the foundation for our strategy and ensures that it drives our commitments, spending and service delivery.
- (ii) We have **two** core policies – tackling the climate and nature emergency and giving people a bigger say. These will shape our work and have been expanded with the ambitions:
  - To lead the UK in climate and nature action, building a sustainable future for Bath and North East Somerset - net zero, nature positive by 2030
  - To listen to and work with residents to act on their concerns

These core policies are also broken down to provide a series of themes around which delivery will be organised. For the climate and ecological emergency commitment, these themes: are biodiversity, air, climate, water, soil, land and environmental assets, and materials and resources. For our commitment relating to giving people a bigger say these are: equality and respect, community priorities and decisions informed by evidence.

- (iii) To continue to translate our purpose into commitments, our **three** principles are retained and adapted with extended ambitions:
  - we will work towards a resilient, sustainable economy that is fair, green, creative and connected - **preparing for the future**
  - we will continually improve frontline services across our communities, whilst protecting the most vulnerable - **delivering for local residents**
  - we will invest in prevention across all services to tackle inequalities and improve local areas - **focusing on prevention**

3.4 Within this framework, the Strategy also introduces nine priorities which set out how people’s lives will be improved through its delivery. These are reflective of the ambitions of the new administration, elected in May, and build upon the current strategy. They are:

- **The right homes in the right places**
- **More travel choices**
- **Clean, safe and vibrant neighbourhoods**
- **Support for vulnerable adults and children**
- **Delivering for our children and young people**
- **Healthy lives and places**

- **Good jobs**
- **Skills to thrive**
- **Cultural life**

3.5 All of these elements are brought together in a clear outcomes framework set out in the Strategy document. They reflect aims for our area which contribute to delivering a number of shared outcomes with our partners, working through the Future Ambition Board and the Health and Wellbeing Board. These include tackling inequalities (such as in educational attainment and health), improving housing affordability and widening travel choices.

3.6 The outcomes framework provides a clear way of assessing plans and activities; drawing on the 'doughnut economics' model it contains:

- A climate, ecological and environmental ceiling – linked to the core **policy** of tackling the climate and ecological emergency
- A social and economic foundation- linked to the commitments identified for each of our three **principles**
- The “space” for local communities and organisations to collaborate and innovate- linked to the core **policy** of giving people a bigger say.

3.7 The outcomes framework enables policy and other decisions to be assessed clearly against the council priorities so that opportunities to improve people’s lives can be maximised within the climate, ecological and environmental constraints. It also highlights the opportunities to work with local communities and third sector organisations through a focus towards area working.

3.8 As well as the Corporate Strategy and other council plans and strategies we also have those which are shared by partners. The relationship between these plans is also set out in the Strategy document.

3.9 The council’s four values – bold, empowered, transparent and supportive continue to underpin all of the council’s work.

3.10 In advance of Council, the draft Corporate Strategy is scheduled to be considered by the Corporate Policy Development and Scrutiny Panel on 11 July and Cabinet on 13 July. Cabinet, when making its decision on whether to approve the Strategy to Council for adoption, will be invited to take into consideration any comments/recommendations made by the PDS Panel.

## **4 STATUTORY CONSIDERATIONS**

4.1 The Corporate Strategy is the council’s overarching strategic plan and forms a key part of the Policy and Budget Framework in the council’s constitution. It is an essential communication tool and provides a clear framework for officers and members to work within. It outlines the key priorities of the council and helps to guide activity and decision making.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The Corporate Strategy outlines the council's key priorities over the next 4 years. This forms a key consideration in the allocation of council resources as part of the annual budget setting process and development of its Medium-Term Financial Strategy.

## 6 RISK MANAGEMENT

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

## 7 EQUALITIES

7.1 The draft Corporate Strategy includes 'giving people a bigger say' as a core policy. As part of the detail of how the council will deliver this policy, the Strategy calls for a focus across the organisation towards 'equality and respect' and to meet our statutory duties under the Equality Act. This is reinforced by the Equality Impact Assessment that has been developed in conjunction with the Strategy.

## 8 CLIMATE CHANGE

8.1 The draft Corporate Strategy continues to establish the climate and ecological emergency as a core policy driver for the council – with the expanded commitment to lead the UK in our response to the joint emergencies.

## 9 OTHER OPTIONS CONSIDERED

9.1 None

## 10 CONSULTATION

10.1 Cabinet at its meeting on 13 July will be invited to recommend to Council that it adopts the Corporate Strategy 2023-2027. The Cabinet decision will be made following engagement with the Council's policy development and scrutiny process, with the Corporate PDS Panel meeting to review the document on 11 July.

<b>Contact person</b>	Andy Thomas, Head of Strategy Engagement & Marketing, (01225 394322)  Ceri Williams Policy Development and Scrutiny Officer (01225 396053)
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	



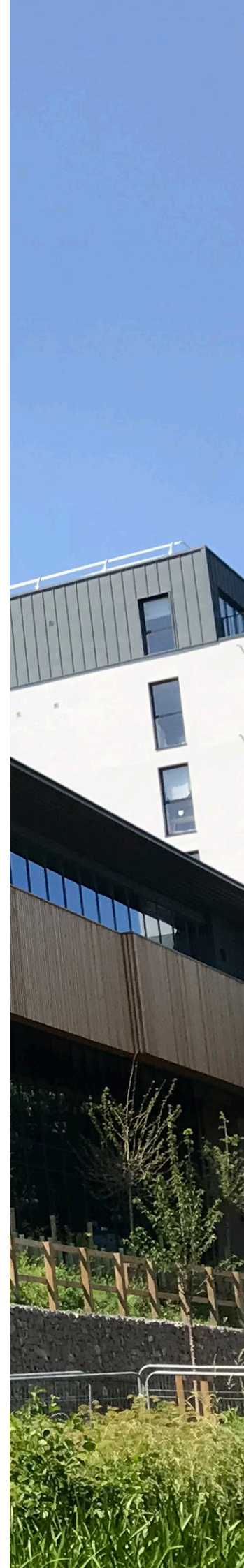
# Draft Corporate Strategy

## 2023-2027



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# 1. Introduction

Bath & North East Somerset Council exists for one clear purpose - to improve people's lives. The 2023-2027 Corporate Strategy sets out how we will continue to do this over the next four years.

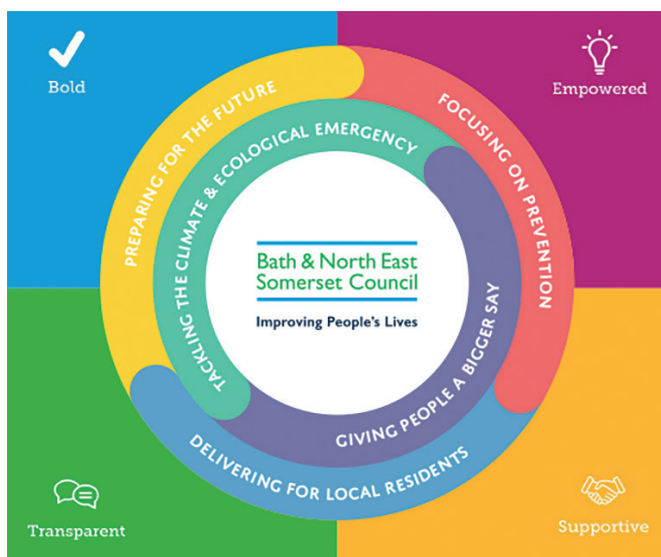
## 2. Our Strategy 2023-2027

The Corporate Strategy 2023-2027 retains the purpose, policy and principles set out in the Corporate Strategy adopted in February 2020.

- **One:** We have one overriding purpose – to improve people's lives.
- **Two:** We have two core policies – tackling the climate and ecological emergency and giving people a bigger say. These will shape everything we do.
- **Three:** To translate our purpose into commitments, we have identified three principles. We want to prepare for the future, deliver for local residents and focus on prevention.

Our **four** values - bold, empowered, transparent and supportive - continue to underpin all of our work.

Our Corporate Strategy to 2027 builds on our achievements and reflects the ambitions and priorities of the council's administration elected in May 2023. It provides a clear and ambitious framework for delivery, it also sets out how shared outcomes will be embedded through partnerships such as our Future Ambition Board and Health and Wellbeing Board.



### 3. How we have improved people's lives through delivering our previous Corporate Strategy

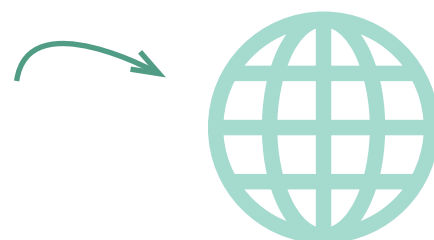
This Corporate Strategy sets out the council's high-level aims, against which specific projects will be assessed and more detailed plans made. Since we adopted our Corporate Strategy in 2020 we have made significant progress in delivering the commitments it set out. Detailed progress reports have highlighted what we have achieved and our council [newsroom](#) regularly updates on the work we are doing to improve people's lives.

The examples below - set out according to core policies and principles - highlight some of the key achievements that we build on as we deliver our Corporate Strategy to 2027.

#### Tackling The Climate & Ecological Emergency

In January 2023 Bath and North East Somerset became the first council in England to successfully adopt an energy-based net zero policy for new housing developments.

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#### Giving People a Bigger Say

In November 2022 we launched 3 Liveable Neighbourhood trials. We are working with communities to improve residential streets and encourage safe, active and more sustainable forms of travel, such as walking, wheeling and cycling.

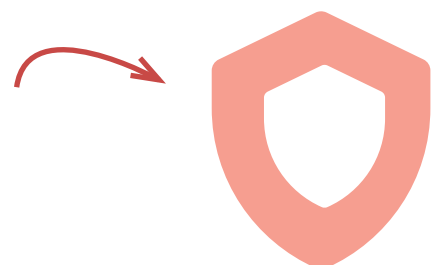
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#### Focusing On Prevention

In March 2023 a new 'outreach base' run by the Community Wellbeing Hub, opened at the Royal United Hospital. Extra support is being provided for those being discharged from hospital. The hub received 1,803 referrals during 2022-2023. In 2022 the council's Welfare Support Team provided a total of £2.2 million in support for residents who needed help.

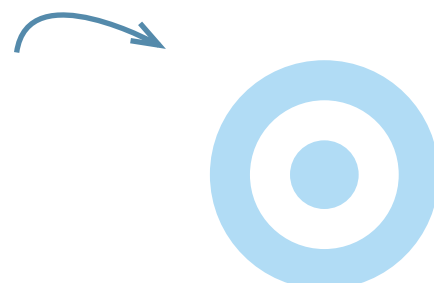
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#### Delivering For Local Residents

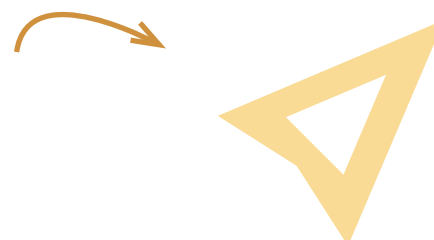
In December 2022 the first affordable homes for social rent owned directly by Bath and North East Somerset Council in nearly three decades were advertised to potential tenants. The former council offices at 117 Newbridge Hill have been converted by the council's housing company Aequus Construction into seven one and two-bed affordable and energy efficient apartments.

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#### Preparing for the future

The Employment and Skills Pod offers a free service available to all residents of Bath and North East Somerset Council aged over 18 who wish to get back to work, change careers or up-skill in their current jobs.



## 4. Ambitious for Bath and North East Somerset - our framework for improving people's lives to 2027

i) We have one overriding **purpose** – to improve people's lives. It continues to be the foundation of our Corporate Strategy and shapes our plans, spending and service delivery. This purpose is fundamental to who we are and what we do and remains unchanged.

(ii) We continue to have two **core policies** – tackling the climate and nature emergency and giving people a bigger say. Building on our ground-breaking work to tackle the climate and ecological emergency since declaring a Climate Emergency in March 2019, we are now proposing a new commitment under this core policy, as follows:

**We will lead the UK in climate and nature action, building a sustainable future for Bath and North East Somerset - net zero, nature positive, by 2030**

Under the “giving people a bigger say” core policy we continue to emphasise the need for working with local residents through the following commitment:

**We will listen to and work with residents to act on their concerns**

These core policies each have a number of themes. For the climate and ecological emergency commitment, these themes are: **biodiversity, air, climate, water, soil, land and environmental assets, and materials and resources**. For our commitment relating to giving people a bigger say these are: **equality and respect, decisions informed by evidence and community priorities**, the latter of which will lead to area working with tailor-made solutions.

(iii) Our three **principles** – preparing for the future, delivering for local residents and focusing on prevention- are retained, with the following commitments added to amplify them.

a. preparing for the future – we will work towards a resilient, sustainable, economy that is fair, green, creative and connected

b. delivering for local residents – we will continue to improve front-line services across our communities, whilst protecting the most vulnerable

c. focusing on prevention – we will invest in prevention across all services to tackle inequalities and improve local areas

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**We will lead the UK in climate and nature action, building a sustainable future for Bath and North East Somerset - net zero, nature positive, by 2030**

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**We will listen to and work with residents to act on their concerns**

(iv) Within this framework, the new Corporate Strategy also introduces nine priorities which set out how people's lives will be improved over the next four years. These reflect the priorities of administration elected in May and build on work to implement the current Corporate Strategy over the last three years. They also reflect how the council will pursue the delivery of shared outcomes agreed with partners through our Health and Wellbeing Strategy and the Future Ambition Board's "one Shared Vision".

### They are:

- **The right homes in the right places** - improving availability of affordable housing, accessible to local jobs and services
- **More travel choices** – making it easier for people to walk, wheel and use public transport to reduce transport emissions
- **Clean, safe and vibrant neighbourhoods** - working with local communities to promote civic pride and preventative approaches
- **Support for vulnerable adults and children** – securing safe, effective services that meet the needs of our changing population
- **Delivering for our children and young people** – working with our partners to narrow the early years attainment gap
- **Healthy lives and places** – working with health and other partners to tackle inequalities, promote healthy places, and support people to live healthier lives
- **Good jobs** - aiming to increase the median wage in a regenerative economy
- **Skills to thrive** - an inclusive economy where prosperity is shared
- **Cultural life** - valuing and developing its contribution to Bath and North East Somerset.



## This framework is set out below:

### Our Corporate Strategy Framework for Improving People's Lives - 2023 to 2027

#### Core Policy:



Tackling the climate & ecological emergency

**(The climate, ecological and environmental ceiling)**

#### Our Commitment:

We will lead the UK in climate and nature action, building a sustainable future for Bath and North East Somerset – net-zero, nature positive by 2030

#### We will deliver under the following themes:

- **Biodiversity** – increasing abundance and diversity of species by creating and improving habitats including woodlands
- **Air** - improving air quality
- **Climate**- area and council-wide scope 1 and 2 emissions neutrality by 2030, including through increased renewable energy capacity across the district and a reduction in the carbon footprint of the area's housing stock
- **Water** – improving the quantity and quality of water resources
- **Soil** – retaining soil and improving soil health
- **Land and environmental assets** - better use of land for people and nature, including stewardship of our environmental assets
  - respecting, balancing, conserving and enhancing our heritage assets and their landscape settings, in particular the World Heritage Site of Bath
- **Materials and resources** increasing circularity of materials and resources in the local economy

#### Core Policy:



Giving people a bigger say

**(The space for local communities and organisations to collaborate and innovate)**

#### Our Commitment:

We will listen to and work with residents to act on their concerns

#### We will deliver under the following themes:

- **Equality and respect** – championing equality, diversity and inclusion, ensuring our services are shaped by our diverse communities and reflect local needs, and ensuring we meet Equality Act duties
- **Community priorities** – communicating clearly, with area working to develop tailor-made solutions, building on our Parish and Community Engagement Charters
- **Decisions informed by evidence** - using feedback and data to evaluate our services, shape priorities and tackle inequalities

## Principle



Delivering for local residents

**(The social and economic foundation)**

### Our Commitment:

We will continually improve frontline services across our communities, whilst protecting the most vulnerable

### Priorities

**The right homes in the right places** - improving availability of affordable housing, accessible to local jobs and services

**More travel choices**

– making it easier for people to walk, wheel and use public transport to reduce transport emissions

**Clean, safe and vibrant neighbourhoods**

- working with local communities to promote civic pride and preventative approaches

## Principle



Focusing on prevention

**(The social and economic foundation)**

### Our Commitment:

We will invest in prevention across all services to tackle inequalities and improve local areas

### Priorities

**Support for vulnerable adults and children** – securing safe, effective services that meet the needs of our changing population

**Delivering for our children and young people** – working with our partners to narrow the early years attainment gap

**Healthy lives and places** – working with health and other partners to tackle inequalities, promote healthy places, and support people to live healthier lives

## Principle



Preparing for the future

**(The social and economic foundation)**

### Our Commitment:

We will work towards a resilient, sustainable economy that is fair, green, creative and connected

### Priorities

**Good jobs** - aiming to increase the median wage in a regenerative economy

**Skills to thrive** - an inclusive economy where prosperity is shared

**Cultural life** - valuing and developing its contribution to Bath and North East Somerset



## 5. Delivering our Corporate Strategy - how it fits together

As we have developed this framework we have drawn on our work with partners to identify key challenges for our area and shared outcomes.

These partnerships share a number of important aims for our area, which are reflected in our Corporate Strategy framework. These include tackling inequalities (such as in educational attainment and health), improving housing affordability and widening travel choices. We also work closely with the West of England Combined Authority (WECA) to help deliver our aims, for example through investment in transport improvements such as the City Region Sustainable Transport Settlement (CRSTS) programme.

The outcomes framework provides a clear way of assessing plans and activities; drawing on the ‘doughnut economics’ model it contains:

- A climate, ecological and environmental ceiling – linked to the core policy of tackling the climate and ecological emergency
- A social and economic foundation - linked to the council’s priorities
- A space for local communities and organisations to collaborate and innovate - linked to the core policy of giving people a bigger say.

To further embed the Corporate Strategy into our decision making, the council will prepare ‘a decision wheel’ similar to that adopted by other councils such as Cornwall, which is being drawn-up based on the above framework.

As well as the Corporate Strategy and other high-level strategies we also have those which are shared with our partners. These are set out below:

### High-level strategies agreed with our partners

These contain shared outcomes which we are working together to deliver:

Name	Status	Owner
<a href="#">Health and Wellbeing Strategy</a>	Adopted	Health and Wellbeing Board
Economic Strategy	Under development	Future Ambition Board
<a href="#">Integrated Care Strategy</a>	Adopted	BSW Together
<a href="#">Children and Young People Plan</a>	Adopted	Health and Wellbeing Board

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The Future Ambition Board comprises key local organisations including our two Universities, Curo, the 3SG, the Royal United Hospital Bath, the Bath BID, Bath Unlimited and the Chamber of Commerce. This has developed the “One Shared Vision” for our area to be “fair, green, creative and connected”. A new Economic Development Strategy is also currently being worked on by the Board.

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The Health and Wellbeing Board (comprising health and other partners) has recently adopted a new Health and Wellbeing Strategy, with a Delivery Plan also currently in development.

## Key Council Strategies

These incorporate the high-level outcomes Bath & North East Somerset Council is seeking to achieve and influence our decisions and delivery plans. In many cases- particularly on tackling inequalities, improving housing affordability and better travel choices they demonstrate how the council's approach reflects the shared outcomes in the strategies above.

Name	Status	Owner
Corporate Strategy	2023-27 document in draft form	Bath & North East Somerset Council
<a href="#">Climate Emergency Strategy</a>	Adopted	Bath & North East Somerset Council

## Key Delivery Plans

These set out how the outcomes set out in the strategy documents will be delivered, reflecting the budgets, statutory frameworks and context of the council and its partner organisations.

Name	Status	Owner
Local Plan	In development	Bath & North East Somerset Council
Health and Wellbeing Strategy Implementation Plan	In development	Bath & North East Somerset Council
BSW Implementation Plan	Adopted	BSW Together
Health Improvement Plan	Under development	Bath & North East Somerset Council
<a href="#">Climate Strategy and Action Plan</a> and <a href="#">Ecological Emergency Action Plan</a>	Adopted	Bath & North East Somerset Council
<a href="#">Journey to Net Zero Transport Plan</a>	Adopted	Bath & North East Somerset Council
Housing Delivery Plan	Under development	Bath & North East Somerset Council
Transport Delivery Plan	Under development	Bath & North East Somerset Council
Medium Term Financial Plan	Prepared annually	Bath & North East Somerset Council
Service Plans	Prepared annually	Bath & North East Somerset Council

A number of partnerships also produce joint delivery plans to focus on specific outcomes. For example, the Bath and North East Somerset Community Safety and Safeguarding Partnership has adopted, alongside the Office of the Avon and Somerset Police and Crime Commissioner, a Joint Community Safety Plan. Other joint plans across our partners are in development, including work with our Universities to develop a Civic Agreement.

A delivery plan will set out how the Corporate Strategy will be implemented, including milestones and progress monitoring. Cabinet will continue to receive quarterly reports against the integrated reporting framework (IRF).



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# Equality Impact Assessment / Equality Analysis

(Updated December 2022)

<b>Title of service or policy</b>	Corporate Strategy 2023-2027
<b>Name of directorate and service</b>	Strategy, Engagement and Marketing
<b>Name and role of officers completing the EIA</b>	Ceri Williams
<b>Date of assessment</b>	3 July 2023

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council’s website.

### 1.1 Identify the aims of the policy or service and how it is implemented

Key questions	Answers / notes
<p>1.1 Briefly describe purpose of the service/policy e.g.</p> <ul style="list-style-type: none"> <li>● How the service/policy is delivered and by whom</li> <li>● If responsibility for its implementation is shared with other departments or organisations</li> <li>● Intended outcomes</li> </ul>	<p>The Corporate Strategy sets out the council’s high-level aims, against which specific projects will be assessed and more detailed plans made. It is the overarching document for the organisation which will shape all activities. The council’s outcomes remain based on the same purpose, policies and principles captured within an extended outcomes framework – see <a href="#">Corporate Strategy 2023-2027</a></p>
<p>1.2 Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>● Is it a new service/policy or review of an existing one?</li> <li>● Is it a national requirement?).</li> <li>● How much room for review is there?</li> </ul>	<p>The <a href="#">Corporate Strategy 2023-2027</a> replaces the existing Corporate Strategy adopted in 2020 and outlines the administration’s commitments and priorities over the next four years.</p>
<p>1.3 Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The <a href="#">Corporate Strategy 2023-2027</a> builds on the existing version, introducing an extended outcomes framework shaped around they administration’s key commitments.</p>

## 2. Consideration of available data, research and information

Key questions	Data, research and information that you can refer to
<p><b>2.1</b> What equalities training have staff received to enable them to understand the needs of our diverse community?</p>	<p>The Policy and Development team have undertaken the Council induction training on equalities and have an understanding of NHS England and DHSC’s protected characteristics. Engagement has also taken place with our Corporate Equalities and Diversity Team to ensure the Strategy is in line with the Equality Act 2010.</p>
<p><b>2.2</b> What is the equalities profile of service users?</p>	<p>The profile of service users includes all residents and service users of B&amp;NES. Details regarding the profile of the district’s population can be found in the Strategic Evidence Base report, at <a href="#">Strategic Evidence Base</a></p>
<p><b>2.3</b> Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?</p>	<p>The Corporate Strategy development has not included a formal consultation, however, there has been extensive internal consultation and the Cabinet Member has also attended each of the five Area Forums and the <a href="#">Parish Liaison Group</a>, inviting community feedback to the proposals.Voice box and the <a href="#">Strategic Evidence Base</a> data was also used in the development of the document.</p>
<p><b>2.4</b> What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?</p>	<p>The Business Plan is a thematic summary of top-level actions and the most important measures of our success only. On this basis, Equality Impact Assessments will be carried out for specific actions and proposals on a case by-case basis, including engagement and formal consultation where appropriate. The actions summarised in the Business Plan touch on all aspects of council business and therefore bring all Banes residents in to scope, particularly vulnerable people who receive the most critical services. We will ensure that due regard is given to any potential impact of specific proposals on protected characteristics by conducting Equality Impact Assessments for specific actions and proposals as required. This process is designed to help maximise positive impacts and ensure we are thoughtful and intentional about designing inclusivity and equity in to our work. It also helps us identify potential negative impacts and how we can eliminate, minimise or mitigate these.</p>

<p><b>2.5</b> If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?</p>	<p>All future consultations on strategies emerging from the Corporate Strategy will be underpinned by equality impact assessments. In addition, the member advocate with responsibility for access and LGBTQ+ will be engaged fully on any proposals.</p>
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### 3. Assessment of impact: ‘Equality analysis’

<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> <li>• Meets any particular needs of equalities groups or could help promote equality in some way.</li> <li>• Could have a negative or adverse impact for any of the equalities groups</li> </ul>		
	<p><b>Examples of what the service has done to promote equality</b></p>	<p><b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b></p>
<p><b>3.1 Issues relating to all groups</b> and protected characteristics</p>	<p>The main aim of the Corporate Strategy is to improve the lives of all our residents. The impact on those residents with protected characteristics should be positive and the Council’s equality objectives are included within the plan.</p>	<p>It is proposed to introduce a decision wheel to ensure the Corporate Strategy is embedded into the organisation. This will include an assessment of the policy/decision against the protected characteristics, with a traffic light risk assessment approach.</p>
<p><b>3.2 Sex</b> – identify the impact/potential impact of the policy on women and men.</p>	<p>The Corporate Strategy commits to tackle health inequalities, B&amp;NES evidence shows that there is a bigger life expectancy for women between the lowest and highest soci-economic areas.</p>	<p>The Corporate Strategy is underpinned by an indicator set, which will be subject to scrutiny. Action plans will be developed to address any areas of poor</p>



	Women living in more deprived areas experience multiple-health conditions at an earlier age. Reducing inequalities and improving health and wellbeing for all will have a potentially larger benefit for women	performance, including the impact of policies on women and men.
<b>3.3 Pregnancy and maternity</b>	The Corporate Strategy promotes delivering for our children and young people as a priority, this includes support given through our public health services during pregnancy.	The community health nursing contracts are to be shortly being re-commissioned. It will be key to ensure that this recommissioned service is readily accessible to provide the appropriate support to this group.
<b>3.4 Gender reassignment</b> – identify the impact/potential impact of the policy on transgender people	The Corporate Plan does not directly prioritise those residents who are/have undergone gender reassignment. However, as an organisation we have taken steps to engage and consult with the local LGBTQIA2S+Q community to ensure that they do not feel excluded from council services	
<b>3.5 Disability</b> – identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)	The Corporate Strategy does not impact negatively on this cohort. Instead the plan looks to reduce health inequalities and improve health outcomes for all residents. Residents with disabilities will benefit from this priority as research has shown that those with learning disabilities often suffer from poor health outcomes. The Corporate Plan's focus within this priority will help to mitigate this.	The Corporate Strategy is underpinned by an indicator set, which will be subject to scrutiny. Action plans will be developed to address any areas of poor performance, including the impact of policies on disability. In addition, the member advocate with responsibility for access will be engaged fully on proposals to emerge from the Corporate Strategy.
<b>3.6 Age</b> – identify the impact/potential impact of the policy on different age groups	Whilst the Corporate Strategy aims to deliver services of a high standard to all residents, it has prioritised young people	The Corporate Strategy is underpinned by an indicator set, which will be subject to scrutiny. Action plans will be

	along with vulnerable people to ensure that our services secure safe, effective services.	developed to address any areas of poor performance, including the impact of policies on age.
<b>3.7 Race</b> – identify the impact/potential impact on across different ethnic groups	The Corporate Strategy attempts to minimise health, social and economic inequalities. Evidence highlights that across England there are inequalities between different ethnic groups, this strategy will positively address this.	The Corporate Strategy is underpinned by an indicator set, which will be subject to scrutiny. Action plans will be developed to address any areas of poor performance, including the impact of policies on ethnic groups. For instance, in B&NES when considering school <a href="#">exclusions by ethnicity (p86)</a> the rate of suspensions in black and mixed race pupils has been notably higher than national rates.
<b>3.8 Sexual orientation</b> – identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people	The Corporate Strategy does not directly prioritise residents based on sexual orientation. However, as an organisation we have taken steps to engage and consult with the local LGBTQIA2S+Q community to ensure that they do not feel excluded from council services and to encourage them to provide feedback where they feel services could be improved.	The member advocate with responsibility for access will be fully engaged on any emerging proposals to develop from the Corporate Strategy, considering impact/potential impact on sexual orientation.
<b>3.9 Marriage and civil partnership</b> – does the policy/strategy treat married and civil partnered people equally?	N/A	N/A
<b>3.10 Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	N/A	N/A

<p><b>3.11 Socio-economically disadvantaged*</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances <b>(this is not a legal requirement, but is a local priority).</b></p>	<p>The nine priorities contained within the social and economic foundation of the Corporate Strategy attempt to address this area i.e.</p> <ul style="list-style-type: none"> <li>• The right homes in the right places</li> <li>• More travel choices</li> <li>• Clean, safe and vibrant neighbourhoods</li> <li>• Support for vulnerable adults and children</li> <li>• Delivering for our children and young people</li> <li>• Healthy lives and places</li> <li>• Good jobs</li> <li>• Skills to thrive</li> <li>• Cultural life</li> </ul>	<p>All of these nine priorities will have associated performance indicators, which will be subject to scrutiny. Any areas of poor performance will be prioritised for action. In addition, the council's <a href="#">Ward Profile Tool</a> provides an evidence base for comparison across the 33 wards of Bath and North East Somerset, including socio-economic data. This will be a key resource for proposals emerging from the Corporate Strategy.</p>
<p><b>3.12 Rural communities*</b> identify the impact / potential impact on people living in rural communities</p>	<p>The Corporate Strategy has the purpose of improving people's lives across all of our communities. Our two policies and three principles and associated commitments are equally focused on rural and urban communities.</p>	
<p><b>3.13 Armed Forces Community **</b> serving members; reservists; veterans and their families, including the bereaved. Public services are required by law to pay due regard to the Armed Forces Community when developing policy, procedures and making decisions, particularly in the areas of public housing,</p>	<p>N/A</p>	<p>N/A</p>

education and healthcare (to remove disadvantage and consider special provision).		
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\*There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

\*\* The Equality Act does not cover armed forces community. However, the Armed Forces Bill (which came in on 22 Nov 2022) introduces a requirement to pay ‘due regard’ to make sure the Armed Forces Community are not disadvantaged when accessing public services.

#### 4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Improved consideration of equalities impact assessment throughout the council’s decision-making	Develop a decision matrix which assesses the impact, based on a traffic light rating, on protected characteristics.	Pilot developed by late 2023, with aspiration for introduction in to public decision making within 12 months.	Senior Leadership Team (SLT)	June 2024
Ensuring protected characteristics are fully embedded into the service planning cycle.	Ultimately, we would like to see the decision wheel and protected characteristics matrix to be	Consideration to be given to incorporating into the 23-24 service plans.	Senior Leadership Team (SLT)	January 2024

	embedded into the service planning cycle to demonstrate how our plans are contributing to the Corporate Strategy goals.			

## 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:** Cherry Bennett  
(senior officer)

(Divisional Director or nominated

**Date:** 21.07 2023

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Council</b>	
MEETING DATE:	<b>20 July 2023</b>	
TITLE:	<b>'Friendship Agreement' with Oleksandriya City Council, Ukraine</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM/</b>		
<b>List of attachments to this report:</b>		
Appendix – Friendship Agreement between Bath and North East Somerset Council, UK and Oleksandriya City Council, Ukraine		

## **1 THE ISSUE**

- 1.1 B&NES Council has consistently stood in solidarity with Ukraine following the Russian invasion on 24 February 2022. Part of this response involved dialogue between the council, the Mayor of Oleksandriya City Council – a city in central Ukraine, similar in population to Bath – and the Ambassador of Ukraine to the United Kingdom. This relationship has led to the formation of a new local group, the **Friends of Oleksandriya**.
- 1.2 To further develop the relationship with the territorial community of Oleksandriya, Council, at its meeting of 16 March 2023, resolved to pursue and formalise a friendship agreement between B&NES Council and the city of Oleksandriya.
- 1.3 Delegated authority was given to the Chief Executive and Leader of the Council to negotiate, agree and sign the friendship agreement on behalf of B&NES Council. The Leader has exercised this authority and Council is now invited to give its approval to invite the Mayor of Oleksandriya City Council to counter-sign the document on 21 July 2023.

## **2 RECOMMENDATION**

**Council is asked to;**

- 2.1 **Note the attached friendship agreement developed in collaboration between Bath and North East Somerset Council, Oleksandriya City Council and local group - Friends of Oleksandriya**
- 2.2 **Note that the Leader, under delegated authority provided by Council – 16 March 2023, has signed the friendship agreement on behalf of B&NES Council**
- 2.3 **Give its approval to invite the Mayor of Oleksandriya City Council to counter-sign and finalise the friendship agreement on behalf of Oleksandriya City Council on 21 July 2023**

### **3 THE REPORT**

- 3.1 Since the start of the Russian invasion on 24 February 2022, B&NES Council has stood in solidarity with Ukraine. Bath and North East Somerset's communities have welcomed more than three hundred and fifty refugees under the government's Homes for Ukraine scheme.
- 3.2 The council has played a key role in helping Ukrainian guests integrate into local communities. For example, establishing the B&NES Ukrainian Support Fund. This made available two rounds of £10,000 for local charities and voluntary groups to provide a range of services that promote integration, organise local events and signpost to advice and support.
- 3.3 A public statement was made to the May 2022 Council meeting by the local group '**Bath Stands with Ukraine**'. It proposed a link between B&NES Council and a Ukrainian city similar in population to Bath.
- 3.4 This subsequently led to dialogue opening between the Council, the Mayor of the Oleksandriya City Council, and the Ambassador of Ukraine to the United Kingdom. Oleksandriya is a central Ukraine city with a population of approximately eighty thousand, located in Kirovohradska Oblast, within the Kirovohrad region, 350km from Kyiv.
- 3.5 The creation of a local group the **Friends of Oleksandriya** emerged from these developing relationships.
- 3.6 Council, at its meeting of 16 March 2023, agreed to further deepen these connections through the development of a friendship agreement. Although not legally binding it would form a commitment from both parties to:
  - deepen relationships by strengthening and formalising bilateral relationships and promoting cooperation and support.
  - provide a framework to establish and strengthen cultural and other community ties, fostering co-operation based on respect, equality, and mutual benefit.
  - promote awareness between the two communities and identify environmental, social, cultural, educational, health and wellbeing and other opportunities for joint working.

- 3.7 In response, a council working group was established to work with the B&NES based Friends of Oleksandriya and the city council of Oleksandriya. This group,



chaired by Cllr Chris Dando, alongside Councillors' Ruth Malloy and Joanna Wright met on 20 April 2023, where an initial draft friendship agreement was developed and subsequently shared with Oleksandriya City Council and the Friends of Oleksandriya.

3.8 From the initial draft, the agreement, as attached, was finalised following consideration over several weeks from both Parties and stakeholder (Friends of Oleksandriya). The most significant amendment being that the proposed relationship is now between the two respective councils rather than B&NES and the city of Oleksandriya. This amendment has legal approval and ensures consistency between the two Parties.

3.9 Under the delegated authority provided by Council – 16 March 2023, the Leader has signed the friendship agreement on behalf of B&NES. To finalise the process, Council is now requested to give approval to invite the Mayor of Oleksandriya City Council to counter-sign the document at an event scheduled to take place on 21 July 2023.

#### **4 STATUTORY CONSIDERATIONS**

4.1 The friendship agreement is not a legally binding document. The intention is to enter into this agreement for the purposes of establishing friendship, recognising bilateral relations, and promoting co-operation between the two Parties.

4.2 The council has experience of developing/formalising a friendship agreement. In 2009 signing an agreement with China's Jianxi Province (and city of Jingdezhen). Council agreed to terminate this agreement at its meeting on 17 November 2022.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The council has provided the officer support to develop and finalise the friendship agreement. It is anticipated that any future activities to emerge from the relationship would be managed through existing resources, although any additional costs would require the identification of appropriate funding. The B&NES working group has agreed to continue to act as a key stakeholder on any opportunities to emerge as the relationship between the two Parties matures.

#### **6 RISK MANAGEMENT**

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

#### **7 EQUALITIES**

7.1 A full EIA is being developed in parallel to the agreement.

#### **8 CLIMATE CHANGE**

8.1 The friendship agreement will promote awareness between the two communities and offer opportunities for joint working in relation to the climate and ecological emergency.

## 9 OTHER OPTIONS CONSIDERED

9.1 The Council at its May 2022 meeting was asked by local group **Bath Stands with Ukraine** to consider pursuing a link with a comparable Ukrainian city. The statement suggested pursuing a less formal arrangement than a twinning agreement, as would be led by the Charter Trustees of the City of Bath. Due to the urgency of the request, the desire to demonstrate a council wide commitment, and the council's previous experience it is felt a friendship agreement best meets this request.

## 10 CONSULTATION

10.1 The Council's Monitoring Officer has had the opportunity to input into the report.

The Leader of the Council and the council working group have been in continued dialogue with local group Friends of Oleksandriya and Oleksandriya City Council in co-producing the friendship agreement.

<b>Contact persons</b>	<i>Ceri Williams</i> <i>Policy Development and Scrutiny Officer</i> <i>(01225 396053)</i> <i>Ceri_Williams@Bathnes.gov.uk</i>
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**ESTABLISHMENT OF A FRIENDSHIP AGREEMENT BETWEEN**

**BATH and NORTH EAST SOMERSET COUNCIL, UK**

**and**

**OLEKSANDRIYA CITY COUNCIL, UKRAINE**

## **Whereas**

Since the Russian invasion of Ukraine on 24<sup>th</sup> February 2022, Bath & North East Somerset Councillors from across the political spectrum expressed the desire to stand shoulder to shoulder to express their full support and solidarity with Ukrainian people and affirm their COMMITMENT to provide help and support to Ukrainian nationals.

Council at its meeting of May 2022 agreed to form a direct connection between it and a Ukrainian area to provide a more tangible and visible focus for people to enable that support. As a result, Bath and North East Somerset Council and Oleksandriya Territorial Community (together the Parties) have formed a bond based upon their similarities as comparable cities.

The intention of forming the bond was to communicate messages of solidarity and support from citizens and organisations in BaNES to the Ukrainian people and in particular to the residents of Oleksandriya Territorial Community. To provide channels of communication between BaNES groups and Ukrainian recipients for the supply of humanitarian aid, such as medicines and equipment. To assist in linking potential refugees with prospective hosts in BaNES. To link Ukrainian bodies with potential BaNES donors. And to keep BaNES citizens, media, charities and voluntary bodies informed and aware of what is happening 'on the ground' in the area and COMMITTED to the territorial integrity of the State of Ukraine.

## **NOW**

TAKING ACCOUNT of the active development of bilateral relations between the Parties as well as their desire to strengthen and widen their relations and; COMMITTED to a close and lasting relationship that is based on common values, namely respect for democratic principles, the rule of law, good governance, human rights and fundamental freedoms including respect for diversity, human dignity and RECOGNISING that the Parties share common values and are committed to promoting those values the Parties have

## **AGREED:**

- i) to develop educational links - and to explore academic and student links that can be beneficial for the youth of both Parties
- ii) to strengthen historic and cultural links - to celebrate the unique heritage of Oleksandriya Territorial Community and Bath and North East Somerset including arts, sports, historic buildings and industry and when appropriate, to share experience in developing tourism opportunities
- iii) to widen economic and environmental links etc. for the future benefit of both Parties

## **TERMINATION**

Either Party may terminate this Agreement with immediate effect without notice and without any liability at any time.

## **STATUS**

This agreement shall come into force from the date of signature. It will be valid for five years. Upon expiration, it may remain in force if neither side terminates it.

The agreement signed on \_\_\_\_\_ is done in duplicate in the English and Ukrainian languages, both texts equally authentic.

The Leader of Bath & North East Somerset Council and the Mayor of the City of Oleksandriya affix their signatures on this declaration of Friendship & Co-operation Agreement

Signed for and on behalf of Bath and North East Somerset Council, UK

Date:

Where signed:

Signature:

Job title:

Signed for and on behalf of Oleksandriya City Council, Ukraine

Date:

Where signed:

Signature:

Job title:

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<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
MEETING DATE:	<b>20<sup>th</sup> July 2023</b>
TITLE:	<b>Treasury Management Outturn Report 2022/23</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p><b>Appendix 1</b> – Performance Against Prudential Indicators  <b>Appendix 2</b> – The Council’s Investment Position at 31<sup>st</sup> March 2023  <b>Appendix 3</b> – Average monthly rate of return for 2022/23  <b>Appendix 4</b> – The Council’s External Borrowing Position at 31<sup>st</sup> March 2023  <b>Appendix 5</b> – Arlingclose’s Economic &amp; Market Review of 2022/23  <b>Appendix 6</b> – Interest &amp; Capital Financing Budget Monitoring 2022/23  <b>Appendix 7</b> – Summary Guide to Credit Ratings  <b>Appendix 8</b> – Extract from Treasury Management Risk Register</p>	

## **1 THE ISSUE**

- 1.1 Treasury risk management at the Authority is conducted within the framework of the Chartered Institute of Public Finance and Accountancy’s Treasury Management in the Public Services: Code of Practice 2021 Edition (the CIPFA Code), which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report within six months after the end of each financial year.
- 1.2 This report gives details of performance against the Council’s Treasury Management Strategy for 2022/23.

## **2 RECOMMENDATION**

The Council agrees that;

- 2.1 The Treasury Management Report to 31<sup>st</sup> March 2023, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
- 2.2 The Treasury Management Indicators to 31<sup>st</sup> March 2023 are noted.

### 3 THE REPORT

#### Summary

- 3.1 The average rate of investment return for 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 is 2.09%, which is 0.21% below the benchmark rate of 2.30% over the period.
- 3.2 The Council's Prudential Indicators for 2022/23 were agreed by Council in February 2022 and performance against the key indicators is shown in **Appendix 1**. All indicators are within target levels.
- 3.3 The Council's revenue budget for interest & capital financing costs for 2022/23 is £2.803m under budget, due to higher than budgeted investment returns due to interest rate rises during the year, a delay to borrowing requirements and associated interest costs, and a saving on Minimum Revenue Provision payments due to capital reprofiling. The breakdown of the 2022/23 revenue budget for interest and capital financing, and the forecast year end position is included in **Appendix 6**.

#### Summary of Returns

- 3.4 The Council's investment position as at 31<sup>st</sup> March 2023 is given in **Appendix 2**. The balance of deposits as at 31<sup>st</sup> March 2023 are set out in the charts in this appendix, along with the equivalent details for the previous quarters including quarter 4 2021/22 for comparison. The reduction in investment balances over the year includes the unwinding of government support grants the Council received during the pandemic, distribution of the energy rebate grant prepayment in quarter 1 2022/23 and capital project spend made in advance of borrowing.
- 3.5 Gross interest earned on investments totalled £1.38m. **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 2.09%, which is below the benchmark rate of average 7 day SONIA (2.30%). This shortfall is mainly due to existing short-term loans being locked in at a lower rate prior to the Bank of England base rate rises. The strategic funds have consistently out performed the benchmark which has helped to reduce the variance between average rate of return and the benchmark.
- 3.6 The average rate of return of 2.09% in 2022/23 was higher than the 0.36% achieved in 2021/22 as the Bank of England have continued to raise interest rates during the year from 0.75% in April 2022 to 4.25% in March 2023 as it deals with inflationary pressures.

#### Summary of Borrowings

- 3.7 The Council's external borrowing as at 31<sup>st</sup> March 2023 totalled £210.25 million and is detailed in **Appendix 4**. Due to the levels of cash balances held by the Council, no new borrowing has been taken out during the year, and a fixed term loan of £5m was repaid in December 2022. A summary of the movement in borrowing during the final quarter and over the full year is shown in the following tables:



<b>Borrowing Portfolio Movements</b>	<b>Quarter 4 2022/23</b>	<b>Financial Year 2022/23</b>
	<b>£m</b>	<b>£m</b>
<b>Balance as at 1<sup>st</sup> April 2022</b>	-	<b>219.403</b>
<b>Balance as at 31<sup>st</sup> December 2022</b>	<b>211.211</b>	-
New Loans Taken	0.000	0.000
Loans Repaid	0.000	(5.000)
PWLB Annuity Loan principal repayments	(0.957)	(4.149)
<b>Balance as at 31<sup>st</sup> March 2023</b>	<b>210.254</b>	<b>210.254</b>

3.8 The Council's Capital Financing Requirement (CFR) as at 31<sup>st</sup> March 2023 was £341.0 million. This represents the Council's underlying need to borrow to finance capital expenditure and demonstrates that the borrowing taken to date relates to funding historical capital spend.

3.9 The CFR represents the underlying need to borrow and the difference from the current borrowing of £210.3million represents re-investment of the internal balances including reserves, reducing the in-year borrowing costs in excess of the potential investment returns.

3.10 Following Local Government Reorganisation in 1996, Avon County Council's residual debt is administered by Bristol City Council. All successor Unitary Authorities make an annual contribution to principal and interest repayment, for which there is a provision in the Council's revenue budget. The amount of residual debt outstanding as at 31<sup>st</sup> March 2023 apportioned to Bath & North East Somerset Council is £10.1m. Since this borrowing is managed by an external body and treated in the Council's Statement of Accounts as a deferred liability, it is not included in the borrowing figures referred to in paragraph 3.7.

### **Strategic & Tactical Decisions**

3.11 As shown in the charts in **Appendix 2**, the investment portfolio of £42.30 million as at 31<sup>st</sup> March 2023 is diversified across Money Market Funds, Local Authorities, Strategic funds and in highly rated UK Banks. The Council uses AAA rated Money Market funds to maintain short term liquidity.

3.12 The Council does not hold any direct investments with banks in countries within the Eurozone reflecting both on the underlying debt issues in some Eurozone countries and the low levels of interest rates.

3.13 £10m of the Council's investments are in externally managed strategic pooled funds where the objectives are regular revenue income and long term price stability. These investments have been made in the knowledge that there is a risk that capital value could move both up and down on a frequent basis.

This investment includes £5m in Environmental Social and Governance (ESG) focused funds and £5m in a property fund, as listed below

- £5m CCLA Local Authorities Property Fund.
- £3m FP Foresight UK Infrastructure Income Fund.
- £2m VT Gravis Clean Energy Income Fund.

2022 was a very difficult year for investors, against a backdrop of high and sticky inflation, rapid policy rates tightening and an increased risk of recession. Bonds had their worst year for performance in several decades with government bonds in particular having their worst year on record. Equities have also had a volatile year with periods of large sell off's during the year. Commercial property has not been immune either with higher bond yields and challenges in some segments of commercial real estate resulting in falling property values.

This has resulted in a decrease in valuations of the Council's strategic funds from a fair value of £10.30m at the end of 2021/2022 to £8.78m at the end of 2022/23. As shown in the table below:

	<b>CCLA Local Authorities Property Fund</b>	<b>FP Foresight UK Infrastructure Income Fund</b>	<b>VT Gravis Clean Energy Income Fund</b>	<b>Total</b>
<b>Historic Cost</b>	5,000,000	3,000,000	2,000,000	<b>10,000,000</b>
<b>Fair Value as at:</b>				
31/03/2023	4,342,727	2,586,831	1,852,212	<b>8,781,770</b>
31/03/2022	5,199,881	3,065,260	2,045,847	<b>10,310,988</b>

This change in valuation does not have an impact on the revenue account due to a statutory override and will instead go to an unusable reserve and will only be charged to revenue if/when the Council's holding in the pooled funds are sold or if the government removes the override. The next review of the statutory override will take place prior to the end of 2024/25.

3.14 The Council's average investment return for short-term investments was 1.77%, which is 1.52% above the budgeted level of 0.25%. The average return for the £10m long-term strategic investments is 4.17%, 0.67% above the budgeted rate of 3.50%. The combined average return on all investments is 2.09%.

<b>Investment Type</b>	<b>Average YTD Investment Return</b>
<b>Short Term Investments Total</b>	<b>1.77%</b>
<b>Long Term Strategic Investments:</b>	
CCLA Local Authorities Property Fund	3.76%
FP Foresight UK Infrastructure Income Fund	4.82%
VT Gravis Clean Energy Income Fund	4.20%
<b>Long Term Strategic Investments Total (Est.)</b>	<b>4.17%</b>
<b>Overall Total</b>	<b>2.09%</b>

3.15 The combined impact of the higher than budgeted returns, along with the Council investment balances being higher than forecast and additional interest received from non-treasury activity, resulted in £957k of additional interest income above the budgeted level.

### **Future Strategic & Tactical Issues**

3.16 The Council's Treasury Management Advisor's economic and market review for 2022/23 is included in **Appendix 5**.

3.17 Interest rates ended the financial year at 4.25% up 3.50% since April 2022 as the Bank of England's Monetary Policy Committee tackles inflation, while inflation is expected to fall in 2023 it is still expected to exceed the 2% target rate. As a result, Arlingclose's current interest rate forecast is for interest rate to continue to rise, peaking at 4.75% over the summer of 2023.

3.18 CPI headline inflation reached a high of 11.1% in October before falling back to 10.1% in March 2023, showing tentative signs it may have peaked.

3.19 Bond markets have been extremely volatile so far this year and are expected to remain so, driven by high inflation, high interest rates and continuing uncertainty. This has resulted in a high level of volatility in PWLB rates with the 5 year maturity certainty rate rising from 2.30% on 1<sup>st</sup> April 2022 to 4.31% on 31 March 2023, having peaked at 5.43% in September. Over the same period the 30-year maturity certainty rate rose from 2.62% to 4.66%.

3.20 The Council did not take out any borrowing in 2022/23 and was instead able to make use of internal borrowing. However with cash balances forecasted to continue to decrease, external borrowing is expected to be required in 2023/24. Any borrowing decisions will be discussed with our treasury advisors in terms of duration and timing given current market conditions.

3.21 As mentioned in 3.13 Strategic Investment valuations do not currently have an impact on the revenue account as a result of a statutory override, although this override is currently due to run out on 31 March 2025. Current indications are that this is unlikely to be extended, so from 2025/26 any unrealised gains or losses will be charged against revenue. With this in mind, the Council has in place a Capital Financing Reserve which can be used to help mitigate any future revenue impacts should the statutory override be removed. This reserve is being topped up when strategic investment income exceeds the amount budgeted, in line with the Treasury Management Strategy, as it did in 2022/23 resulting in £60,000 being added to the reserve.

### **Budget Implications**

3.22 The breakdown of the 2022/23 revenue budget and the year end position for interest and capital financing, is included in **Appendix 6**. An overall underspend of £2.803m is reported towards the Council's net revenue outturn, as a result of higher than budgeted investment income, a delay in borrowing and a saving on MRP due to capital reprofiling.

## **4 STATUTORY CONSIDERATIONS**

4.1 This report is for information only.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The financial implications are contained within the body of the report.

## **6 RISK MANAGEMENT**

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

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

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

6.4 In addition, the Council maintain a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year. An extract from the risk register, detailing how the top 5 risks are managed, is included as **Appendix 8**.

## **7 EQUALITIES**

7.1 As this report contains performance information for noting only, an Equality Impact Assessment is not considered necessary.

## **8 CLIMATE CHANGE**

8.1 The Council will continue to avoid any direct treasury management investments in fossil fuel related companies and will engage with its advisors to explore and assess the potential for any future investment opportunities in funds with a Renewable Energy & Sustainability focus as these products continue to be developed by the market in response to the Climate & Nature Emergency agenda.

8.2 An ESG section has been included the Treasury Management Strategy document for 2022/23 and 2023/24, with the treasury team monitoring investment options permitted under the new guidelines.

8.3 The Council holds £5m in longer term investments, split across two ESG focussed Strategic Funds, as detailed under 3.13.

## **9 OTHER OPTIONS CONSIDERED**

9.1 None

## **10 CONSULTATION**

10.1 Consultation has been carried out with the Cabinet Member for Resources, Chief Finance Officer and Monitoring Officer.

<b>Contact person</b>	<i>Gary Adams - 01225 47 7107; Jamie Whittard - 01225 47 7213</i> <a href="mailto:Gary_Adams@BATHNES.GOV.UK">Gary_Adams@BATHNES.GOV.UK</a> : <a href="mailto:Jamie_Whittard@BATHNES.GOV.UK">Jamie_Whittard@BATHNES.GOV.UK</a>
<b>Background papers</b>	<i>2022/23 Treasury Management &amp; Investment Strategy</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## APPENDIX 1

### Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

#### 1. Treasury Borrowing limits

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

The Authorised limits for external debt include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over and above the operational limit for unusual cash movements.

The Operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements. This level also factors in the proposed approach to use internal cash-flow and future capital receipts as the preferred financing method for the capital programme.

	2022/23 Prudential Indicator	Actual as at 31 <sup>st</sup> March 2023
Operational boundary – borrowing	£435m	£210.3m
Operational boundary – other long-term liabilities	£4m	£0m
<b>Operational boundary – TOTAL</b>	<b>£439m</b>	<b>£210.3m</b>
Authorised limit – borrowing	£464m	£210.3m
Authorised limit – other long-term liabilities	£4m	£0m
<b>Authorised limit – TOTAL</b>	<b>£468m</b>	<b>£210.3m</b>

#### 2. Security: Average Credit Rating\*

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. A summary guide to credit ratings is set out at **Appendix 7**.

	2022/23 Prudential Indicator	Actual as at 31 <sup>st</sup> March 2023
	Rating	Rating
Minimum Portfolio Average Credit Rating	A-	AAA-

\* The calculation excludes the strategic investment in the CCLA Local Authority Property Fund and ESG focussed Investment Funds, which are unrated.

### 3. Liquidity

The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

Liquidity risk indicator	2022/23 Prudential Indicator	Minimum During year	Date of minimum
Minimum total Cash Available within 3 months	£15m	£17.4m	29-Mar-23

### 4. Interest rate exposures

This indicator is set to control the Council's exposure to interest rate risk. The upper limit represents the maximum one-year revenue impact of a 1% rise or fall in interest rates.

	2022/23 Prudential Indicator	Actual as at 31 <sup>st</sup> Mar 2023
Upper limit on one-year revenue impact of a 1% rise in interest rates	+/- £1m	£0.298m
Upper limit on one-year revenue impact of a 1% fall in interest rates	+/- £1m	£0.298m

The impact of this limit is that the Council should never be holding a maturity adjusted net debt / investment position on variable rates of more than £100m.

The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at new market rates, which includes amounts which are maturing each year in PWLB annuity loans.

### 5. Maturity Structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk.

	Upper Limit	Lower Limit	Actual as at 31 <sup>st</sup> March 2023
	%	%	%
Under 12 months	50	Nil	0
12 months and within 24 months	50	Nil	0
24 months and within 5 years	75	Nil	0
5 years and within 10 years	75	Nil	7.1
10 years and within 25 years	100	25	54.7
Over 25 years	100		38.2

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date that the lender can demand repayment. For LOBO's, this is shown at the date of maturity.

\* The CIPFA Treasury management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date (which are at 6 monthly intervals for the £20m of LOBO's). However, the Council would only consider repaying these loans if the Lenders exercised their options to alter the interest rate.

## 6. Upper limit for total principal sums invested for over 364 days

The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

<b>Price risk indicator</b>	<b>2022/23 Prudential Indicator</b>	<b>Actual as at 31<sup>st</sup> March 2023</b>
Limit on principal invested beyond 31 <sup>st</sup> March 2023	£50m	£15m*
Limit on principal invested beyond 31 <sup>st</sup> March 2024	£20m	£10m*
Limit on principal invested beyond 31 <sup>st</sup> March 2025	£10m	£10m*

\*The Council includes the CCLA LA Property Fund & two long term ESG focussed Investment Funds against this indicator as they are both held as Long Term Strategic Investments.



## APPENDIX 2

### The Council's Investment position at 31<sup>st</sup> March 2023

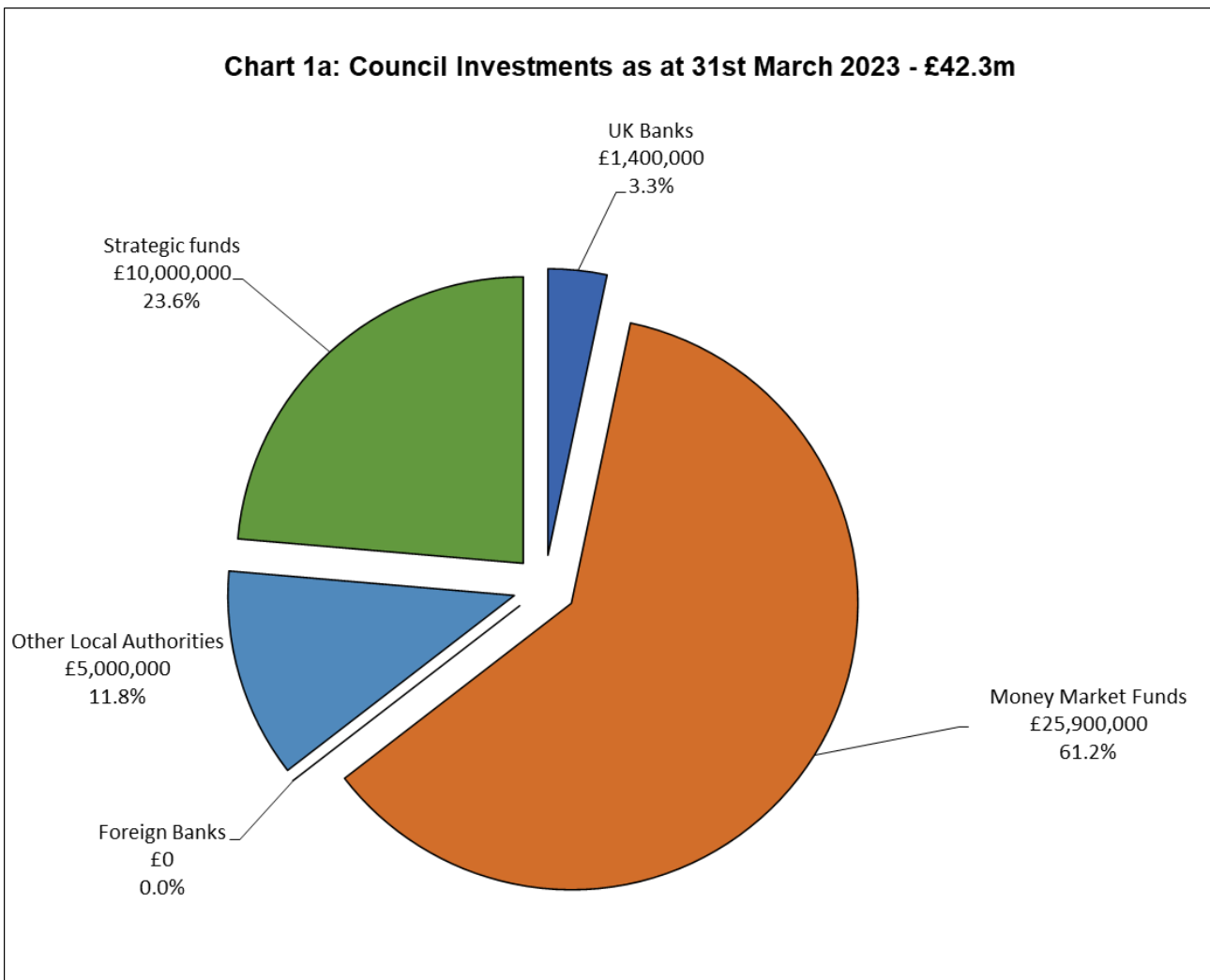
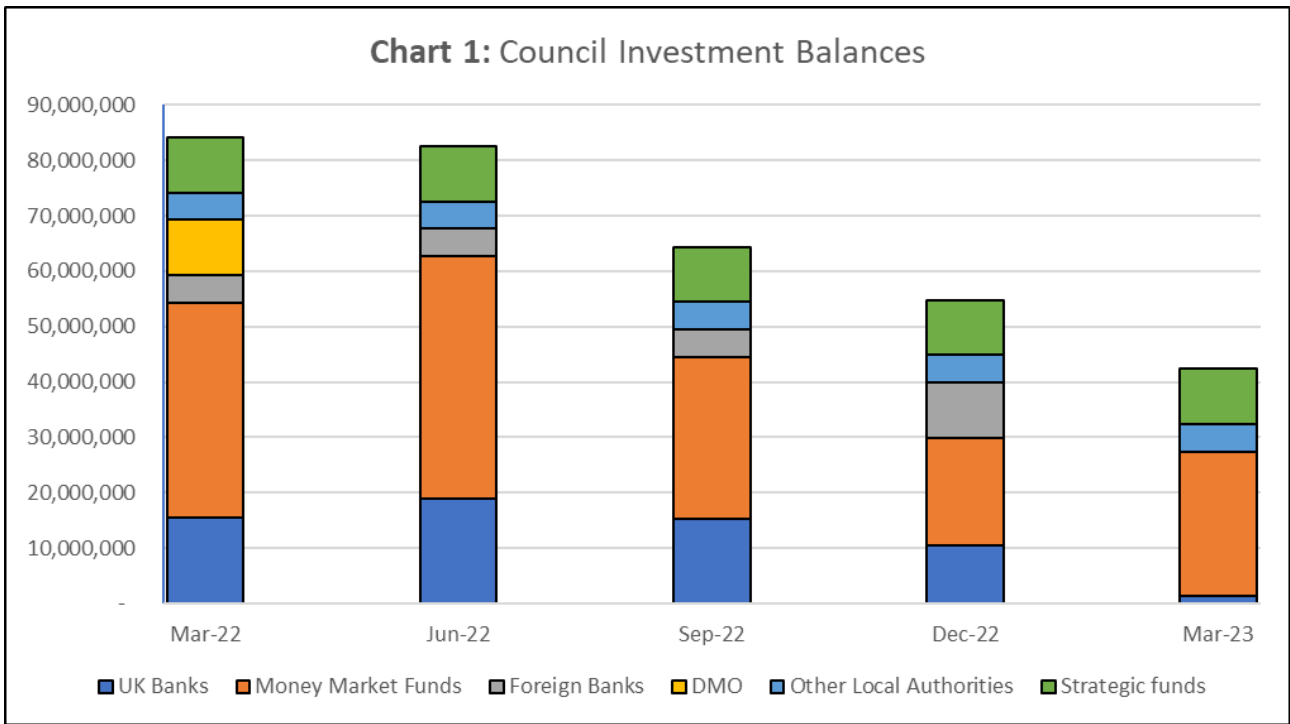
The term of investments is as follows:

Term Remaining	Balance at 31 <sup>st</sup> March 2023	Comparator	
		Balance at 31 <sup>st</sup> December 2022	Balance at 31 <sup>st</sup> March 2022
	£m	£m	£m
Notice (instant access funds)	27.3	29.8	49.2
Up to 1 month	5.0	0	0
1 month to 3 months	0.0	10.0	20.0
3 months to 6 months	0.0	5.0	0
6 months to 12 months	0.0	0	5.0
Strategic Funds	10.0	10.0	10.0
<b>Total</b>	<b>42.3</b>	<b>54.8</b>	<b>84.2</b>

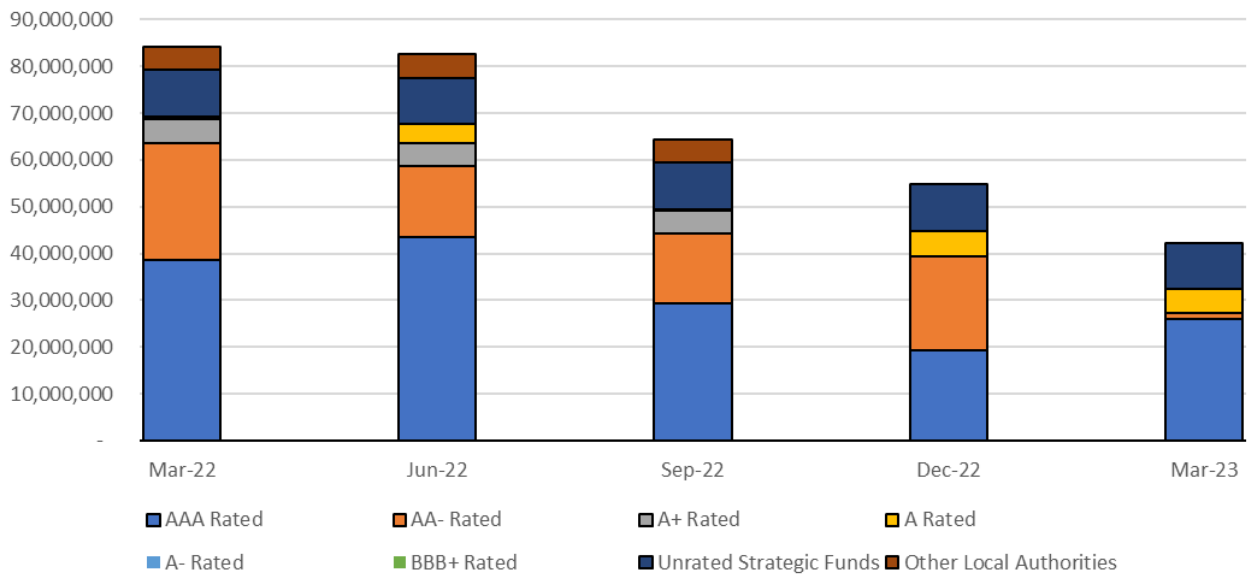
The investment figure is made up as follows:

	Balance at 31 <sup>st</sup> March 2023	Comparator	
		Balance at 31 <sup>st</sup> December 2022	Balance at 31 <sup>st</sup> March 2022
	£m	£m	£m
B&NES Council	40.45	51.71	82.30
Schools	1.86	3.09	1.90
<b>Total</b>	<b>42.30</b>	<b>54.80</b>	<b>84.20</b>

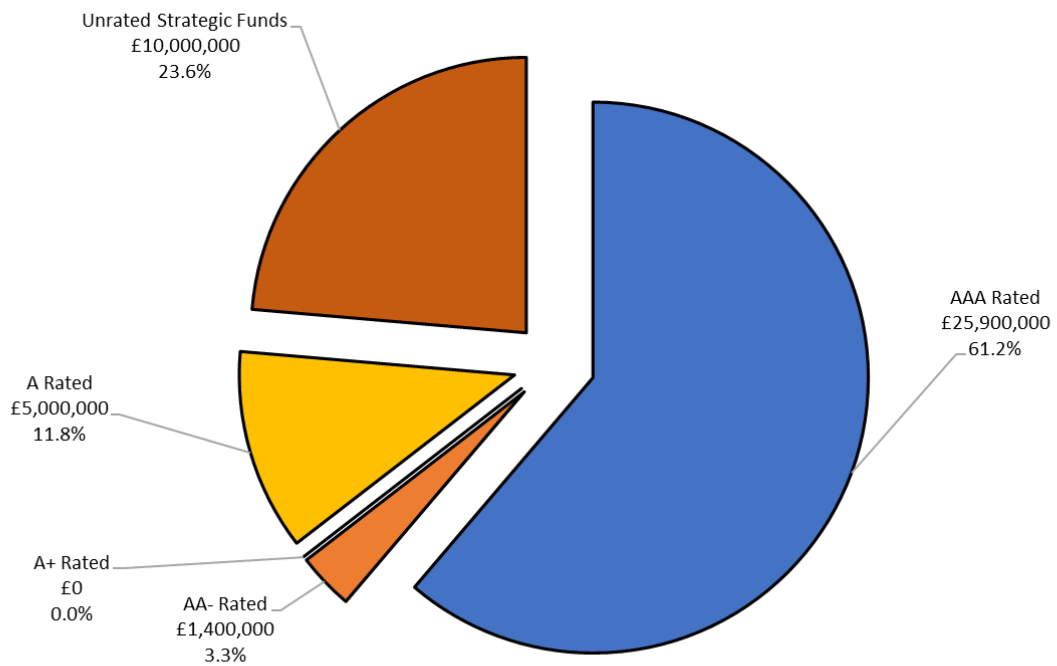
The Council had a total average net positive balance of £74.6 during the period April 2022 to March 2023.



**Chart 2: Council Investments Per Lowest Equivalent Long Term Credit Rating**



**Chart 2a: Council Investments Per Lowest Equivalent Long Term Credit Rating as at 31st March 2023 £42.3m**



## APPENDIX 3

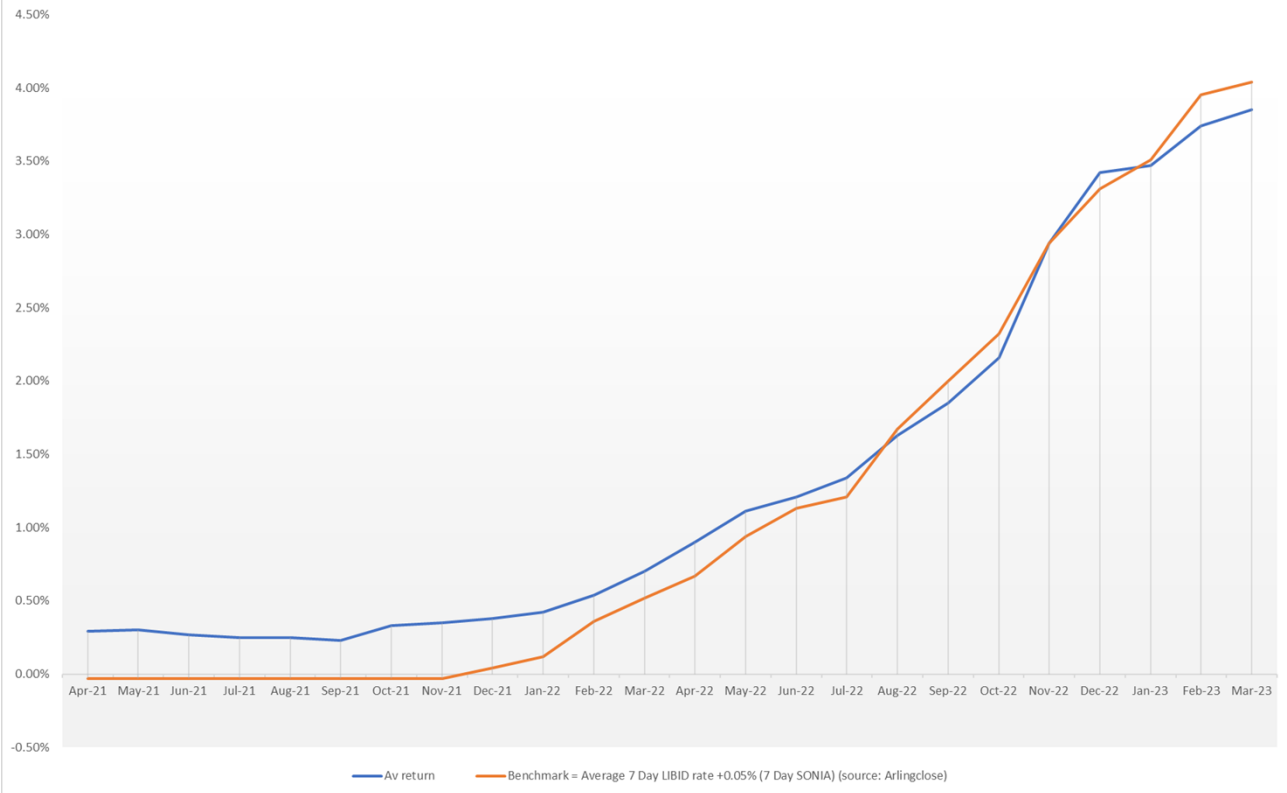
### Average rate of return on investments for 2022/23

	<b>Average rate of interest earned</b>	<b>Benchmark = Average 7 Day SONIA rate</b>	<b>Performance against Benchmark</b>
April 2022	0.90%	0.67%	+0.23%
May 2022	1.11%	0.94%	+0.18%
June 2022	1.21%	1.13%	+0.08%
July 2022	1.34%	1.21%	+0.13%
August 2022	1.63%	1.67%	-0.04%
September 2022	1.85%	2.00%	-0.15%
October 2022	2.16%	2.32%	-0.16%
November 2022	2.94%	2.94%	0.00%
December 2022	3.42%	3.31%	+0.11%
January 2023	3.47%	3.51%	-0.04%
February 2023	3.74%	3.95%	-0.21%
March 2023	3.85%	4.04%	-0.19%
<b>Average#</b>	<b>2.09%</b>	<b>2.30%</b>	<b>-0.21%</b>

For Comparison, the average rate of return on investments for 2021/22 was as follows:

	<b>Average rate of interest earned</b>	<b>Benchmark = Average 7 Day LIBID rate +0.05% (7 Day SONIA – 0.08%)</b>	<b>Performance against Benchmark %</b>
April 2021	0.29%	-0.03%	+0.32%
May 2021	0.30%	-0.03%	+0.33%
June 2021	0.27%	-0.03%	+0.30%
July 2021	0.25%	-0.03%	+0.28%
August 2021	0.25%	-0.03%	+0.28%
September 2021	0.23%	-0.03%	+0.27%
October 2021	0.33%	-0.03%	+0.36%
November 2021	0.35%	-0.03%	+0.38%
December 2021	0.38%	0.04%	+0.34%
January 2022	0.42%	0.12%	+0.30%
February 2022	0.54%	0.36%	+0.18%
March 2022	0.70%	0.52%	+0.18%
<b>Average</b>	<b>0.36%</b>	<b>0.06%</b>	<b>+0.30%</b>

Average Return on Investments 2021/22 & 2022/23 compared to Benchmark



## APPENDIX 4

### Council's External Borrowing at 31<sup>st</sup> March 2023

Lender	Amount outstanding @ 30th Dec. 2022	Change in Quarter	Amount outstanding @ 31st March 2023	Start date	End date	Interest rate
	£	£	£			
<b>Long term</b>						
PWLB489142	10,000,000	-	10,000,000	15/10/2004	15/10/2034	4.75%
PWLB497233	5,000,000	-	5,000,000	12/05/2010	15/08/2035	4.55%
PWLB497234	5,000,000	-	5,000,000	12/05/2010	15/02/2060	4.53%
PWLB498834	5,000,000	-	5,000,000	05/08/2011	15/02/2031	4.86%
PWLB498835	10,000,000	-	10,000,000	05/08/2011	15/08/2029	4.80%
PWLB498836	15,000,000	-	15,000,000	05/08/2011	15/02/2061	4.96%
PWLB503684	5,300,000	-	5,300,000	29/01/2015	08/04/2034	2.62%
PWLB503685	5,000,000	-	5,000,000	29/01/2015	08/10/2064	2.92%
PWLB505122	15,869,860	(0)	15,869,859	20/06/2016	20/06/2041	2.36%
PWLB508126	8,607,342	0	8,607,342	06/12/2018	20/06/2043	2.38%
PWLB508202	9,531,537	(0)	9,531,537	12/12/2018	20/06/2068	2.59%
PWLB508224	4,293,391	0	4,293,391	13/12/2018	20/06/2043	2.25%
PWLB505744	8,004,402	(194,061)	7,810,341	24/02/2017	15/08/2039	2.28%
PWLB505966	8,254,813	(169,611)	8,085,202	04/04/2017	15/02/2042	2.26%
PWLB506052	7,014,998	(144,283)	6,870,715	08/05/2017	15/02/2042	2.25%
PWLB506255	6,599,366	0	6,599,366	10/08/2017	10/04/2067	2.64%
PWLB506729	8,438,087	(0)	8,438,087	13/12/2017	10/10/2042	2.35%
PWLB506995	8,467,200	0	8,467,200	06/03/2018	10/10/2042	2.52%
PWLB506996	8,825,459	(0)	8,825,459	06/03/2018	10/10/2047	2.62%
PWLB507749	8,775,184	(161,555)	8,613,628	10/09/2018	20/07/2043	2.42%
PWLB508485	19,253,502	(112,085)	19,141,417	11/02/2019	20/07/2068	2.52%
PWLB509840	8,975,845	(174,899)	8,800,947	04/09/2019	20/07/2044	1.40%
KBC Bank N.V *	5,000,000	-	5,000,000	08/10/2004	08/10/2054	4.50%
KBC Bank N.V *	5,000,000	-	5,000,000	08/10/2004	08/10/2054	4.50%
Commerzbank AG Frankfurt*	10,000,000	-	10,000,000	27/04/2005	27/04/2055	4.50%
<b>Medium term</b>						
Portsmouth C.C.	-	-	-	19/12/2019	19/12/2022	1.65%
<b>Total Borrowing</b>	<b>211,210,986</b>	<b>(956,494)</b>	<b>210,254,492</b>			

\*All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.50%. The lender has the option to change the interest rate at 6 monthly intervals. Should the lender use the option to change the rate, then at this point the borrower has the option to repay the loan without penalty.

The "Change in Quarter" movement on some of the PWLB loans reflects that these loans have an annuity repayment profile, so repayments of principal are made on a 6 monthly basis throughout the life of the loans.

## **APPENDIX 5: Arlingclose Economic & Market Review**

**Economic background:** The war in Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession. The economic backdrop during the January to March period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending.

Central Bank rhetoric and actions remained consistent with combatting inflation. The Bank of England, US Federal Reserve, and European Central Bank all increased interest rates over the period, even in the face of potential economic slowdowns in those regions.

Starting the financial year at 5.5%, the annual CPI measure of UK inflation rose strongly to hit 10.1% in July and then 11.1% in October. Inflation remained high in subsequent months but appeared to be past the peak, before unexpectedly rising again in February. Annual headline CPI registered 10.4% in February, up from 10.1% in January, with the largest upward contributions coming from food and housing. RPI followed a similar pattern during the year, hitting 14.2% in October. In February RPI measured 13.8%, up from 13.4% in the previous month.

Following the decision by the UK government under Rishi Sunak and Jeremy Hunt to reverse some of the support to household energy bills announced under Liz Truss, further support in the form of a cap on what energy suppliers could charge household was announced in the March Budget to run from April until end June 2023. Before the announcement, typical household bills had been due to rise to £3,000 a year from April.

The labour market remained tight albeit with some ongoing evidence of potential loosening at the end of the period. The unemployment rate 3mth/year eased from 3.8% April-June to 3.6% in the following quarter, before picking up again to 3.7% between October-December. The most recent information for the period December-February showed an unemployment rate of 3.7%.

The inactivity rate was 21.3% in the December-February quarter, slightly down from the 21.4% in the first quarter of the financial year. Nominal earnings were robust throughout the year, with earnings growth in December-February at as 5.7% for both total pay (including bonuses) and 6.5% for regular pay. Once adjusted for inflation, however, both measures were negative for that period and have been so throughout most of the year.

Despite household budgets remaining under pressure, consumer confidence rose to -36 in March, following readings of -38 and -45 in the previous two months, and much improved compared to the record-low of -49 in September. Quarterly GDP was soft through the year, registering a 0.1% gain in the April-June period, before contracting by (an upwardly revised) -0.1% in the subsequent quarter. For the October-December period was revised upwards to 0.1% (from 0.0%), illustrating a resilient but weak economic picture. The annual growth rate in Q4 was 0.6%.

The Bank of England increased the official Bank Rate to 4.25% during the financial year. From 0.75% in March 2022, the Monetary Policy Committee (MPC) pushed through rises

at every subsequent meeting over the period, with recent hikes of 50bps in December and February and then 25bps in March, taking Bank Rate to 4.25%. March's rise was voted by a majority of 7-2, with two MPC members preferring to maintain Bank Rate at 4.0%. The Committee noted that inflationary pressures remain elevated with growth stronger than was expected in the February Monetary Policy Report. The February vote was also 7-2 in favour of a hike, and again with two members preferring to keep Bank Rate on hold.

After reaching 9.1% in June, annual US inflation slowed for eight consecutive months to 6% in February. The Federal Reserve continued raising interest rates over the period with consecutive increases at each Federal Open Market Committee meetings, taking policy rates to a range of 4.75%- 5.00% at the March meeting.

From the record-high of 10.6% in October, Eurozone CPI inflation fell steadily to 6.9% in March 2023. Energy prices fell, but upward pressure came from food, alcohol, and tobacco. The European Central Bank continued increasing interest rates over the period, pushing rates up by 0.50% in March, taking the deposit facility rate to 3.0% and the main refinancing rate to 3.5%.

**Financial markets:** Uncertainty continued to be a key driver of financial market sentiment and bond yields remained relatively volatile due to concerns over elevated inflation and higher interest rates, as well as the likelihood of the UK entering a recession and for how long the Bank of England would continue to tighten monetary policy. Towards the end of the period, fears around the health of the banking system following the collapse of Silicon Valley Bank in the US and purchase of Credit Suisse by UBS caused further volatility.

Over the period the 5-year UK benchmark gilt yield rose from 1.41% to peak at 4.70% in September before ending the financial year at 3.36%. Over the same timeframe the 10-year gilt yield rose from 1.61% to peak at 4.51% before falling back to 3.49%, while the 20-year yield rose from 1.82% to 4.96% and then declined to 3.82%. The Sterling Overnight Rate (SONIA) averaged 2.24% over the period.

**Credit review:** Early in the period, Moody's affirmed the long-term rating of Guildford BC but revised the outlook to negative. The agency also downgraded Warrington BC and Transport for London.

In July Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable and in the same month Moody's revised the outlook on Bayerische Landesbank to positive. In September S&P revised the outlook on the Greater London Authority to stable from negative and Fitch revised the outlook on HSBC to stable from negative.

The following month Fitch revised the outlook on the UK sovereign to negative from stable. Moody's made the same revision to the UK sovereign, following swiftly after with a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank (and related entities) and Santander.



During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March the collapse of Silicon Valley Bank (SVB) in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.

Credit Default Prices had been rising since the start of the period on the back of the invasion of Ukraine, and in the UK rose further in September/October at the time of the then-government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike on the back of the heightened uncertainty. However, they had moderated somewhat by the end of the period as fears of contagion subsided, but many are still above their pre-March levels reflecting that some uncertainty remains.

On the back of this, Arlingclose reduced its recommended maximum duration limit for unsecured deposits for all UK and Non-UK banks/institutions on its counterparty list to 35 days as a precautionary measure. No changes were made to the names on the list.

As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Local authorities remain under financial pressure, but Arlingclose continues to take a positive view of the sector, considering its credit strength to be high. Section 114 notices have been issued by only a handful of authorities with specific issues. While Arlingclose's advice for local authorities on its counterparty list remains unchanged, a degree caution is merited with certain authorities.

## APPENDIX 6

### Interest & Capital Financing Costs – Budget Monitoring 2022/23

April 2022 to March 2023	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Actual over or (under) spend £'000	
<b>Interest &amp; Capital Financing</b>				
- Debt Costs	8,031	6,921	(1,110)	FAV
- Internal Repayment of Loan Charges	(14,008)	(14,208)	(200)	FAV
- Ex Avon Debt Costs	980	948	(32)	FAV
- Minimum Revenue Provision (MRP)	9,678	9,174	(504)	FAV
- Interest on Balances*	(425)	(1,382)	(957)	FAV
<b>Total</b>	<b>4,256</b>	<b>1,455</b>	<b>(2,803)</b>	<b>FAV</b>

\*this is after the transfer of £60,000 to the Capital Financing Reserve to go towards smoothing any gains or losses on valuation of the strategic funds should the statutory override not be extended when it currently runs out on 31/05/2025

## APPENDIX 7

### Summary Guide to Credit Ratings

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

## APPENDIX 8

### Extract from Treasury Management Risk Register – Top 5 Risks

Risk Nr	Description	Current Risk Score										Trend			Management Action					
		Likelihood					Impact					This Period	Periods Ago							
		1	2	3	4	5	1	2	3	4	5		1	2		3				
1	R01	Liquidity Risk - The risk that cash will not be available when it is needed, that ineffective management of liquidity creates additional unbudgeted costs, and that the organisation's business/service objectives will be thereby compromised.		2							3					6	6	6	6	Obtain approval of annual Treasury Management Strategy by February Council. Carry out weekly reviews of investment portfolio and planned actions. Carry out monthly dashboard meeting with Chief Finance Officer. Consider short and medium term cash balances and cashflows to inform any short - medium term borrowing requirement.
2	R02	Interest Rate Risk - The risk that fluctuations in the levels of interest rates create an unexpected or unbudgeted burden on the organisation's finances, against which the organisation has failed to protect itself adequately				4					3					12	12	9	9	Monitor interest rates on a monthly basis and compare with budget to determine impact on Council finances and report through monthly Treasury Dashboard. Report implication of interest rate changes to Cabinet as part of quarterly Treasury Management Performance Report. Explore alternative potential investment products following new freedoms - including corporate bonds, gilts, Certificate of Deposits etc. Discussion with our treasury advisors on any new borrowing in terms of duration and timing given the current volatility in the gilt market and PWLB interest rates.
3	R04	Inflation Risk - The risk that prevailing levels of inflation cause an unexpected or unbudgeted burden on the organisation's finances, against which the organisation has failed to protect itself adequately.				4										16	12	12	12	Liaise with Chief Finance Officer to ensure Inflation both current and projected forms part of the medium term financial planning framework.
4	R05	Credit and Counterparty Risk - The risk of failure by a third party to meet its contractual obligations to the organisation under an investment, borrowing, capital, project or partnership financing, particularly as a result of the third party's diminished creditworthiness, and the resulting detrimental effect on the organisation's capital or current (revenue) resources.			3											12	12	12	12	Complete annual review of Counterparty List with external advisors to feed into Treasury Management Strategy. Regular review of counterparty financial standing through use of credit ratings, credit default swap rates and national press coverage and liaison with Chief Finance Officer and external advisors to consider any issues / change in circumstances of counterparties.
5	R09	Key Personnel - There is a risk that staff absence results in the inability to process Treasury Management transactions.			3						3					9	9	9	9	Produce & maintain a Business Continuity Plan to manage staff absences Provide refresher training and periodically ask secondary process operators to run the treasury process to ensure that there are a number of people able to perform the treasury activity

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Council</b>
MEETING DATE:	<b>20 July 2023</b>
TITLE:	<b>Avon Pension Fund (APF) Terms of Reference for approval</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Appendix 1 – APF Draft Terms of reference	

## **1 THE ISSUE**

- 1.1 The Avon Pension Fund Committee discharges the responsibilities of the Council in its role as the administering authority of the Avon Pension Fund in accordance with the Local Government Pension Scheme Regulations 2013 (as amended).
- 1.2 The APF Committee recommended a change in the quorum of the committee set out in its Terms of Reference (ToR) at its last meeting on 23 June 2023 and seek Council approval for the change.

## **2 RECOMMENDATION**

**The Council is asked;**

- 2.1 To approve the Terms of Reference of the APF Committee and Investment Panel including the change to the quorum in Appendix 1.

## **3 THE REPORT**

- 3.1 The Terms of Reference (ToR) for the Committee, including the Investment Panel, can be found in Appendix 1.
- 3.2 A change has been proposed to the ToR in regard to the quorum of the Committee. The quorum currently reads '*The quorum of the Committee shall be 5 voting members who shall include at least **one member from Bath & North East Somerset Council***'.

- 3.3 Pre 2019 the quorum was one member **not** from Banes. However in 2019 a proposal was put forward to reduce the number of Banes Councillors on the Committee and so the quorum was changed to state at least **one member from Banes**, to ensure there would always be a Banes councillor involved in any decisions.
- 3.4 However this proposal was rejected by Council in May 2019 but the change to the quorum in the TOR was not reversed.
- 3.5 The APF committee has now agreed that the quorum should be changed back to read '*The quorum of the Committee shall be 5 voting members who shall include at least one member **not** from Bath & North East Somerset Council*'.
- 3.6 This is to ensure that any decision taken by APF committee is not by Banes members alone and there is clarity on managing any conflicts of interest.

#### **4 STATUTORY CONSIDERATIONS**

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

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

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

#### **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance and no significant risks have been identified.

#### **7 EQUALITIES**

- 7.1 A proportionate equalities impact assessment has been carried out using corporate guidelines and no significant issues have been identified.

#### **8 CLIMATE CHANGE**

- 8.1 The Fund is implementing a digital strategy across all its operations and communications with stakeholders to reduce its internal carbon footprint in line with the Council's Climate Strategy. The Fund acknowledges the financial risk to its assets from climate change and is addressing this through its strategic asset allocation to Paris Aligned Global Equities, Sustainable Equities and renewable energy opportunities. The strategy is monitored and reviewed by the Committee.

#### **9 OTHER OPTIONS CONSIDERED**

- 9.1 Due to the scale and size of the Committee there are few, if any alternative options which are deliverable.

#### **10 CONSULTATION**

- 10.1 The Avon Pension Fund Committee had a full discussion of this item at its meeting on the 23<sup>rd</sup> of June. In addition, the Council's Director of One West (with responsibility for the Avon Pension Fund) has had the opportunity to input to this report and has cleared it for publication. Finally the Council's S151 Officer and

Monitoring Officer have also been consulted and cleared the report for publication.

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

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## **Appendix 1**

### **(1) AVON PENSION FUND COMMITTEE**

#### **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) who 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.

#### **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.

### **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.

### **Composition**

Voting members (14)	<p>5 elected members from B&amp;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>
Non-voting members (3)	<p>1 nominated from the Parish Councils</p> <p>Up to 2 nominated from different Trades Unions</p>

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

### **Meetings**

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

### **Quorum**

The quorum of the Committee shall be 5 voting members who shall include at least 1 member not from Bath and North East Somerset Council

### **Substitution**

Named substitutes to the Committee are allowed.

## **(2) INVESTMENT PANEL**

### **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.

## **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.

## **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 (including the Chair and Vice-Chair of the Committee) and 3 will be the Independent Members.

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 full 4-year Committee term.

The Council will nominate the Chair of the Panel.

## **Panel Meetings**

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

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

## **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.

## **Substitution**

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

## **Minutes**

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

## **(3) BRUNEL OVERSIGHT BOARD REPRESENTATIVE**

### **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. The Fund's representative will be the Committee Chairperson.

### **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.

## **(4) BRUNEL PENSION PARTNERSHIP WORKING GROUP**

### **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.

## **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.

## **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

## **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.

## **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.

## **(5) OFFICER DELEGATIONS**

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 has authority to dismiss investment managers, advisors and 3<sup>rd</sup> 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 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 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.
17. The Scheme Advisory Board's (SAB) Good Governance Review recommends that "*Each administering authority must have a single named officer who is responsible for the delivery of all LGPS related activity for that fund (the LGPS senior officer).*" The Head of Pensions has been formally recognised as the LGPS Senior Officer in the Council's constitution at Council Meeting held 21 July 2022.

## **(6) FUNDING AND RISK MANAGEMENT GROUP**

### **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.

### **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

### **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

### **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

### **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.

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.

***Approved by the Avon Pension Fund Committee 23 June 2023***



<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Council</b>	
MEETING	<b>20 July 2023</b>	
TITLE:	<b>Standards Committee Annual report 2022-2023</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 Standards Committee Annual report 2022-2023		

**1 THE ISSUE**

1.1 To consider the Standards Committee Annual report.

**2 RECOMMENDATION**

**The Council is asked to;**

2.1 Note the work of the Standards Committee as set out in the Annual report (Appendix 1).

**3 THE REPORT**

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

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

**4 STATUTORY CONSIDERATIONS**

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

**5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 No direct implications

## **6 RISK MANAGEMENT**

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

## **7. EQUALITIES**

6.1 No direct impact

## **8 CLIMATE CHANGE**

8.1 No direct impact

## **9 OTHER OPTIONS CONSIDERED**

9.1 None

## **10. CONSULTATION**

10.1 The S.151 and Monitoring Officer have been consulted

<b>Contact person</b>	Shaine Lewis, Deputy Monitoring Officer Shaine_Lewis@bathnes.gov.uk
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

# Standards Committee Annual Report 2022 - 2023

Chair's Foreword

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

All committee members have given willingly and generously of their time and talents in approaching issues most thoughtfully and constructively. We are most grateful to them all.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 15 matters raised: of which 7 initial assessments required 'no further action' to be undertaken. Of the remaining matters 5 were 'rejected and 3 'no breach'. To put these figures in context it should be noted that the Standards Committee has within its purview the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

To give greater understanding of the work of the Standards Committee following the adoption of the new Model Code in July 2021 we have started to capture statistics directly linked to the 10 obligations from the Model Code. Whilst these cannot be cross referenced retrospectively they will be categorised going forwards to further contextualise the work to the Standards Committee.

As a result of a suggestion from the Council's External Auditors all Councillors are reminded to update their Register of Interest regularly. The Monitoring Officer implemented an annual check in November 2022 and can report a near 100% compliance. The one Member who did not respond, stood down as a Councillor at the Election in May 2023.

In Bath & North East Somerset, the Standards Committee has three Independent Members: Dr Cyril Davies, Sophie Sidonio and myself and in this authority the Committee is chaired by an Independent Member. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Persons Tony Drew and Roger Morris who are of equal status and provide an invaluable service to the standards regime. A virtue of having two 'Independent Persons' is that while one is available to assess a complaint, the other can be able to give support to the Subject Member.

On a sad note I report the passing of former Councillor Richard Robertson who served as a Parish Representative on the Standards Committee.

Finally, I commend the Monitoring Officer, Michael Hewitt and Legal Services Manager, Shaine Lewis, and their colleagues for their most professional and successful operation of the Standards regime which included a revision of the Arrangements for Dealing with Code of Conduct Complaints.

**Dr Axel Palmer**  
**Chair of the Standards Committee**

## **1. Introduction**

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period 1 April 2022 to 31 March 2023, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2022-23 in the report refer to this time period.

### **The Standards Committee**

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 2, Responsibility for Functions. The Committee conducts proceedings using the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members updated in 2022. The Committee is also responsible for granting dispensations to Members.

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

### **The Monitoring Officer**

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

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

### **Independent Persons**

The Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. The Independent Persons must be consulted by the Council before it decides on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and

can also be consulted by a member or co-opted member of the Council against whom a complaint has been made. It has been emphasised that the involvement and consultation of the Independent Person is important at all stages.

### **Standards Committee Membership**

In 2022/23 the Standards Committee comprised the following Members:

Councillors Paul Crossley, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.

Parish Councillors Kathy Thomas (plus 2 vacancies).

Independent Members Dr Axel Palmer (Chair), Dr Cyril Davies, Sophie Sidonio (appointed March 2022) Deborah Russell served part of the year).

Following elections on 4 May 2023 the Standards Committee is comprised as follows:

Councillor Toby Simon  
Councillor Michelle O'Doherty  
Councillor Alex Beaumont  
Councillor Alan Hale  
Councillor Shaun Hughes

Independent Members – Axel Palmer, Sophie Sidonio, Dr Cyril Davies  
Parish Councillors – Kathy Thomas, Richard Robertson and one vacancy

## **2. The Authority's Independent Persons**

The Authority's Independent Persons are Tony Drew and Roger Morris who are non-voting observers for Standards Committee. The Council also has access to a reserve Independent Person through informal arrangements with neighbouring local authorities.

## **3. Training for Standards Committee Members and Independent Persons**

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

Half day training sessions, to be held jointly with Avon Fire Authority, on the Local Government Association Model Code of Conduct for Members (adopted by BANES in 2021) have been arranged for:

- 30 October 2023 between 10:00 -12:30 in person at Keynsham Civic Centre
- 10 November 2023 between 14:00 – 16:30 in person at Avonmouth

- 15 November 2023 between 17:00 – 19:30 online via Zoom/Teams

Registration and joining instructions to follow.

A training session for Standards Committee Members on Holding Effective Hearings is to be arranged and delivered by the Monitoring Officer and the Legal Services Manager later this year.

## **5. Review of Standards Committee Work Programme and Action Plan for 2022/23**

The Standards Committee's Work Programme/Action Plan for 2022/23 is attached at Annex 1. The Committee met on 2 occasions during the year and at each meeting the Committee monitored its Work Plan and noted the current position with complaints using the Complaints Tracker.

## **6. Committee Meetings and foremost workstreams**

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled. The Standards Committee met on:

- 12 April 2022
- 12 July 2022

### **Revision of Arrangements for Dealing with Code of Conduct Complaints**

Following a Complaint hearing in February 2022 the opportunity was taken to reflect and learn lessons from the practical application of Standards Committee arrangements and procedures.

The Deputy Monitoring Officer undertook a review and in consultation with the Standards Committee a streamlined, more concise and user friendly set of Arrangements for Dealing with Code of Conduct Complaints was produced .

The Arrangements are at Annex 2

## **7. Complaints under the Code of Conduct for Members and Co-opted Members for the last 5 years**

### **i. Complaints by complainant**

Type of complainant	2018/19	2019/20	2020/21	2021/22	2022/23	Total
<b>BaNES Councillor</b>	0	0	1	4	4	<b>9</b>
<b>Parish / Town Councillor</b>	1	2	1	0	0	<b>4</b>
<b>Member of the public</b>	15	5	13	13	11	<b>57</b>
<b>Council Officer</b>	1	0	0	1	0	<b>2</b>
<b>Parish Clerk</b>	3	0	1	0	0	<b>4</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

76

ii. **Complaints by subject member**

Subject of the complaint	2018/19	2019/20	2020/21	2021/22	2022/23	Total
<b>BANES Councillor</b>	13	0	5	13	14	<b>45</b>
<b>Parish / Town Councillor</b>	7	7	11	5	1	<b>31</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

iii. **Complaints by type**

Type of complaint	2022/23	Total
<b>1. Respect</b>	6	6
<b>2. Bullying Harassment, discrimination</b>	6	6
<b>3. Compromising Impartiality</b>	0	0
<b>4. Dealing with Information</b>	0	0



<b>5. Disrepute</b>	5	5
<b>6. Improper use of position</b>	0	0
<b>7. Improper use of resources</b>	0	0
<b>8. Co-operating with Code of Conduct</b>	0	0
<b>9. Registering/disclosing Interests</b>	3	3
<b>10. Gifts &amp; Hospitality</b>	0	0
<b>Total</b>	<b>20</b>	<b>20</b>

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

#### iv. Initial Assessments

<b>Local Assessment Decisions</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
<b>No Further Action/no breach</b>	17	5	11	11	10	<b>54</b>
<b>Informal Resolution</b>	2	1	2	2	0	<b>7</b>
<b>Referred for Investigation</b>	1	0	0	1	0	<b>2</b>
<b>Ongoing</b>	0	0	0	1	0	<b>1</b>
<b>Withdrawn/rejected</b>	0	1	3	3	5	<b>12</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

#### v. Outcome of complaints

<b>Outcomes</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
<b>Other Action</b>	0	2	1	0	0	<b>3</b>
<b>Ongoing</b>	0	0	0	0	0	<b>0</b>
<b>Apology</b>	0	0	1	0	0	<b>1</b>
<b>No Action Required</b>	0	5	0	0	7	<b>12</b>
<b>Withdrawn/rejected</b>	2	0	3	0	5	<b>10</b>
<b>Breach</b>	5	0	0	0	0	<b>5</b>
<b>No Breach</b>	13	0	11	18	3	<b>45</b>
<b>Total</b>	<b>20</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>15</b>	<b>76</b>

A case tracker in spreadsheet format can be found at Annex 3

## **8. Conclusion**

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

**STANDARDS COMMITTEE WORKPLAN 2022-2023**

Report title	Report author
<i>Tuesday 12<sup>th</sup> April 2022 4pm</i>	
Committee on Standards in Public Life – a review of Local Government ethical standards and the Government response  Update – local hearing on Investigation	Michael Hewitt  Michael Hewitt
<i>Tuesday 12<sup>th</sup> July 2022 4pm</i>	
Update – local hearing on investigation into complaint  Auditors report  Revision of arrangements for dealing with Code of Conduct complaints  Annual report of the Standards Committee	Michael Hewitt  Shaine Lewis  Shaine Lewis  Shaine Lewis
<i>Tuesday 11<sup>th</sup> October 2022 4pm</i>	
CANCELLED	
<i>Tuesday 24<sup>th</sup> January 2023 5pm</i>	
CANCELLED	

**To be considered** - Councillors Model Code of Conduct LGA training resource pack

**Every meeting** – Report on the assessment of complaints  
  
Workplan



## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS –JULY 2022**

#### **1. Introduction**

- 1.1 Under the Localism Act 2011, the Bath, and North East Somerset Council (“the Council”) must have in place “Arrangements” under which allegations that a member or co-opted member of the Council, or of a committee or Sub-Committee of the Council, has failed to comply with the Code of Conduct for Members (“the Code”) can be investigated and decisions made on such allegations.
- 1.2 Principal councils such as Bath and North East Somerset Council are also required by law to have arrangements in place to investigate and determine code of conduct complaints against councillors of a town or parish council in the district in relation to any allegation of a breach of the code adopted by that body.
- 1.3 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of the Council or a Town or Parish Council has failed to comply with the Code and sets out how the Council will deal with such allegations.
- 1.4 The person making the complaint will be referred to as the “Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
- 1.5 No Member or officer will participate in any stage of the Arrangements if they have, or may have, any personal conflict of interest in the matter.
- 1.6 These Arrangements provide for the Council to appoint at least one Independent Person, whose views must be sought before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member or co-opted member against whom an allegation has been made.

#### **2. The Code**

- 2.1 The Code was adopted by the Council in May 2021 and is available on the Council's website. A paper copy of the Code is available on written request to the Standards Committee Clerk, Bath and North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.
- 2.2 Each Parish/Town Council is also required to adopt a Code of Conduct, which can be requested from the Parish/Town Council Clerk, or which may be available via their website if they have one.

#### **3. Making a complaint**

- 3.1 A complaint must be made in writing by post or email to: -

The Monitoring Officer  
Bath and North East Somerset Council  
Guildhall

High Street  
Bath  
BA1 5AW

OR

[Councillor-Complaints@bathnes.gov.uk](mailto:Councillor-Complaints@bathnes.gov.uk)

- 3.2 The standard complaint form should be used. This can be obtained from the Monitoring Officer or downloaded from the Council's website in order that all required information is included.
- 3.3 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering these arrangements.
- 3.4 The Monitoring Officer will normally acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member will, where possible, have access to an Independent Person to offer an impartial view to assist them in responding to the complaint. That Independent Person will not be the same Independent Person assisting the Monitoring Officer.
- 3.5 The Subject Member may, within 10 working days of receipt, make written representations to the Monitoring Officer which must be considered when deciding how the complaint will be dealt with. Representations received after this time may be considered, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the Complaint Initial Assessment.

#### **4. Confidentiality**

- 4.1 If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.
- 4.2 As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. In exceptional circumstances, however, the Monitoring Officer may, at the request of the Complainant and supported by evidence, withhold the Complainant's identity provided the Monitoring Officer is satisfied that the Complainant has reasonable grounds for believing that they (or any witness to the facts of the complaint) may be at real risk of physical harm. Further, that their employment may be at risk or medical evidence suggests there are medical risks associated should their identity be disclosed.
- 4.3 If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, the Complainant will be offered the option to withdraw the complaint rather than proceed with his or her identity being disclosed.

#### **5. Will the complaint be investigated?**

- 5.1 Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, investigating a complaint involves spending public money as well as the cost of officer and Member time. The Council, therefore, adopts a proportionate approach having regard to all the circumstances and bearing in mind the sanctions which can be imposed if a Subject Member is found to be in breach of the Code. Ultimately the performance of Members in terms of how they represent their Wards is a matter for the electorate to decide should a Subject Member seek re-election.
- 5.2 The Monitoring Officer will review the complaint and, after consultation with the Independent Person and Independent Chair, take one of three decisions:
  - 5.2.1 Take no action
  - 5.2.2 Seek to resolve the complaint informally
  - 5.2.3 Refer the complaint for investigation.
- 5.3 A decision will normally be taken within 20 working days of receipt of a complaint.
- 5.4 A complaint will normally be rejected if:
  - 5.4.1 It is not against one or more named Members or co-opted Members of Council or a Town/Parish Council within the Council's area.
  - 5.4.2 The Subject Member was not in office at the time of the alleged conduct/or a Code of Conduct was not in force at the time.
  - 5.4.3 The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.
- 5.5 If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally, or take no action:
  - 5.5.1 Whether a substantially similar allegation has previously been made by the Complainant to the Standards Committee, or the complaint has been subject of an investigation by another regulatory authority.
  - 5.5.2 Whether the complaint is about something that happened over 6 months ago as those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in acting now.
  - 5.5.3 Whether the allegation is anonymous.
  - 5.5.4 Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and: -
    - 5.5.4.1 The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations.
    - 5.5.4.2 Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation.
  - 5.5.5 Whether the complaint appears to be malicious, vexatious, politically motivated, or tit-for-tat.

5.5.6 Whether the complaint suggests that there is a wider problem throughout the authority.

5.5.7 Whether it is apparent that the subject of the allegation has apologised for making an error and the matter would not warrant a more serious sanction.

5.5.8 Whether training or conciliation would be the appropriate response.

5.6 The Monitoring Officer may require additional information to assist them in reaching a decision and may request additional information from the Subject Member. Where the complaint relates to Town/Parish Councillor, the Monitoring Officer will inform and may also seek information from the Clerk of the Town/Parish Council.

5.7 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that their conduct was unacceptable and offering an apology or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

5.8 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer will refer the matter to the police and other regulatory agencies.

5.9 Both the Complainant and Subject Member will be notified by way of an Initial Assessment Notice.

## **6. Further Investigation**

6.1 If the Monitoring Officer decides that a complaint merits further investigation they may conduct the investigation themselves although an investigating officer will normally be appointed who may be another senior officer of the Council, an officer of another Council or an external investigator (“the Investigating Officer”).

6.2 The Investigating Officer will write to the Subject Member and Complainant to provide them with a copy of the complaint and ask them to provide their explanation of events and details of any supporting documentation or witness they may wish to rely on. The Investigating Officer will decide whether they wish to interview the parties and what, if any, supporting information is taken in to account.

6.3 Where the Monitoring Officer has decided to keep an identity confidential the names and addresses will be redacted from the papers disclosed to the Subject Member.

6.4 Prior to concluding an investigation the Investigating Officer may discuss the matter in confidence with the Independent Person and Independent Chair before producing a draft report (“the Investigation Report”). Copies of the draft Investigation Report will be circulated to the Subject Member and Complainant in confidence giving them both the opportunity to correct any factual inaccuracies.

6.5 Having received and taken account of any comments on the draft Investigation Report the Investigating Officer will send the finalised report to the Monitoring Officer.



## **7. What happens if the Investigation Report concludes there is no evidence of a failure to comply with the Code?**

- 7.1 The Monitoring Officer will review the Investigation Report and following consultation with the Independent Person, if satisfied that the Investigation Report is satisfactory, will within 10 working days confirm by way of Decision Notice the finding of no failure to comply with the Code.
- 7.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Town/Parish Council, where the complaint relates to a Town/Parish Councillor), with a copy of the Decision Notice including the Investigating Officer's final report (target timescale 10 working days).
- 7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion. (This should be done within 10 working days).

## **8. What happens if the Investigation Report concludes there is evidence of a failure to comply with the Code?**

- 8.1 The Monitoring Officer will review the Investigation Report and will then either send the matter for a hearing before the Standards Committee or after consulting the Independent Person seek a Local Resolution.
- 8.2 The decision as to how to proceed will be made by the Monitoring Officer following consultation with the Independent Person and Independent Chair and will be final.

## **9. Local Resolution**

- 9.1 If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing the Independent Person, Independent Chair and the Complainant will be consulted in order to seek agreement on what is considered to be a fair resolution which also helps to ensure higher standards of conduct in the future. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology and/or other remedial action. If the Subject Member accepts the suggested resolution the Monitoring Officer will report the outcome to the next scheduled Standards Committee (and the Clerk to the Town/Parish Council if appropriate) for information. No further action will be taken. (Timescale: 10 working days of Complaint Initial Assessment).
- 9.2 If the Complainant or the Subject Member refuse Local Resolution in principle, refuse to engage with an agreed outcome or the Monitoring Officer concludes a Local Resolution cannot be reached the complaint will be referred for a Local Hearing to determine whether or not the Code was breached without further reference to the Complainant or Subject Member. (Target Timescale: 15 working days).
- 9.3 At the local resolution stage it is essential that the Monitoring Officer receives Independent, candid and uncensored advice from the Independent Person and Independent Chair to assist the Monitoring Officer in their decision making. It is necessary also to receive a Complainant's candid views on a suitable resolution. Accordingly, in reliance upon section 36 Freedom of Information Act 2000, all advice and views will be treated in confidence and therefore not subject to disclosure to avoid the risk of inhibition and to maintain the effectiveness of the Council's complaint

process and the prospect of early local resolution that might otherwise be undermined.

## **10. Local Hearing**

- 10.1 A Local Hearing is not a Court process but in order to be fair to everyone there is a procedure to be followed. Information about the Standards Committee can be found at Annex A and information on the Hearing Procedure for the Standards Committee can be found at Annex B
- 10.2 If after a Local Hearing the Standards Committee conclude the Subject Member did not fail to comply with the Code the complaint will be dismissed. That will be an end to the matter.
- 10.3 If after a Local Hearing the Standards Committee concludes the Subject Member failed to comply with the Code the Chair will inform the Subject Member of this finding and the Standards Committee will then consider what action, if any, should be taken as a result of the failure to comply with the Code. In doing this, the Subject Member will have an opportunity to make representations and the Independent Person(s) will be consulted.
- 10.4 The Council has delegated to the Standards Committee the power to act in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may –
  - 10.4.1. Publish its findings in respect of the Member's conduct.
  - 10.4.2. Report its findings to Council (or to the Town/Parish Council) for information.
  - 10.4.3. Recommend to Council that the Member be censured.
  - 10.4.4. Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council.
  - 10.4.5. Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from their Portfolio responsibilities.
  - 10.4.6. Instruct the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for the Member.
  - 10.4.7. Recommend to Council (or recommend to the Town/Parish Council) that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Town/Parish Council).
  - 10.4.8. Withdraw (or recommend to the Town/Parish Council that it withdraws) facilities provided to the Member by the Council for a specified period, such as a computer, website and /or email and Internet access.
  - 10.4.9. Exclude (or recommend that the Town/Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

10.4.10. Require an apology in suitable terms to the Complainant/the Council.

- 10.5 The Standards Committee has no power to suspend or disqualify the Subject Member.
- 10.6 Within 10 working days the Monitoring Officer will prepare a formal Decision Notice and send a copy to the Complainant, to the Subject Member (and to the Parish/Town Council if appropriate).
- 10.7 The Decision Notice will be published as part of the minutes of the Standards Committee meeting and placed on the Council's website unless the Monitoring Officer determines that it should remain confidential, or it contains exempt information.

## **11. Appeals**

- 11.1 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Committee.
- 11.2 If a Complainant feels that the Council has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman. The Local Government Ombudsman will not, however, consider complaints made by people in their capacity as councillors (against other councillors) and complaints about failures to disclose disclosable pecuniary interests as these may be criminal matters for the police to investigate.

## **12. Revision of these arrangements**

- 12.1 The Committee may by resolution agree to amend these arrangements and delegate to the Chair of the Standards Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter, following consultation by the Chair with the Monitoring Officer and the Independent Persons.

## INFORMATION ABOUT THE STANDARDS COMMITTEE

### 1. Membership of the Standards Committee

- 3 Independent Members (elected every 4 years) (Non-Voting Members)
- 5 B&NES Councillors (Appointments will be made having regard to rules on political proportionality) (Voting Members)
- 3 Parish/Town Councillors (nominated by the B&NES Local Councils group) (Non-Voting Members)

### 2. Constitution of the Standards Committee when considering a Local Hearing

When the Standards Committee is conducting a Local Hearing, the quorum for the Committee will comprise of 5 members. At least one member will be an independent member and where the Local Hearing relates to the conduct of a Town/Parish Council member, one member must be a town/parish council representative. The Standards Committee is chaired by an Independent Member until voting when the Chair will be taken by the B&NES Councillor allocated as Chair at Council (see Para 7.1 in annex b).

The Independent Person is invited to attend all meetings of the Standards Committee and their views must be sought and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### 3. The Independent Person

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

3.1. Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons.

3.2. Are or have been within the past 5 years, a member, co-opted Member or officer of a town/parish council within the Council's area, or

3.3. Are a relative or close friend, of a person within paragraph above. For this purpose, "relative" means –

3.4. Spouse or civil partner;

3.4.1. Living with the other person as husband and wife or as if they were civil partners.

3.4.2. Grandparent of the other person.

- 3.4.3. A lineal descendent of a grandparent of the other person.
- 3.4.4. A parent, sibling, or child of a person within paragraphs or.
- 3.4.5. A spouse or civil partner of a person within paragraphs
- 3.4.6. Living with a person within paragraphs as husband and wife or as if they were civil partners.

**LOCAL HEARING PROCEDURE OF THE STANDARDS' COMMITTEE****1. Interpretation**

The Code	The Code of Conduct for Members
Complainant(s)	The person/people making the complaint
Subject Member	The councillor, co-optee, parish or town councillor against whom an allegation has been made
Appointed Representative	The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Standards Committee, another person.
Independent Person	An Independent Person will be invited by the Monitoring Officer to attend the Standards Committee and their views are sought and taken into consideration before any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code and any action to be taken following a finding of failure to comply with the Code. <b>The Independent Person remains independent of the standards process.</b>
Investigating Officer	The person appointed by the Monitoring Officer to undertake a formal investigation. The Investigating Officer may be another officer of the Council, an officer of another council or an external investigator.
Legal Advisor	The officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the Council.
Committee	The Standards Committee.

**2. Pre-Local Hearing process**

- 2.1 The Monitoring Officer will invite the Subject Member to give their written response to the Investigation Report and identify any agreed or disputed facts. This will assist in narrowing the issues in dispute at the Local Hearing.
- 2.2 The Subject Member will be required to identify any witnesses they wish to call.
- 2.3 The Subject Member will be required to provide the dates upon which both they and their witnesses will be unable to attend a Local Hearing.
- 2.4 The Committee, taking account of the advice of the Monitoring Officer, may issue directions for the Local Hearing including timetabling and witness attendance. Directions may be finalised by way of correspondence and issued beforehand or at a Local Hearing.

- 2.5 Any Committee meeting dealing with pre-hearing processes will be held in private without the Complainant or Subject Member present.

### **3. Documentation**

- 3.1 Local Hearings of the Committee are subject to the normal rules for publication of Council agendas and access to information.
- 3.2 The agenda papers for the Local Hearing will include:
- Monitoring Officer report
  - Complaint form and documentation
  - Investigator's report
  - Subject Councillor's written response
  - For reference: Code of Conduct, Arrangements for Dealing with Complaints about the Code of Conduct, and the Local Hearing Procedure for the Standards Committee
- 3.3 The agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Committee agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard.
- 3.4 If the Committee agrees that the meeting should be held in public the Investigation Report will be made available to the press and public in attendance at the meeting.

### **4. At the Local Hearing**

#### **Representation**

- 4.1 The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person. The Monitoring Officer should be given prior notification where a Subject Members is to be represented

#### **Legal Advice**

- 4.2 The Committee may take legal advice, in private, if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee should be shared with the Subject Member and the Investigating Officer if they are present.

#### **Procedural Issues**

- 4.3 After all members of the Committee and others present have been introduced the chair will explain how the Committee is to proceed.

- 4.4 A Local Hearing will ordinarily follow normal Council meeting procedures. For example, introductions, apologies, declaration of interests and a request that the Monitoring Officer/Investigating Officer introduce the matter to be determined.
- 4.5 If the Subject Member (or appointed representative) is not present the Committee will consider whether to hear the case in absence or defer to another time or date. If the Subject Member has indicated the hearing should continue in absence this will normally happen.
- 4.6 The Committee will resolve any outstanding issues or disagreements about the conduct of the Local Hearing that were not resolved during the pre-hearing process.

### **Findings of Fact**

- 4.7 If there is no disagreement about the facts the Committee will move on to establish whether or not the Subject Member failed to follow the Code
- 4.8 If the Subject Member disagrees with any fact in the Investigation Report without having given notice under the pre-Local Hearing process, they must give good reason why it has been raised at this late stage. After considering the Subject Member's representation the Committee may:
- Continue with the Local Hearing on the facts as presented in the Investigation Report.
  - Allow the Subject Member to make representations on the issue and invite the Investigation Officer to respond with or without witnesses.
  - Defer the Local Hearing in the public interest to enable witnesses and or the Investigation Officer to attend should they be absent.
- 4.9 If there is disagreement on the facts the Investigating Officer will be invited to make any representations and with the Committee's permission call witnesses. The Committee may give the Subject Member an opportunity to challenge any witness evidence put forward by the Investigating Officer.
- 4.10 The Subject Member will have the opportunity to make representations in support of their version of the facts and call witnesses with the Committee's permission. The Investigating Officer may challenge any witness evidence put forward by the Subject Member.
- 4.11 The Committee may at any time question those involved including witnesses and the Investigating Officer.
- 4.12 The Committee, together with the Legal Advisor, will usually move to a private room to consider the representations and evidence.
- 4.13 On their return, the chair will announce the Committee's findings of fact.



## **Deciding whether the Subject Member failed to follow the Code**

- 5.1 The Subject Member will be invited to give a statement as to why the Committee should conclude they have not failed to follow the code.
- 5.2 The Committee will ask the Investigating Officer for any verbal or written representations.
- 5.3 At any time the Committee may question those making representation.
- 5.4 The Subject Member will be invited to make any relevant closing remarks.
- 5.5 The Committee, together with the Legal Advisor, will usually move to a private room to consider the representations.
- 5.6 On their return, the chair will announce the Committee's decision as to whether the Subject Member failed to follow the Code.

## **If the subject member has not failed to follow the Code of Conduct**

- 6.1 If the Committee concludes that the Subject Member did not fail to comply with the Code it will dismiss the complaint and no further action will be taken. In that event, the Committee may still make general recommendations to the Council, Town or Parish Council on any remedial actions if considers necessary to address the issues raised in all the circumstances.

## **If the subject member has failed to follow the Code of Conduct**

- 6.2 If the Committee determines that the Subject Member has failed to comply with the Code the Chair will inform the Subject Member of this finding. The Independent Person will be invited to give their views on the matter and these views will be recorded in the minutes of the meeting. The Chair of the Committee will also explain the reasons why any advice from the Independent Person has or has not been followed in reaching its decision.
- 6.3 The Committee will then consider what action, if any, should be taken as a result of a finding of failure. The Committee will give the Subject Member an opportunity to make representations on any action and the Independent Person will also be consulted in deciding what action, if any, to take. The Independent Person will not act in the capacity of advocate for any party to the proceedings.
- 6.4 The Committee will then deliberate in private to consider what if any sanction to impose and if so, what that sanction should be.
- 6.5 On their return the Chair will announce the Committee's decision.

## **Voting**

- 7.1 When determining whether the Subject Member has failed to comply with the Code and what sanction should be imposed the standards committee will take an indicative vote of all the Non-Voting Members of the hearing panel. The indicative vote will inform the Voting Members decision which is subject to separate vote by Voting members only. The Voting Members of the panel are limited to the B&NES Councillors.

## **Recommendations**

- 8.1 The Committee will consider whether it should make any recommendations to the Council, Town, or Parish Council with a view to promoting high standards of conduct among Members.

## **The Written Decision**

- 9.1 The Committee will announce its decision on the day and a Decision Notice will be issued within 10 working days of the Committee.

## **Departure from this procedure**

- 10.1 The Chair of the Committee has the right to depart from this procedure, in consultation with the Monitoring Officer or Legal Advisor, at any hearing where it is considered appropriate to deal with the case fairly and effectively.

## Standards Committee - Appendix 3 to Annual Report - July 2023

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
<b>2022</b>								
10-22 BANES	10.04.22	MoP	Cllr	1	Initial assessment by MO and IP	03.05.22	No Breach	Complete
11-22 BANES	07.04.22	Cllr	Cllr	2	Initial assessment by MO and IP	17.06.22	NFA	Complete
12-22 BANES	12.05.22	Cllr	Cllr	2 & 9	Initial assessment by MO and IP	17.06.22	No Breach	Complete
13-22 BANES	13.06.22	MoP	Cllr	9	Initial assessment by MO and IP	30.06.22	No Breach	Complete
14-22 RTC	02.08.22	MoP	Cllr	5	Initial assessment by MO and IP	12.10.22	NFA	Complete
15-22 BANES	10.08.22	MoP	Cllr	1	Initial assessment by MO and IP	12.10.22	NFA	Complete
16-22 BANES	20.08.22	Cllr	Cllr	2	Initial assessment by MO and IP	11.10.22	NFA	Complete
17-22 BANES	09.12.22	MoP	Cllr	9	Initial assessment by MO and IP	08.02.23	NFA	Complete
18-22 BANES	27.12.22	MoP	PCllr	1	Initial assessment by MO and IP	08.02.23	Take no action/rejected	Complete
<b>2023</b>								
01-23 A & B BANES	11.01.23	MoP	Cllr	No response so not being investigated	Initial assessment by DMO and IP	16.03.2023	Take no action/rejected	Complete
02-23 BANES	12.01.23	MoP	Cllr	5	Initial assessment by DMO and IP	15.03.23	Take no action/rejected	Complete
03-23 BANES	23.02.23	MoP	Cllr	1 & 2 & 5	Initial assessment by DMO and IP	24.03.23	Take no action/rejected	Complete
04-23 BANES	24.02.23	MoP	Cllr	1 & 2	Initial assessment by MO and IP	09.03.23	NFA	Complete
05-23 BANES	01.03.23	MoP	Cllr	5	Initial assessment by MO and IP		Take no action/rejected	Complete
06-23 BANES	07.03.23	Cllr	Cllr	1 & 2 & 5	Initial assessment by MO and IP	24.03.23	NFA	Complete

## KEY

P Cllr - Parish Councillor. MoP - Member of the Public. Cllr - BANES Councillor  
O - Officer

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## Bath and North East Somerset Council

### Full Council meeting 20 July 2023

#### Liberal Democrat Group Motion on Knife Crime

##### To be proposed by Cllr Paul May

Council:

1. Is horrified by incidents of knife crime in Bath and North East Somerset and expresses deepest sympathy to the families and friends of the victims and to all those people who are affected.
  2. Notes the Police instruction against reporting, commentary or sharing of information or images online which could in any way prejudice proceedings. Notes that any juvenile defendants are legally entitled to anonymity, and that it is an offence to publicly name them while reporting restrictions are in place.
  3. Thanks Police officers, the Ambulance service and other public services for their response.
  4. Welcomes the support offered to young people locally by the emergency services, Children's and Adults social care, voluntary and community organisations and others.
  5. Notes with concern that some young people are becoming increasingly afraid of knife crime.
  6. Notes that Avon and Somerset Police say the vast majority of young people do not routinely carry knives.
  7. Welcomes the preventative work carried out in partnership with the Council by the Police, NHS, Council services, youth and voluntary organisations, and other agencies to tackle the complex root causes of knife crime.
  8. Recognises the vital role of the B&NES Community Safety and Safeguarding Partnership and Violence Reduction Unit; the Serious Violence Duty of councils and local services, including preparation of a Strategic Needs Assessment and a Strategy by April 2024.
  9. Notes the importance of continuing regular engagement between the Council, Police, and the Police and Crime Commissioner.
  10. Recognises the importance of education to divert young people away from crime and keep them safe and calls for information and support to continue to be provided through schools and other educational settings.
  11. Recognises that Avon and Somerset Police participate in Operation Sceptre, a national initiative to tackle knife crime through education and enforcement.
  12. Notes that the Police encourage parents and adults to talk with young people about the dangers and potentially devastating consequences of carrying a knife.
- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
  - *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

13. Notes that knife surrender bins are provided outside Police stations across the area, including in Bath, Radstock and Keynsham.
14. Supports Police and charity efforts to make emergency bleed control kits publicly accessible and to raise awareness of the role these can play in saving lives.
15. Notes that the BCSSP (B&NES Community Safety and Safeguarding Partnership) and Violence Reduction Unit will need to consider the multi-agency response and will determine next steps.
16. Welcomes the proposal by the Children, Adults, Health and Wellbeing PDS Panel to hold an investigation into the issue of young people and knives in B&NES.
17. Suggests that young people impacted by these issues, and their families, should be invited to give evidence of their experiences and inform responses.
18. Welcomes the proposal from the Cabinet member for Children's Services of holding a multi-agency meeting to brief and listen to parent concerns.

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*