

Council

Date: Thursday 30th November 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 30th November 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:

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

NOTES:

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

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

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

3. Recording at Meetings:-

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

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

4. Public Speaking at Meetings

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

The public may also submit questions, which must be received by 5pm four working days before the day of the meeting.

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, 30th November, 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 - 21ST SEPTEMBER 2023 (Pages 7 - 12)

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. 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.

8. LOCAL COUNCIL TAX SUPPORT CHANGES 2024/25 (Pages 13 - 18)
9. COUNCIL TAX - LONG TERM EMPTY PROPERTY PREMIUM (Pages 19 - 22)
10. COUNCIL TAX - SECOND HOMES (Pages 23 - 26)
11. HOUSING BENEFIT WAR PENSION DISREGARD POLICY (MODIFIED SCHEME) (Pages 27 - 34)
12. TREASURY MANAGEMENT PERFORMANCE REPORT TO 30TH SEPTEMBER 2023 (Pages 35 - 56)
13. REVIEW OF POLLING DISTRICTS & POLLING PLACES 2023 (Pages 57 - 80)
14. ANNUAL REPORT OF AVON PENSION FUND COMMITTEE (Pages 81 - 108)
15. ANNUAL REPORT OF THE CHARITABLE TRUST BOARD (Pages 109 - 112)
16. ANNUAL REPORT ON THE REGULATION OF INVESTIGATORY POWERS ACT RIPA (2000) & INVESTIGATORY POWERS ACT IPA (2016) (Pages 113 - 156)
17. MOTION FROM THE GREEN GROUP - VISION ZERO (Pages 157 - 160)
18. MOTION FROM THE LIBERAL DEMOCRAT GROUP - CLIMATE COMMITMENTS (Pages 161 - 162)
19. MOTION FROM THE LABOUR GROUP - GET ME HOME SAFELY (Pages 163 - 164)
20. 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.

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 21st September, 2023

Present:- **Councillors** Michael Auton, Alex Beaumont, Colin Blackburn, Alison Born, Anna Box, Deborah Collins, Paul Crossley, Chris Dando, Mark Elliott, Sarah Evans, Fiona Gourley, Kevin Guy, Alan Hale, Ian Halsall, Dave Harding, Liz Hardman, Gavin Heathcote, Saskia Heijltjes, Oli Henman, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Grant Johnson, Samantha Kelly, Hal MacFie, Ruth Malloy, Lesley Mansell, Matt McCabe, Sarah Moore, Ann Morgan, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Toby Simon, Shaun Stephenson-McGall, George Tomlin, Malcolm Treby, Karen Walker, Sarah Warren, Tim Warren CBE, Andy Wait, David Wood and Joanna Wright

Apologies for absence: **Councillors** Tim Ball, David Biddleston, Jess David, Steve Hedges, George Leach, John Leach, Paul May, Robin Moss and Alison Streatfeild-James

35 EMERGENCY EVACUATION PROCEDURE

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

36 DECLARATIONS OF INTEREST

There were no declarations of interest made.

37 MINUTES - 20TH JULY 2023

On a motion from Councillor Eleanor Jackson, and seconded by Councillor Liz Hardman, it was

RESOLVED that the minutes of 20th July 2023 be confirmed as a correct record and signed by the Chair.

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

At the request of the Chair, Council stood for a minute's silence in recognition of the recent death of Jane Tapper, former B&NES Councillor for Weston from 1999 – 2003 and Bill Carruthers, former Labour Council for Westfield, for the same period.

39 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

40 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

Statements were made by the following people;

Chad Allen made a statement about English ivy. He explained how it takes over buildings, trees, walls, telegraph/lighting poles and can cause significant damage. He called on the Council to acknowledge that action was needed to remove this hazard. The statement was referred to the relevant Cabinet Member.

Jeff Manning made a statement, supporting a petition from the residents of Foxhill, which called on the Council to take a radical fresh look at its working relationship with Curo. He cited various examples of recent problems and called for closer engagement to resolve issues. A copy of the statement is linked to the online minutes and placed on the Minute book. In response to an offer from Councillor Kevin Guy to meet him and the ward member, Mr Manning replied that he would welcome that. Councillor Joanna Wright asked Mr Manning for his view of the mental health implications on residents if there were poor quality services, to which he replied that the effect was significant on the individuals and the community. The statement was referred to the relevant Cabinet Member.

Gavin Hambrey spoke on behalf of the Bath Riverside Residents' Association gull action group, and in his own capacity, about urban gulls. He outlined the problems they caused, the steps they had taken to improve the situation and called for further measures to reduce the negative impact gulls have on local residents. Councillor Kevin Guy asked if Mr Hambrey considered that Local Authorities need more power to deal with this issue; to which he responded that what was key was getting Natural England to understand the impact gulls are having on people. Councillor Grant Johnson asked what else might be done, taking into consideration that their protected status prevents the use of greater control measures. Mr Hambrey replied that the regulatory approach from Natural England needed looking at, and called for a collective voice about potential law changes. Councillor June Player asked if Mr Hambrey agreed that the Council should be engaging more robustly at a senior level to address the residents' concerns, to which he replied that he did agree. Councillor Tim Warren asked if egg removal was taking place, to which Mr Hambrey replied that targeted removal was taking place but the numbers were very limited, required a separate regulatory process each time and were funded privately by the management company. Councillor Joanna Wright asked if it would be helpful for the Council to host a portal where residents could register gull activity; Mr Hambrey replied that he believed there was already an arrangement such as this but anything that could be done to make that more widely known and used would be helpful. A full copy of the statement is linked to the online minutes and placed on the Minute book. The statement was referred to the relevant Cabinet Member.

Matt Cooper made a statement about the merits of switching to a plant-based diet and urged the Council to prioritise plant-based food options wherever they could. A copy of the statement is linked to the online minutes and placed on the Minute book. In response to a question from Councillor Kevin Guy, Mr Cooper confirmed that he would be pleased to meet with Councillor Sarah Warren to discuss this. Councillor Grant Johnson asked Mr Cooper if this proposal was not counterintuitive to a sustainable diet as it would lead to greater deforestation to provide enough protein and higher levels of waste. Mr Cooper referred the councillor to the National Food strategy and the Committee on Climate Change, both of which state that a significant reduction in meat and dairy options are necessary in order to meet our Paris climate

obligations. Councillor Joanna Wright asked which other Councils had committed to this and what type of measures were involved. Mr Cooper replied that 12 Councils had passed a motion to move towards plant based eating. Oxfordshire County Council had adopted this fully, and various other Councils including Leeds, Norwich and Exeter were taking steps such as no meat on certain days or no meat for internal events. The statement was referred to the relevant Cabinet Member.

The Chair thanked the members of the public for their statements.

41 YOUTH JUSTICE PLAN 2023-24

Council considered the Youth Justice Plan for 2023-24 which had been previously considered by the Children, Adults, Health & Wellbeing Policy Development and Scrutiny Panel and supported by Cabinet.

On a motion from Councillor Paul May, seconded by Councillor Liz Hardman, it was unanimously

RESOLVED to

1. Agree that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board for England and Wales.
2. Adopt the Youth Justice Plan as part of the Council's Policy and Budget Framework that can be accommodated within the Council budget; and
3. Note that the Youth Offending Service Partnership Board is responsible for ensuring delivery of the Plan.

42 CORPORATE AUDIT COMMITTEE ANNUAL REPORT AND TERMS OF REFERENCE

The Council considered the annual report of the Corporate Audit Committee for its activity in 2022 - 2023, and a small amendment to the Committee Terms of Reference.

On a motion from Councillor Mark Elliott, seconded by Councillor Lucy Hodge, it was unanimously

RESOLVED that

1. The Annual Report of the Corporate Audit Committee is noted; and
2. The revised Corporate Audit Committee Terms of Reference are approved.

43 POLICY DEVELOPMENT AND SCRUTINY ANNUAL REPORT 2022-23

The Council considered the annual report of the work of the Policy Development & Scrutiny Panels for 2022-2023.

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Lucy Hodge, it was

RESOLVED to note the contents of the Policy Development and Scrutiny Annual Report 2022-2023.

[Notes:

1. The above resolution was carried with two Councillors abstaining.]

44 MOTION FROM THE CONSERVATIVE GROUP - ANIMAL WELFARE

This item had been withdrawn.

45 MOTION FROM CLLR HAL MACFIE - REMOVING KERB & RAISED SURFACES IN KEYNSHAM HIGH STREET CONTRAFLOW CYCLE LANE

This item had been withdrawn.

46 MOTION FROM THE LIBERAL DEMOCRAT GROUP - STAFF SAFETY

The Council considered a motion concerning staff safety.

On a motion from Councillor Sam Kelly, and seconded by Councillor Sarah Evans, it was

RESOLVED that

Council backs the new Violence, Aggression, Threatening and Challenging Behaviour (Staff Safety) Policy, which is being rolled out by Bath and North East Somerset Council, and the associated campaign to tackle unacceptable, violent, and aggressive behaviour towards Council workers.

47 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

Council noted the questions and responses that had been circulated.

Councillor Dave Harding made a statement about rural buses in the Chew Valley. He explained that the Demand Responsive Transport arrangement was not reliable or regular and people were becoming isolated, missing appointments, concerned about losing jobs etc. A recent WECA Mayor event had been disappointing for all the residents that had attended. Councillor Fiona Gourley, as Member Advocate for Rural Communities, has now drafted a petition calling for reliable public transport to be restored in North East Somerset and he urged all Councillors to support this. Councillor Joanna Wright asked if Councillor Harding would be signing the 'Take the West of England buses back into public control' petition which 2360 people have signed so far, to which he replied that he had not yet seen the petition. Councillor Fiona Gourley asked if Councillor Harding considered it appropriate that the WECA Mayor has spent £8 million pounds on free birthday buses for areas where services already exist and £4 million pounds on branding, when there are entire areas of B&NES who have lost their bus service. Councillor Harding responded by referring councillors to a National Centre for Public Research paper published in 2020

prepared for the Department of Transport entitled “Impact of interventions encouraging a switch from cars to more sustainable modes of transport” in which it says that interventions that used temporary financial or other rewards do little to encourage change once the reward has ended.

On closing the meeting, the Chair permitted Councillor Eleanor Jackson to check if Councillor Harding was aware of the statement she had made at the May 2023 meeting on this subject and the petition from Mrs Harrington, to which he confirmed that he had been present at that meeting, but would be happy to receive any relevant information from Councillor Jackson.

The meeting ended at 7.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 th November 2023	
TITLE:	Local Council Tax Support changes 2024/25	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		

1 THE ISSUE

Council is asked to decide whether to make changes to the Local Council Tax Support scheme rules for residents who receive Universal Credit.

2 RECOMMENDATION

The Council is asked to agree the proposals put forwards in this report.

3 THE REPORT

- 3.1 Local Council Tax Support (LCTS) is a support scheme for low-income households to reduce the amount of council tax payable. Households in B&NES who receive Universal Credit receive a discount based on their total weekly household income, depending on where this falls between specific income bands.
- 3.2 Since this approach was introduced in B&NES from 2017, the council has counted all of the claimant and partner's income in the assessment of weekly household income, including the Housing Costs and Childcare elements of Universal Credit. Feedback from residents, staff and welfare rights organisations has suggested that this approach causes problems for households, and as part of the manifesto commitment of the Liberal Democrat party in B&NES, an internal review into the current scheme was carried out.
- 3.3 The findings of this review concluded that there was an imbalance in the amount of support received across different households in B&NES, where households who received the highest amount of support towards their council tax bills were

predominantly those who did not receive the Housing Cost element of Universal Credit. The Housing Cost Element of Universal Credit is paid in respect of rental costs.

The argument put forwards by residents and welfare rights organisations is that these costs are intended to be used to pay for rent and should not count as part of the claimant's available income to pay their council tax. A similar argument can be made in respect of childcare costs, which relate to reclaiming childcare expenditure already paid out by residents.

Feedback from staff and residents has also highlighted that the current council tax reductions by income band are inconsistently weighted, and there is significant drop in support from 50% to zero once the claimant's income increases beyond the final income band.

Officers also looked at the impacts of the current rules requiring a minimum payment from the poorest households, and how this can lead to the use of court action and enforcement agents in recovering these debts.

- 3.4 Officers have modelled the costs of disregarding the Housing Costs and Childcare elements whilst keeping the current income bands and percentage reductions in place, however the costs of doing this would exceed £1M, and so it is considered that this would be unaffordable and due to the fact that council tax support is effectively funded through alterations to the tax base, this would ultimately impact on the services which are provided to residents.
- 3.5 The proposals put forward are to therefore make changes to the current income band amounts, to align these with the standard allowance of Universal Credit, to re-align the percentage reductions in support so that there is a more regular reduction in support as weekly household income increases between income bands, and to introduce an income band which gives 100% support to the poorest households.
- 3.6 The current and proposed percentage reductions and income band amounts are displayed below for information purposes, and as with the current scheme these weekly amounts will be increased by £50 per child in each household, subject to a maximum of two children. The lowest income bands for single person and couple households will be changed to reflect the standard allowance of Universal Credit in 2024/25 when these figures are confirmed by DWP.

CURRENT RATES

Single person			Couple		
Income From	Income To	Discount	Income From	Income To	Discount
0	110.09	90%	0	135.09	90%
110.1	220.19	85%	135.1	245.19	85%
220.2	330.29	80%	245.2	355.29	80%
330.3	385.34	70%	355.3	410.34	70%
385.35	440.39	50%	410.35	465.39	50%
440.4		0%	465.4		0%

PROPOSED RATES

Single person			Couple		
Income From	Income To	Discount	Income From	Income To	Discount
0	85.09	100%	0	133.57	100%
85.1	185.09	85%	133.58	233.57	85%
185.1	285.09	60%	233.58	333.57	60%
285.1	335.09	40%	333.58	383.57	40%
335.1	385.09	20%	383.58	433.57	20%
385.1		0%	433.58		0%

4 STATUTORY CONSIDERATIONS

Section 13A of the Local Government Finance Act 1992 requires the Council to have a scheme specifying reductions that apply to Council tax payable by persons who the Council considers to be in financial need or classes of persons who, in general, the Council considers are in financial need. This report seeks to propose ways in which the current scheme could be changed to enable it to be more equitable and seeks to take account of representations made by representative bodies about the fairness of the current scheme.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 It is estimated that the proposed changes to the scheme will increase the amount of support provided to 2,768 current LCTS recipients, whilst reducing the amount of support provided to 1,127 recipients. The net cost of these changes is estimated to be around £225,000. This is within the normal tolerances of the fluctuating costs of the scheme, as individual household circumstances and income change over time. This will be factored into the council tax base and council tax income generation calculations for 2024/25, and the Fire and Police authorities have been informed of the estimated impact on their income and asked to respond to the public consultation.
- 5.2 The proposed changes would mean a reduction in support for approximately 1,127 households. This could lead to a surge in demand for discretionary awards to help with increased council tax bills from those who will be adversely impacted by the changes. This has been communicated to the S151 officer as a possible strain on the Welfare Support budget in 2024/25.

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 main risk is that the estimated costs of the changes will prove to be inaccurate. Officers have carefully modelled the costs at household level; however, this can only be carried out using a snapshot of data on a particular date, and household circumstances may change throughout the year. External factors such as managed migration to Universal Credit may also impact the cost

of the scheme, and this information will be factored into the council tax base and council tax income calculations for 2024/25.

7 EQUALITIES

- 7.1 A full Equality Impact assessment (EIA) has been carried out and is available as a background paper via the council's public website <https://beta.bathnes.gov.uk/equality-impact-assessments>. This has highlighted that there may be some adverse impacts amongst socio-economic disadvantaged groups, such as owner-occupiers who are unable to work and therefore increase their income to enable them to pay their increased council tax liability. This will be mitigated by signposting and encouraging these residents to apply for discretionary council tax support from the council's Welfare Support team.
- 7.2 The EIA also identified that a reduction in support may disproportionately impact the wellbeing of certain groups who are more susceptible to poor mental health. It is therefore recommended that specific correspondence be issued to households who may be worse off under the proposed changes, to highlight the mental health and wellbeing support available to residents. Internally, staff who are likely to receive contact from this group of residents in the Council Tax and Welfare Support teams will receive guidance on signposting residents to appropriate mental health support, and practical financial support.

8 CLIMATE CHANGE

This proposal does not impact on climate change.

9 OTHER OPTIONS CONSIDERED

- 9.1 Officers modelled the costs and impacts of introducing changes to disregard the relevant elements of Universal Credit and retain the current income band amounts and percentage reductions, however this would increase the costs of the scheme by over £1.04M, and so would have a noticeable impact on the council tax base and council tax income which is used to fund council services. This option has therefore been ruled out.
- 9.2 Council may also decide not to go ahead with these proposals and retain the current scheme rules.

10 CONSULTATION

- 10.1 A public consultation exercise was carried out between 6th October 2023 and 12th November 2023, hosted on the council's public website <https://beta.bathnes.gov.uk/consultation-changes-council-tax-support/consultation-changes-council-tax-support>.

This included extensive details of the proposed changes, with detailed case studies based on real life examples of how different households would be affected.

4,087 letters were also sent to all LCTS recipients who would be impacted by the changes, setting out the percentage reduction they currently receive, and what

percentage reduction they might receive if the changes were agreed and implemented. A detailed analysis of consultation responses is available as a background paper and a summary of the 199 individual responses is as follows.

Should the council disregard the Housing Costs element of Universal Credit?	
Yes	57%
Not Sure	14%
No	29%

Do You think the council should disregard the Childcare Element of Universal	
Yes	46%
Not Sure	36%
No	18%

Do you think the proposed changes will be good or bad for you?	
Good	52%
Not sure	11%
Bad	37%

10.2 Themes which emerged from the responses from those who supported the proposed changes included that it would help with the respondent's mental health and stress, that it would help residents with cost-of-living pressures and overwhelmingly that the elements of Universal Credit should be ringfenced for the specific purposes they were provided.

Themes which emerged from responses opposed to the proposals included that it would impact residents already suffering from cost-of-living pressures, that it is not fair to reduce support from one group to increase it for another, and that it would adversely impact the respondent personally, and they would not be able to afford their increased bill.

10.3 Two organisational responses were received, from the Royal British Legion, and Citizens Advice Bath and North East Somerset. Although both responses are included in the detailed analysis, the response from Citizens Advice is most relevant to this report and included the following points.

- *The proposed new scheme is much simpler and easy to follow, and we believe that more CT payers who are entitled will use it.*
- *The proposals remove these items as income and make the scheme much fairer. We think this will encourage people to pay.*
- *It is not fair that renters in social and private housing are treated differently regarding CT support and support the adjustment proposed.*
- *Single people and couples are often the poorest households with no income flexibility and often no recourse to discretionary or charitable funds. We support the proposed new 100% band.*

- *We believe the proposed changes may have the potential to reduce cynicism amongst the public and encourage greater confidence in the Council and greater democratic involvement.*

10.4 As a result of the consultation responses further correspondence will be issued to households adversely affected by the changes to encourage residents to apply for discretionary support from the council's Welfare Support team where they cannot afford to pay their bill.

Residents will also be signposted to appropriate wellbeing and mental health support through organisations detailed on the Livewell site, and employment support and debt advice through services such as Future bright and Citizens Advice Bath and North East Somerset.

10.5 Further consultation was carried out through the Corporate Policy Development and Scrutiny panel, with precepting authorities, and the council's S151 Officer and Monitoring Officer.

Contact person	Damian Peak 01225 396613
Background papers	<i>LCTS consultation response Analysis</i> <i>Equalities Impact Assessment for LCTS proposals 2024 to 2025</i>
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 November 2023	
TITLE:	Council Tax – Long Term Empty Property Premiums	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

Council has the discretion to amend the council tax premium charged for long-term empty properties and encourage the return of empty dwellings for occupied homes.

2 RECOMMENDATION

Council is asked to;

- 2.1 Increase the council tax empty homes premium to 100% for properties empty for between one and five years (currently between two and five years), from 1 April 2024.

3 THE REPORT

- 3.1 Section 2 of the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 provides councils with the discretion to increase the percentage of council tax payable in respect of long term empty properties, up to 300% in some instances.
- 3.2 Since 1st April 2021, Bath & NE Somerset charge a 100% council tax premium on domestic properties empty for between two and five years, 200% for properties empty for between five and ten years and 300% for more than ten years, as an incentive to bring them back in to use.

- 3.3 On 26 October 2023, The Levelling-Up and Regeneration Act 2023 (The Act) received Royal Assent and Section 72 permits councils to charge a long term empty premium of 100% after one year, rather than after two years, prior to section 72 coming into force.
- 3.4 The rationale behind increasing the premium is to provide owners with a further incentive to bring empty homes back in to use, thus supporting the aims of the Council's Empty Residential Homes Policy.
- 3.5 The council currently have 162 empty homes subject to a 100% council tax long term empty premium, 40 subject to 200% and 20 attracting a 300%. This compares with 183, 54 and 24 on 1st April 2021, supporting the aim of bringing properties back in to use.
- 3.6 There are currently around 340 properties on our council tax records which have been empty for between one and two years and would fall under the amendment under Section 72 of The Act.
- 3.7 If the start date of the council tax long term empty premium is adopted from 1st April 2024 as per the recommendation in this report, the estimated additional yield of council tax for these 340 properties is £670,000, of which the Council's share would be approximately £540,000.

4 STATUTORY CONSIDERATIONS

- 4.1 This report has been written in accordance with the provisions of Section 11B Local Government Finance Act 1992, as amended by The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 as amended by The Levelling-Up and Regeneration Act 2023.
- 4.2 Consideration has also been given to the council's Empty Residential Homes Policy 2018 and the implications long term empty properties have on residents living in their locality.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The recommendations in the report will further incentivise owners of long term empty properties to return them to occupation, thus increasing homes available in accordance with the council's Empty Residential Homes Policy.
- 5.2 The numbers of long term empty properties have shown to decrease with the application of the council tax long term empty premiums (see 3.5 above) , the recommendations in this report will deliver an estimated additional council tax yield of around £670,000, the Council's share after excluding the amount relating to the Police, Fire and Parishes is estimated at £540,000.
- 5.3 If the proposed changes are agreed, the revised premiums will be factored into the Council Tax Taxbase calculations for 2024/2025 and the Council Tax income estimates used as part of setting the revenue budget.

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 An equalities Impact Assessment has been undertaken in accordance with Council Policy.

8 CLIMATE CHANGE

- 8.1 The subject matter of this report does not have any impact on climate change.

9 OTHER OPTIONS CONSIDERED

- 9.1 The council could continue with the current start date of two years prior to applying a 100% council tax long term empty premium. However, it would not further incentivise owners to bring their empty properties back in to use or provide the Empty Properties Officer further leverage in delivering the Empty Residential Homes Policy.

10 CONSULTATION

- 10.1 The S151 Officer and the Monitoring Officer have been consulted on these proposals.

Contact person	Carl Thomas-Roberts 01225 395452 carl_thomas-roberts@bathnes.gov.uk
Background papers	none
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 November 2023	
TITLE:	Council Tax – Second Homes	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

Council has the discretion to charge additional council tax of up to 100% on all second homes within Bath & North East Somerset from 1st April 2025.

2 RECOMMENDATION

Council is asked to;

2.1 Increase the council tax for all second homes by 100% from 1 April 2025.

3 THE REPORT

3.1 On 26 October 2023, The Levelling-Up and Regeneration Act 2023 (The Act) received Royal Assent and Section 73 of The Act provides councils the discretion to charge additional council tax of up to 100% on all residential dwellings which are occupied periodically, substantially furnished and no one is resident for council tax purposes i.e. second homes.

3.2 The negative impact of an increase in second home ownership can be measured in terms of the supply of homes available to meet local housing need. Furthermore, evidence from the National Housing Federation as well as local residents being priced out of the housing market.

- 3.3 The rationale behind increasing council tax on second homes is to encourage lower levels of second home ownership or to increase contributions for those who continue to own second homes to help fund vital local services.
- 3.4 Under Section 73(2)(3), any decision to increase the council tax on second homes must be made at least one year prior to the beginning of the financial year from which it relates, hence can only take effect from 1st April 2025 at the earliest.
- 3.5 There are currently 858 properties on our council tax records which are classified as a second home and would fall under the amendment under Section 73 of The Act.
- 3.6 If the recommendation to increase council tax by 100% in 2.1 above is adopted from 1st April 2025, the estimated additional yield of council tax for these 858 properties is £1.84m, of which the Council's share would be approximately £1.48m.
- 3.7 Should Council agree the recommendation, a notice will be published in a local newspaper within 21 days of the decision date.

4 STATUTORY CONSIDERATIONS

- 4.1 This report has been written in accordance with the provisions of The Levelling-Up and Regeneration Act 2023, which inserts Section 11C to The Local Government Finance Act 1992.
- 4.2 Consideration has also been given to the council's Empty Residential Homes Policy 2018, the implications second homes have on residents living in their locality and the availability of housing stock for local people.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The recommendations in the report will either incentivise owners of second homes to sell them, thus returning them to local housing stock or increase contributions to the council and help fund vital services.
- 5.2 The recommendations in this report will deliver an estimated additional council tax yield of around £1.84m, the Council's share after excluding the amount relating to the Police, Fire and Parishes is estimated at £1.48m.
- 5.3 If the proposed changes are agreed, the revised levy will be factored into the Council Tax Taxbase calculations for 2025/2026 and the Council Tax income estimates used as part of setting the revenue budget.

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 An equalities Impact Assessment has been undertaken in accordance with Council Policy.

8 CLIMATE CHANGE

- 8.1 The subject matter of this report does not have any impact on climate change.

9 OTHER OPTIONS CONSIDERED

- 9.1 The council could continue charging standard council tax on second homes or apply a lower levy than 100%. However, it would reduce the incentive for owners to sell their properties; thus providing additional homes for local housing need and prevent local people being priced out of the market.

10 CONSULTATION

- 10.1 The S151 Officer and the Monitoring Officer have been consulted on these proposals.

Contact person	Carl Thomas-Roberts 01225 395452 carl_thomas-roberts@bathnes.gov.uk
Background papers	none
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 st November 2023	
TITLE:	Housing Benefit War Pension Disregard Policy (Modified scheme)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Housing Benefit War Pension Disregard Policy (Modified scheme)		
Extract from Grant Thornton HBAP Report 2021/22		

1 THE ISSUE

To formally adopt a policy to disregard War Pension income in the assessment of Housing Benefit.

2 RECOMMENDATION

Council is asked to adopt the policy included in the appendix to this report which gives officers a direction to disregard War Pension income in the assessment of Housing Benefit.

3 THE REPORT

- 3.1 The Housing Benefit regulations 2006 make provision for the disregard of the first £10.00 of War Pension income in the assessment of Housing Benefit entitlement. The Social Security Contributions and Benefits Act 1992 makes further provision that Local Authorities may modify the Housing Benefit scheme by disregarding a further amount or all War Pension Income as part of a local policy.
- 3.2 Since Bath and North East Somerset Council was first established, the custom of disregarding this income in full has been carried out by staff assessing Housing Benefit entitlement.
- 3.3 It has been noted on the council's annual Housing Benefit Assurance Process (HBAP) audit report for benefit paid out in respect of 2021/22, that the council was unable to evidence the decision to adopt a local policy to disregard War Pension income, and so it is necessary for the council to formally record its local policy of disregarding this income in full in the assessment of Housing Benefit.

There is already a corresponding disregard of this income in the council's Local Council Tax Support scheme rules.

4 STATUTORY CONSIDERATIONS

The legislation which covers these arrangements is as follows:

- The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5
- Housing Benefit (Persons who have attained the age qualifying for the State Pension Credit) Regulations 2006 paragraph 33(9) and schedule 5
- Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.
- The Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) prescribe which pensions and payments are in scope for the local policy.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

Because the council has been disregarding this income in full in previous years, there are no additional resource implications.

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 There is a risk that if the council does not adopt this policy and record this decision that officers undertaking Housing Benefit assessments will not be able to continue to disregard this income, or if it continues to be disregarded that the council's external auditor will qualify the Housing Benefit subsidy claim for benefit paid out in 2022/23 and subsequent years. This would have financial costs for the council and is a reputational risk.

7 EQUALITIES

An Equalities Impact Assessment has not been carried out because the new policy does not make any changes to the current practices which have been in place for many years.

8 CLIMATE CHANGE

This policy does not impact on climate change.

9 OTHER OPTIONS CONSIDERED

None

10 CONSULTATION

S151 Officer, Monitoring Officer, Cabinet Member for Resources.

Contact person	Damian Peak 01225 396613
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Bath and North East Somerset Housing Benefit War Pension Disregard Policy (Modified Scheme)

Introduction

The Housing Benefit Regulations 2006, make provision for the first £10.00 of income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme to be disregarded in any benefit assessment. The cost of this £10.00 disregard is fully reimbursed to the Council.

The Social Security Administration Act 1992 gives the Council discretion to disregard any amount it chooses in addition to the £10.00 disregard, in accordance with its approved Modified Scheme. The Council has decided to use this provision and will fully disregard income which claimants receive under the War Widows (Widowers) and War Disablement Scheme. The cost of this further disregard will be met by the council.

The council's policy

The council will disregard 100% of funds received as War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards in the assessment of Housing Benefit.

This is intended to ensure that members of the armed forces who have been disabled during service, or widows, widowers, or the surviving civil partner of those who died in the service of their country, should not be penalised by having the pensions or payments made in relation to their service taken into account in the calculation of their Housing Benefit entitlement.

This will also ensure that income paid via these funding streams is treated consistently when assessing entitlement to Housing Benefit and Local Council Tax Support. It will also promote a clear and transparent assessment methodology, and provide clarity to reporting accountants on the council's approval of the disregard.

Administration of the scheme

A statutory disregard of £10.00 applies from current payments of War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme in accordance with the Housing Benefit Regulations 2006. These payments and pensions are set out in the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended) and are as follows.

- War disablement pension
- War Widows/widower's pension
- Guaranteed Income Payments (GIP's) under the Armed Forces and Reserve Forces Compensation Scheme (AFRFCS) payments
- Service Attributable Pension (SAP) injury or illness attributable to service on or before April 1975
- Any comparable payment paid by Government of a country outside Great Britain
- A pension paid under the law of the Federal Republic of Germany or Austria to victims of National Socialist Persecution.
The regulations do not include pre-1973 War Widow's Special Payments which are already disregarded in full.

When assessing entitlement to Housing Benefit the council will enhance these provisions by disregarding the War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme awards which attract the statutory disregard in full.

Appendix B – Observations

It is noted that the Council have been unable to supply evidence that their local discretionary scheme has been approved by full Council. The Council intends to formally approve a new policy at full Council.

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Bath & North East Somerset Council	
MEETING	Council
MEETING DATE:	30th November 2023
TITLE:	Treasury Management Performance Report to 30th September 2023
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Performance Against Prudential Indicators</p> <p>Appendix 2 – The Council’s Investment Position at 30th September 2023</p> <p>Appendix 3 – Average monthly rate of return for first half of 2023/24</p> <p>Appendix 4 – The Council’s External Borrowing Position at 30th September 2023</p> <p>Appendix 5 – Arlingclose’s Economic & Market Review Q2 of 2023/24</p> <p>Appendix 6 – Interest & Capital Financing Budget Monitoring 2023/24</p> <p>Appendix 7 – Summary Guide to Credit Ratings</p> <p>Appendix 8 – 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 the first half of 2023/24.

2 RECOMMENDATION

The Council agrees that;

- 2.1 The Treasury Management Report to 30th September 2023, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
- 2.2 The Treasury Management Indicators to 30th September 2023 are noted.

3 THE REPORT

Summary

- 3.1 The estimated average rate of investment return for 1st April 2023 to 30th September 2023 is 4.64%, which is in 0.09% below the benchmark rate of 4.73% over the period.
- 3.2 The Council's Prudential Indicators for 2023/24 were agreed by Council in February 2023 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 2023/24 is £1.110m under budget, due to higher than budgeted investment returns as a result of interest rate rises since budget setting, and also a delay to borrowing requirements and associated interest costs. The breakdown of the 2023/24 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 30th September 2023 is given in **Appendix 2**. The balance of deposits as at 30th September 2023 are set out in the charts in this appendix, along with the equivalent details for the previous quarters position for comparison.
- 3.5 Estimated gross interest earned on investments totalled £907k. **Appendix 3** details the investment performance, showing the average rate of interest earned over this period was 4.64%, which is below the benchmark rate of average 7-day SONIA (4.73%). 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 prior year comparators are also included in this appendix.

Summary of Borrowings

- 3.6 The Council's external borrowing as at 30th September 2023 totalled £218.1m and is detailed in **Appendix 4**. This includes £10m in new short-term loans taken out in April 2023 to cover the annual pension prepayment and to allow the Council to maintain its liquidity indicator above £15m. The summary of the movement in borrowing during the quarter is shown in the following table:

Borrowing Portfolio Movements	£m
Balance as at 30 th June 2023	219.111
New Loans Taken	0.000
PWLB Annuity Loan principal repayments	(0.967)
Balance as at 30 th September 2023	218.144

- 3.7 The Council's Capital Financing Requirement (CFR) is forecast to be £462.1m at 31st March 2024, based on the Capital Programme agreed in February 2023, including

both fully and provisionally approved schemes. The actual CFR at 31st March 2023 was £341m. 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.

- 3.8 The lower level of current borrowing of £218.1m represents re-investment of the internal balances including reserves, reducing the in-year borrowing costs in excess of the potential investment returns.
- 3.9 The Liability Benchmark in **Appendix 1** illustrates the gap between current borrowing and the liability benchmark. This gap is a useful guide to the optimal amount and duration of borrowing to minimise interest and credit risk. This is currently £109m and circa 20 years. This is lower than the CFR as it takes account the Council's ability to internally borrow to fund capital.
- 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 31st 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 3.6.

Strategic & Tactical Decisions

- 3.11 As shown in the charts in **Appendix 2**, the investment portfolio of £53.9m as at 30th September 2023 is diversified across Money Market Funds, Strategic funds, the Government's Debt Management Account Deposit Facility and in highly rated UK Banks. The Council uses AAA rated Money Market funds to maintain short term liquidity.
- 3.12 Of the Council's total investment portfolio, £10m is 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 and are intended to be held over a long period of time to help manage any price fluctuations.

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.

In the current economic environment of persistent high core inflation and interest rates, the value of equity, bonds and property have been falling, whereas yield has stayed strong. Expectation is that value will stabilise and start to recover once when there is certainly that peak interest rates have been reached. The fair value of our strategic investments has decreased from £8.78m as at 31 March 2023 to £8.04m as at 30 September 2023. This is shown in the table below:

	CCLA Local Authorities Property Fund	FP Foresight UK Infrastructure Income Fund	VT Gravis Clean Energy Income Fund	Total
Historic Cost	5,000,000	3,000,000	2,000,000	10,000,000
Fair Value as at:				
30/09/2023	4,284,580	2,251,477	1,508,369	8,044,426
30/06/2023	4,330,486	2,354,436	1,626,336	8,311,258
31/03/2023	4,342,727	2,586,831	1,852,212	8,781,770
31/03/2022	5,199,881	3,065,260	2,045,847	10,310,988

This change in valuation does not have an impact on the revenue account due to a statutory override, and gains/losses will instead go to an unusable reserve. These will only be transferred 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. 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.

- 3.13 The Council's average investment return for short-term investments was 4.70%, which is 0.95% above the budgeted level of 3.75%. The average return for the £10m long-term strategic investments is 4.36%, 0.36% above the budgeted rate of 4%. The combined average return on all investments is 4.64%.

Investment Type/	Average YTD Investment Return
Short Term Investments Total	4.70%
Long Term Strategic Investments:	
CCLA Local Authorities Property Fund	4.13%
FP Foresight UK Infrastructure Income Fund	4.35%
VT Gravis Clean Energy Income Fund	4.83%
Long Term Strategic Investments Total (Est.)	4.36%
Overall Total	4.64%

- 3.14 The current forecast is to achieve £300k of additional income above the budgeted level by the end of the year. This is due to the impact of the higher than budgeted returns, and additional interest received from non-treasury activity.

Future Strategic & Tactical Issues

- 3.15 The Council's Treasury Management Advisor's economic and market review for the quarter two of 2023/24 is included in **Appendix 5**.
- 3.16 Interest rates have risen from 4.25% at 31 March 2023 to 5.25% as at 30th September 2023. At its meeting on 21st September 2023 the Bank of England's Monetary Policy Committee kept rates the same for the first time since 2021, in a vote of 5-4, leading to speculation that interest rates might have reached their peak. In fact, this is Arlingclose's view in their current interest rate forecast with a fall in rates not expected until August 2024 at the earliest.

- 3.17 The Council currently hold £20m in Lender Option Borrower Option (LOBO) debt, with an interest rate of 4.50%. Given the Bank rate is currently 5.25% and with longer term borrowing rates above 5%, there is an increasing risk that these interest rates will be increased/called at the next call date during October 2023. The Council have planned should this happen, and will look to repay and refinance the loan with a mix of long-term PWLB borrowing and short-term Local Authority borrowing.
- 3.18 Current cashflow forecasts indicate that the Council will need to borrow to fund its Capital Programme from January 2024, as internal balances reduce during the remainder of the year.

Budget Implications

- 3.19 The breakdown of the 2023/24 revenue budget and the forecast year end position for interest and capital financing, based on the period April to September 2023 is included in **Appendix 6**. An overall underspend of £1.110m is reported towards the Council's net revenue outturn, because of higher than budgeted investment income and a delay in borrowing.

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, and this report was presented to the November 2023 Committee.
- 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 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 3.12.

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.

Contact person	<i>Claire Read - 01225 47 7109; Jamie Whittard - 01225 47 7213</i> Claire_Read@BATHNES.GOV.UK ; Jamie_Whittard@BATHNES.GOV.UK
Background papers	<i>2023/24 Treasury Management & Investment Strategy</i>
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

1. 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.

	2023/24 Prudential Indicator	Actual as at 30 th September 2023
Operational boundary – borrowing	£433m	£218.1m
Operational boundary – other long-term liabilities	£4m	£0m
Operational boundary – TOTAL	£437m	£218.1m
Authorised limit – borrowing	£462m	£218.1m
Authorised limit – other long-term liabilities	£4m	£0m
Authorised limit – TOTAL	£466m	£218.1m

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**.

	2023/24 Prudential Indicator	Actual as at 30 th September 2023
	Rating	Rating
Minimum Portfolio Average Credit Rating	A-	AA+

* 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	2023/24 Prudential Indicator	Minimum During Quarter	Date of minimum
Minimum total Cash Available within 3 months	£15m	£30.0m	28-Sept-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.

	2023/24 Prudential Indicator	Actual as at 30 th September 2023
Upper limit on one-year revenue impact of a 1% rise in interest rates	+/- £1m	£0.357m
Upper limit on one-year revenue impact of a 1% fall in interest rates	+/- £1m	£0.357m

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 30 th September 2023
	%	%	%
Under 12 months	50	Nil	4.6
12 months and within 24 months	50	Nil	0.0
24 months and within 5 years	75	Nil	0.0
5 years and within 10 years	75	Nil	6.9
10 years and within 25 years	100	25	51.8
Over 25 years	100		36.7

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.

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

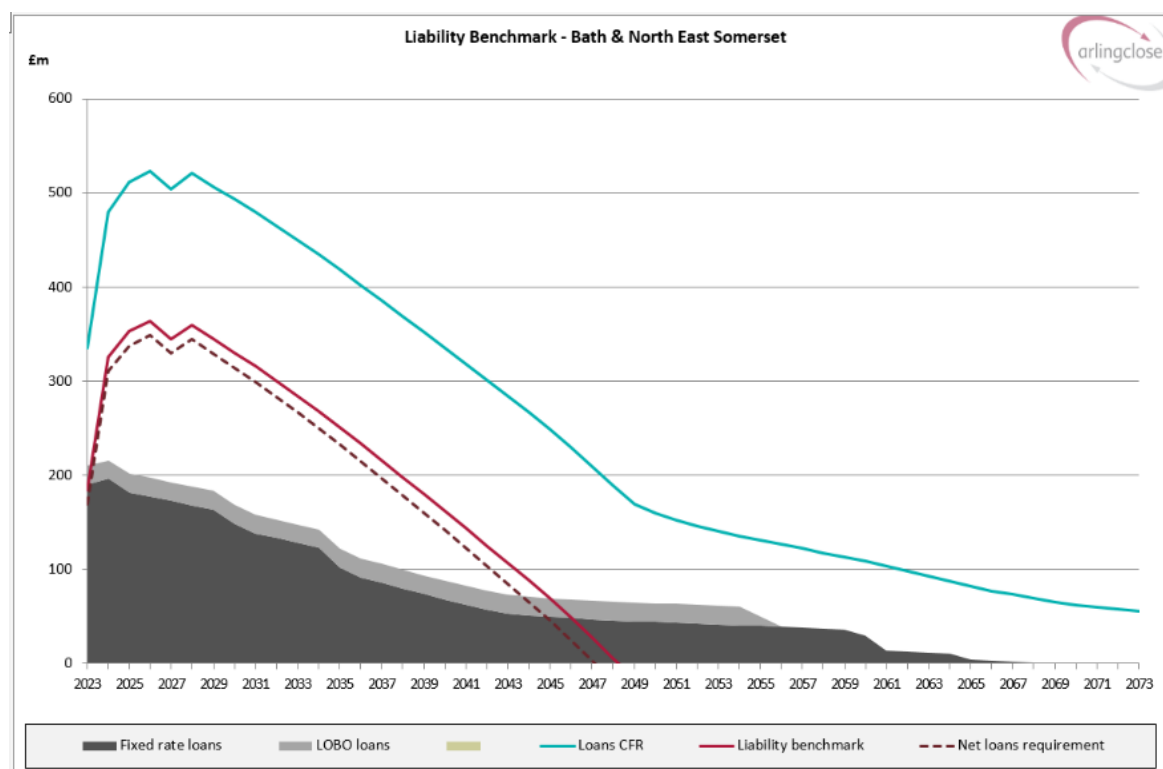
The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

Price risk indicator	2023/24 Prudential Indicator	Actual as at 30 th September 2023
Limit on principal invested beyond 31 st March 2024	£50m	£10m*
Limit on principal invested beyond 31 st March 2025	£20m	£10m*
Limit on principal invested beyond 31 st March 2026	£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.

7. Liability Benchmark

The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.



The difference between actual borrowing (the grey slopes) and the liability benchmark (the solid red line) shows that the Council is under borrowed by around £109m in 2023/24. When it comes to considering new borrowing this funding gap can be used as a guide to the optimal amount and length of borrowing required to minimise interest rate and credit risk.

APPENDIX 2

The Council's Investment position at 30th September 2023

The term of investments is as follows:

Term Remaining	Balance at 30 th September 2023	Comparator
		Balance at 30 th June 2023
	£m	£m
Notice (instant access funds)	31.40	37.85
Up to 1 month	7.50	5.00
1 month to 3 months	0.00	0.00
3 months to 6 months	5.00	0.00
6 months to 12 months	0.00	0.00
Strategic Funds	10.00	10.00
Total	53.90	52.85

The investment figure is made up as follows:

	Balance at 30 th September 2023	Comparator
		Balance at 30 th June 2023
	£m	£m
B&NES Council	50.77	50.00
Schools	3.13	2.85
Total	53.90	52.85

The Council had a total average net positive balance of £54.11m during the period April 2023 to September 2023.

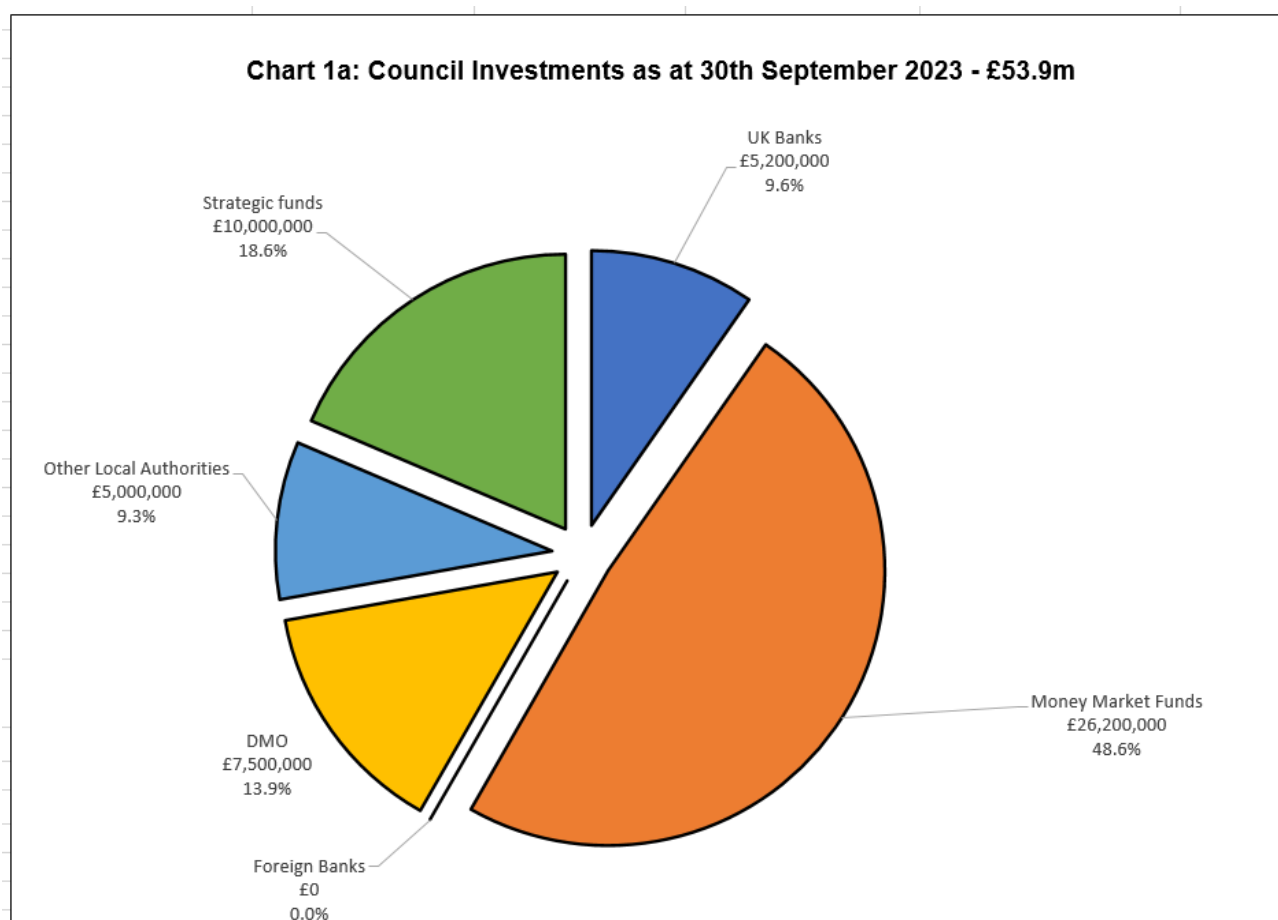
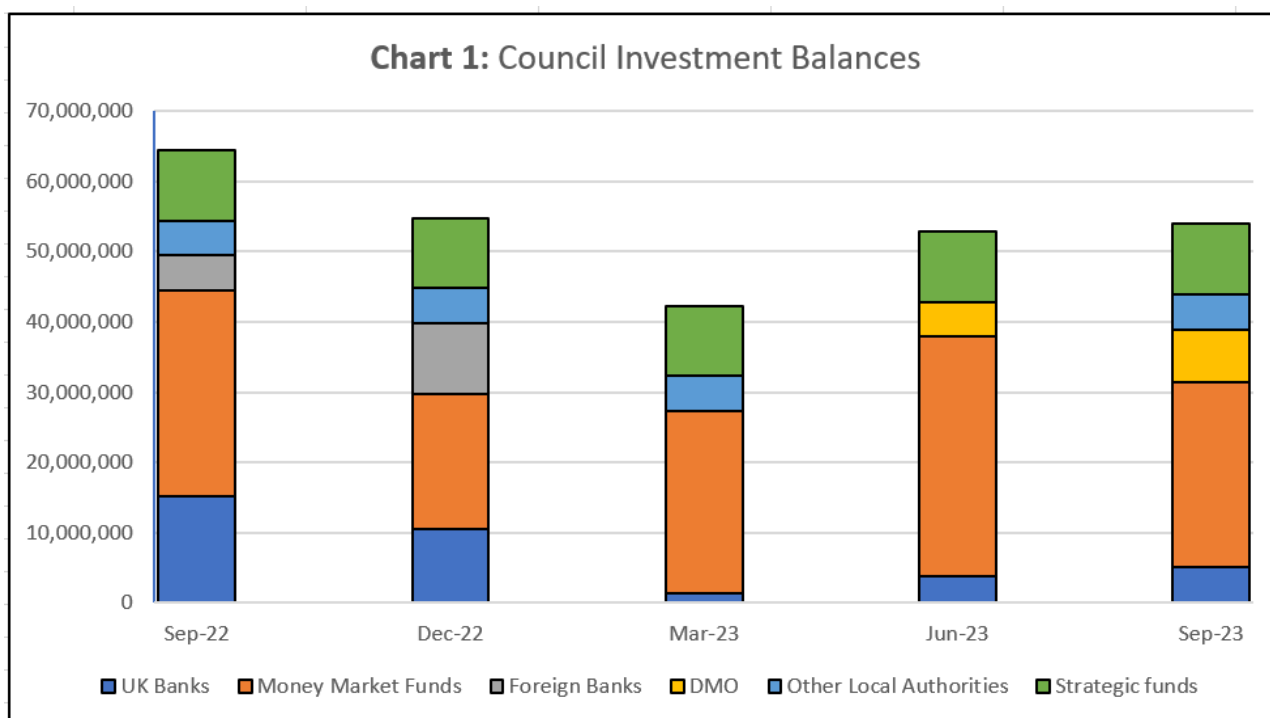


Chart 2: Council Investments Per Lowest Equivalent Long Term Credit Rating

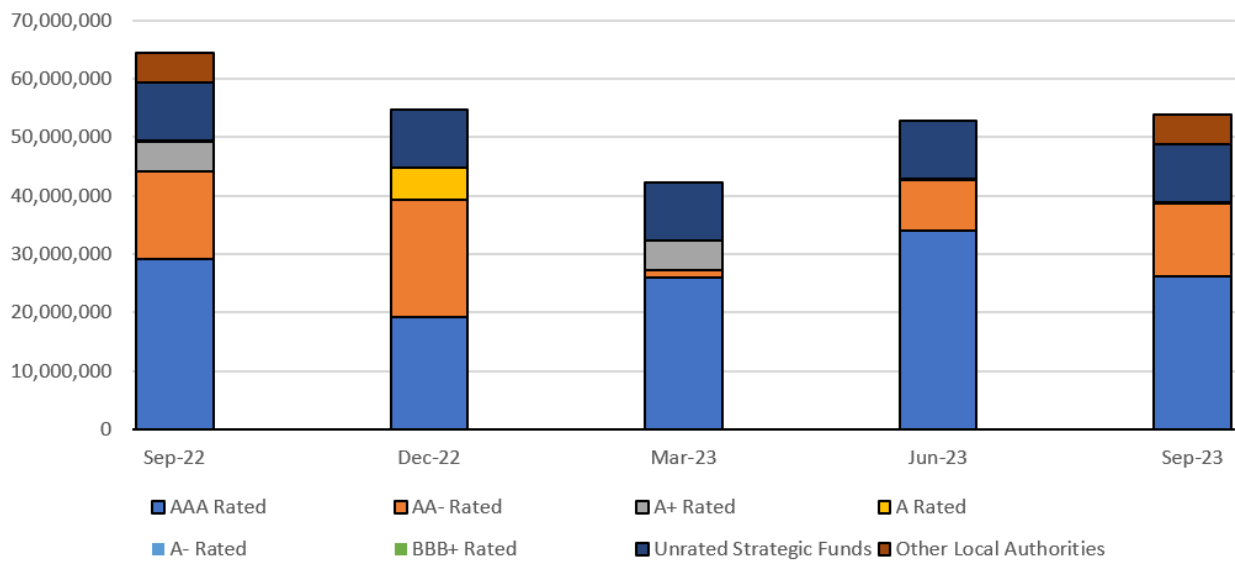
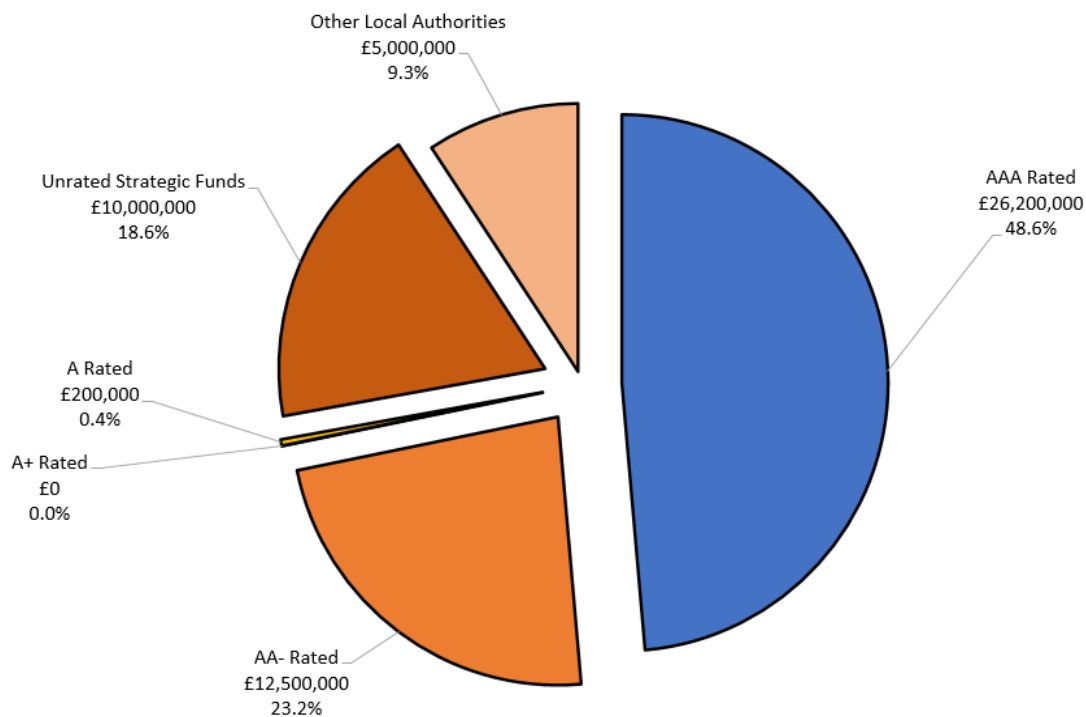


Chart 2a: Council Investments Per Lowest Equivalent Long Term Credit Rating as at 30th September 2023 £53.9m



APPENDIX 3

Average rate of return on investments for 2023/24

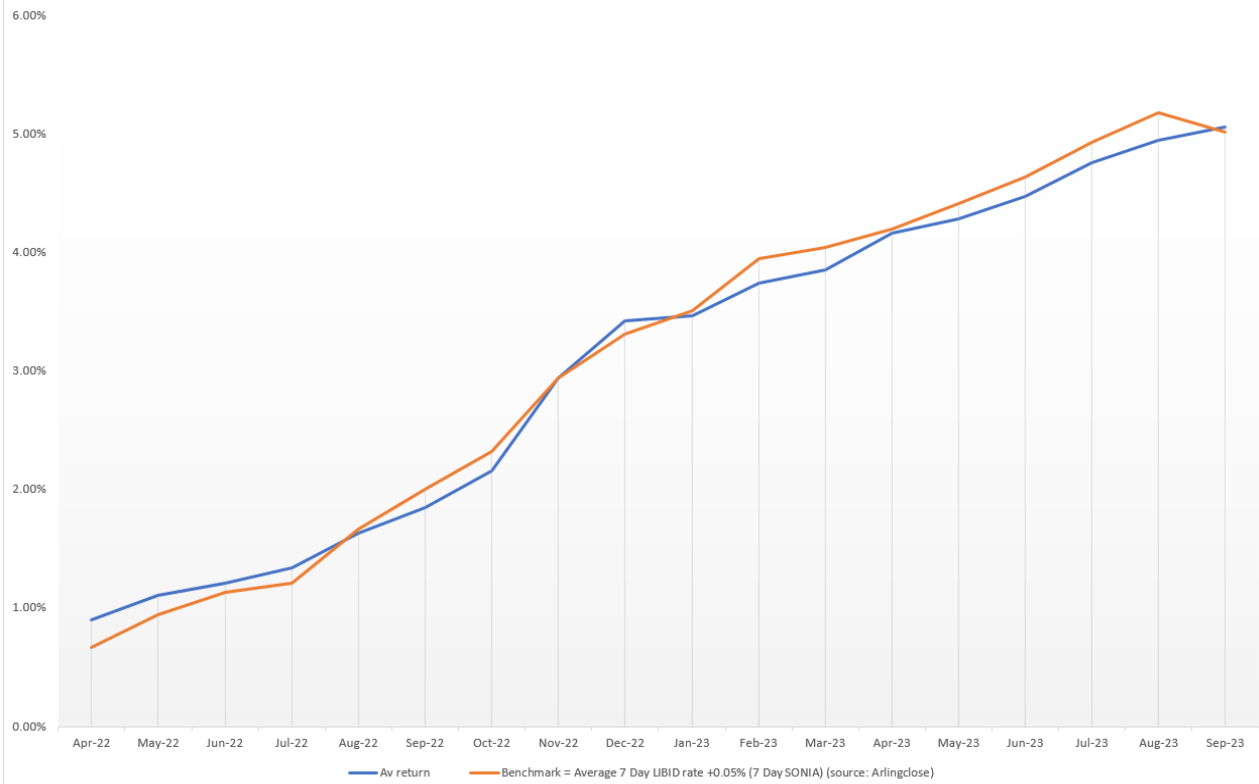
	Average rate of interest earned	Benchmark = Average 7 Day SONIA rate	Performance against Benchmark
April 2023	4.15%	4.20%	-0.04%
May 2023	4.28%	4.41%	-0.13%
June 2023	4.46%	4.64%	-0.17%
July 2023#	4.76%	4.93%	-0.17%
August 2023#	4.95%	5.18%	-0.23%
September 2023#	5.06%	5.02%	0.04%
Average	4.64%	4.73%	-0.09%

Includes **estimates** for Q2 Strategic Investments returns – actuals will not be known until after dispatch so will be updated in Q3 report

For Comparison, the average rate of return on investments for 2022/23 was as follows:

	Average rate of interest earned	Benchmark = Average 7 Day SONIA rate	Performance against Benchmark
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%
Average	2.09%	2.30%	-0.21%

Average Return on Investments 2022/23 & 2023/24 compared to Benchmark



APPENDIX 4

Council's External Borrowing at 30th September 2023

Lender	Amount outstanding @ 30th June 2023	Change in Quarter	Amount outstanding @ 31st August 2023	Start date	End date	Interest rate
	£	£	£			
Long term						
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	15,525,299	-	15,525,299	20/06/2016	20/06/2041	2.36%
PWLB508126	8,443,250	-	8,443,250	06/12/2018	20/06/2043	2.38%
PWLB508202	9,476,058	-	9,476,058	12/12/2018	20/06/2068	2.59%
PWLB508224	4,210,397	-	4,210,397	13/12/2018	20/06/2043	2.25%
PWLB505744	7,810,341	(196,274)	7,614,067	24/02/2017	15/08/2039	2.28%
PWLB505966	8,085,202	(171,528)	7,913,674	04/04/2017	15/02/2042	2.26%
PWLB506052	6,870,715	(145,906)	6,724,810	08/05/2017	15/02/2042	2.25%
PWLB506255	6,559,998	-	6,559,998	10/08/2017	10/04/2067	2.64%
PWLB506729	8,271,625	-	8,271,625	13/12/2017	10/10/2042	2.35%
PWLB506995	8,303,098	-	8,303,098	06/03/2018	10/10/2042	2.52%
PWLB506996	8,699,377	-	8,699,377	06/03/2018	10/10/2047	2.62%
PWLB507749	8,613,628	(163,510)	8,450,118	10/09/2018	20/07/2043	2.42%
PWLB508485	19,141,417	(113,497)	19,027,920	11/02/2019	20/07/2068	2.52%
PWLB509840	8,800,947	(176,123)	8,624,824	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%
Medium term						
West of England Combined	5,000,000	-	5,000,000	28/04/2023	26/04/2024	4.45%
Portsmouth C.C.	5,000,000	-	5,000,000	28/04/2023	26/04/2024	4.45%
Total Borrowing	219,111,351	(966,838)	218,144,513			

*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: UK inflation remained stubbornly high over much the period compared to the US and euro zone, keeping expectations elevated of how much further the Bank of England (BoE) would hike rates compared to the regions. However, inflation data published in the latter part of the period undershot expectations, causing financial markets to reassess the peak in BoE Bank Rate. This was followed very soon after by the BoE deciding to keep Bank Rate on hold at 5.25% in September, against expectation for another 0.25% rise.

Economic growth in the UK remained relatively weak over the period. In calendar Q2 2023, the economy expanded by 0.4%, beating expectations of a 0.2% increase. However, monthly GDP data showed a 0.5% contraction in July, the largest fall to date in 2023 and worse than the 0.2% decline predicted which could be an indication the monetary tightening cycle is starting to cause recessionary or at the very least stagnating economic conditions.

July data showed the unemployment rate increased to 4.3% (3mth/year) while the employment rate rose to 75.5%. Pay growth was 8.5% for total pay (including bonuses) and 7.8% for regular pay, which for the latter was the highest recorded annual growth rate. Adjusting for inflation, pay growth in real terms were positive at 1.2% and 0.6% for total pay and regular pay respectively.

Inflation continued to fall from its peak as annual headline CPI declined to 6.7% in July 2023 from 6.8% in the previous month against expectations for a tick back up to 7.0%. The largest downward contribution came from food prices. The core rate also surprised on the downside, falling to 6.2% from 6.9% compared to predictions for it to only edge down to 6.8%.

The Bank of England's Monetary Policy Committee continued tightening monetary policy over most of the period, taking Bank Rate to 5.25% in August. Against expectations of a further hike in September, the Committee voted 5-4 to maintain Bank Rate at 5.25%. Each of the four dissenters were in favour of another 0.25% increase.

Financial market Bank Rate expectations moderated over the period as falling inflation and weakening data gave some indication that higher interest rates were working. Expectations fell from predicting a peak of over 6% in June to 5.5% just ahead of the September MPC meeting, and to then expecting 5.25% to be the peak by the end of the period.

Following the September MPC meeting, Arlingclose, the authority's treasury adviser, modestly revised its interest forecast to reflect the central view that 5.25% will now be the peak in Bank Rate. In the short term the risks are to the upside if inflation increases again, but over the remaining part of the time horizon the risks are to the downside from economic activity weakening more than expected.

The lagged effect of monetary policy together with the staggered fixed term mortgage maturities over the next 12-24 months means the full impact from Bank Rate rises are still

yet to be felt by households. As such, while consumer confidence continued to improve over the period, the GfK measure hit -21 in September, it is likely this will reverse at some point. Higher rates will also impact business and according to S&P/CIPS survey data, the UK manufacturing and services sector contracted during the quarter with all measures scoring under 50, indicating contraction in the sectors.

The US Federal Reserve increased its key interest rate to 5.25-5.50% over the period, pausing in September following a 0.25% rise the month before, and indicating that it may have not quite completed its monetary tightening cycle.

Having fallen throughout 2023, annual US inflation started to pick up again in July 2023, rising from 3% in June, which represented the lowest level since March 2021, to 3.2% in July and then jumping again to 3.7% in August, beating expectations for a rise to 3.6%. Rising oil prices were the main cause of the increase. US GDP growth registered 2.1% annualised in the second calendar quarter of 2023, down from the initial estimate of 2.4% but above the 2% expansion seen in the first quarter.

The European Central Bank increased its key deposit, main refinancing, and marginal lending interest rates to 4.00%, 4.50% and 4.75% respectively in September, and hinted these levels may represent the peak in rates but also emphasising rates would stay high for as long as required to bring inflation down to target.

Although continuing to decline steadily, inflation has been sticky, Eurozone annual headline CPI fell to 5.2% in August while annual core inflation eased to 5.3% having stuck at 5.5% in the previous two months. GDP growth remains weak, with recent data showing the region expanded by only 0.1% in the three months to June 2023, the rate as the previous quarter.

Financial markets: Financial market sentiment and bond yields remained volatile, with the latter generally trending downwards as there were signs inflation, while still high, was moderating and interest rates were at a peak.

Gilt yields fell towards the end of the period. The 5-year UK benchmark gilt yield rose from 3.30% to peak at 4.91% in July before trending downwards to 4.29%, the 10-year gilt yield rose from 3.43% to 4.75% in August before declining to 4.45%, and the 20-year yield from 3.75% to 4.97% in August and then fell back to 4.84%. The Sterling Overnight Rate (SONIA) averaged 4.73% over the period.

Credit review: Having completed a review of its credit advice on unsecured deposits at UK and non-UK banks following concerns of a wider financial crisis after the collapse of Silicon Valley Bank purchase of Credit Suisse by UBS, as well as other well-publicised banking sector issues, in March Arlingclose reduced the advised maximum duration limit for all banks on its recommended counterparty list to 35 days. This stance continued to be maintained at the end of the period.

During the second quarter of the period, Moody's revised the outlook on Svenska Handelsbanken to negative from stable, citing concerns around the Swedish real estate sector.

Having put the US sovereign rating on Rating Watch Negative earlier in the period, Fitch took further action in August, downgrading the long-term rating to AA+, partly around ongoing debt ceiling concerns but also an expected fiscal deterioration over the next couple of years.

Following the issue of a Section 114 notice, in September Arlingclose advised against undertaking new lending to Birmingham City Council, and later in the month cut its recommended duration on Warrington Borough Council to a maximum of 100 days.

Arlingclose continued to monitor and assess credit default swap levels for signs of ongoing credit stress and although no changes were made to recommended durations over the period, Northern Trust Corporation was added to the counterparty list.

Heightened 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.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2023/24

April 2023 to September 2023	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Actual over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	8,873	8,073	(800)	FAV
- Internal Repayment of Loan Charges	(14,708)	(14,708)	0	-
- Ex Avon Debt Costs	910	900	(10)	FAV
- Minimum Revenue Provision (MRP)	11,164	11,164	0	-
- Interest on Balances*	(1,450)	(1,750)	(300)	FAV
Total	4,789	3,679	(1,110)	FAV

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

			Current Risk Score										Trend				
	Risk Nr	Description	Likelihood					Impact					This Period				Management Action
			1	2	3	4	5	1	2	3	4	5					
			L	M	H	L	M	H	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	12	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				4		16	16	16	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 (or future) resources.			3						4	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	

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 November 2023	
TITLE:	Review of polling districts and polling places 2023	
WARD:	All wards	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Polling districts and polling places, including proposed changes		
Appendix 2 – Copies of representations received		

1 THE ISSUE

- 1.1 The Council has conducted a review of polling districts and polling places, in preparation for the police and crime commissioner elections in May 2024 and the next parliamentary election, which is due to take place by January 2025.

2 RECOMMENDATION

The Council is asked to:

- 2.1 Approve the proposed changes to polling districts and polling places.**
- 2.2 Authorise the Electoral Registration Officer to take the necessary measures to give effect to any new or amended polling districts, ensuring that the electoral register published on 1 December 2023 reflects the proposed changes.**

3 THE REPORT

- 3.1 On Monday 23 October 2023 the Council published a notice of review of polling districts and polling places. Ward and parish councillors, as well as local electors, were invited to comment on the current polling scheme and to suggest any suitable and more accessible alternatives, if any were available. Views were also welcomed from any person or body with expertise in access for electors with any type of disability.
- 3.2 The deadline for representations was Monday 20 November 2023.
- 3.3 The Acting Returning Officer for the parliamentary constituency of Bath and the parliamentary constituency of North East Somerset and Hanham, and the Acting

Returning Officer for the constituency of Frome and East Somerset support the proposals for change which are detailed in Appendix 1.

- 3.4 In order to ensure consistency for electors voting in person at the polling station, changes to polling districts and polling places have been limited to those cases where an existing polling place is no longer available or where the voting experience at the polling place could be improved by reducing the maximum number of potential electors allocated to that polling place and thus reducing the risk of queues.
- 3.5 The proposed changes affect 12 wards: Bathwick, Combe Down, High Littleton, Keynsham North, Kingsmead, Lambridge, Moorlands, Paulton, Peasedown, Southdown, Walcot, Westmoreland. No changes are proposed for Bathavon North, Bathavon South, Chew Valley, Clutton & Farmborough, Keynsham East, Keynsham South, Lansdown, Mendip, Midsomer Norton North, Midsomer Norton Redfield, Newbridge, Odd Down, Oldfield Park, Publow & Whitchurch, Radstock, Saltford, Timsbury, Twerton, Westfield, Weston, Widcombe & Lyncombe.
- 3.6 The most extensive changes relate to the wards of Bathwick, Keynsham North, Kingsmead, Southdown and Walcot. In these cases, Electoral Services and the GIS Team have worked closely with ward councillors in order to significantly improve the current arrangements.
- 3.7 The full details of the proposed polling districts and polling places are included in Appendix 1.
- 3.8 All comments and representations received are recorded in Appendix 2. A number of representations were received from electors in Twerton ward, asking for the name of the ward to be changed to 'Twerton and Whiteway'. Changing the name of electoral wards falls outside the scope of the polling districts and polling places review and follows a separate legal process. The law requires the council to consult on potential changes to ward names before they are considered for a decision.

4 STATUTORY CONSIDERATIONS

- 4.1 Under the Representation of the People Act 1983, the Council has a duty to divide its area into polling districts and to designate a polling place for each polling district.
- "polling districts" are geographical electoral areas into which wards may be sub-divided;
 - "polling places" are the buildings or areas where electors in a polling district go to vote;
 - "polling stations" are the issuing desks in the building or area which is designated as the polling place.
- 4.2 The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The next compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025.
- 4.3 In June 2023 the Boundary Commission for England concluded their review of parliamentary constituency boundaries. Once the Orders for the new parliamentary constituencies have been made, the new boundaries will be used

for the next parliamentary election, which must take place before 28 January 2025.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The implementation of the review will require updates to the electoral register database to reflect the new polling district boundaries, which will be undertaken by the Electoral Services team.

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 proposed changes are aimed at improving the accessibility of the voting process.

8 CLIMATE CHANGE

- 8.1 The proposed changes have no direct effect on climate change.

9 OTHER OPTIONS CONSIDERED

- 9.1 None

10 CONSULTATION

- 10.1 Suggestions were invited from members of the public and any interested parties, including Bath & North East Somerset Councillors and Parish and Town Councils, and from people and organisations with particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

Contact person	Aurora Loi Telephone: 01225 477431 Email: aurora_loi@bathnes.gov.uk
Background papers	Ward maps with new polling district boundaries are available at https://www.bathnes.gov.uk/electoralreviews .
Please contact the report author if you need to access this report in an alternative format	

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APPENDIX 1
Polling districts and polling places, including proposed changes

Bathavon North Ward			Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-BN1	B-BN1	Bathampton	Bathampton Methodist Church Holcombe Lane, Bathampton, BA2 6UL	1024	251	YES	NO CHANGE
N-BN2	B-BN2	Batheaston	Batheaston Youth Club School Lane, Batheaston, BA1 7EP	1679	453	YES	NO CHANGE
N-BN3	B-BN3	St Catherine Parish Meeting	Batheaston Youth Club School Lane, Batheaston, BA1 7EP	33	14	YES	NO CHANGE
N-BN4	B-BN4	Bathford	The Community Centre Mountain Wood, Bathford, BA1 7SB	1146	311	YES	NO CHANGE
N-BN5	B-BN5	Charlcombe	Walcot Rugby Football Club Albert Field, Bath, BA1 9BJ	190	53	YES	NO CHANGE
N-BN6	B-BN6	Charlcombe	Weston Free Church High Street, Upper Weston, Bath, BA1 4DB	77	36	YES	NO CHANGE
N-BN7	B-BN7	Swainswick	St Mary's Church Innox Lane, Upper Swainswick, BA1 8DB	165	43	YES	NO CHANGE

Bathavon South Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-BS1	S-BS1	Camerton	Camerton Community Hall Meadgate, Camerton, BA2 0NL	445	71	YES	NO CHANGE
N-BS2	S-BS2	Claverton	St Mary's Church School Place, Claverton, BA2 7BG	73	32	YES	NO CHANGE
N-BS3	S-BS3	Combe Hay	Combe Hay Parish Church Backy Hill, Combe Hay, BA2 7EG	95	23	YES	NO CHANGE
N-BS4	S-BS4	Dunkerton	Dunkerton Parish Hall The Hollow, Dunkerton, BA2 8BG	170	32	YES	NO CHANGE
N-BS5	S-BS5	Tunley	Tunley Recreation Centre Bath Road, Tunley, BA2 0DZ	181	40	YES	NO CHANGE
N-BS6	S-BS6	Englishcombe	The Old School House Englishcombe Road, Englishcombe, BA2 9DT	190	42	YES	NO CHANGE
N-BS7	S-BS7	Freshford	Freshford Village Memorial Hall Freshford Lane, Freshford, BA2 7UR	371	96	YES	NO CHANGE
N-BS8	S-BS8	Hinton Charterhouse	Hinton Charterhouse Memorial Hall High Street, Hinton Charterhouse, BA2 7SW	315	85	YES	NO CHANGE
N-BS9	S-BS9	Marksbury	Marksbury Village Hall 75 The Street, Marksbury, BA2 9HP	262	56	YES	NO CHANGE
N-BS10	S-BS10	Monkton Combe	Monkton Combe Village Hall Church Lane, Monkton Combe, BA2 7HB	223	34	YES	NO CHANGE
N-BS11	S-BS11	Priston	Priston Village Hall High Street, Priston, BA2 9EE	165	40	YES	NO CHANGE
N-BS12	S-BS12	Shoscombe	Shoscombe Village Hall Barn Hill, Shoscombe, BA2 8LZ	287	59	YES	NO CHANGE
N-BS13	S-BS13	South Stoke	South Stoke Village Hall Old School Hill, South Stoke, BA2 7DU	316	70	YES	NO CHANGE
N-BS14	S-BS14	Wellow	Wellow Sports Pavilion High Street, Wellow, BA2 8QA	344	95	YES	NO CHANGE

Bathwick Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-BK1/1	B-BK1	St John's Church Hall St John's Road, Bath, BA2 6PT	614	143	YES	Merge part of B-BK1 with B-BK2, with St John's Church Hall as polling place. This includes the following streets from B-BK1: Cleveland Bridge, Grove Street, Henrietta Mews, Henrietta Place, Henrietta Road, Henrietta Street, Henrietta Villas, Spring Gardens Road, St John's Road.
B-BK1/2		St Mary's Church Hall Darlington Street, Bath, BA2 4EB	500	112		
B-BK2		St John's Church Hall St John's Road, Bath, BA2 6PT	1068	220	YES	Merge part of B-BK1 with B-BK3, with St Mary's Church Hall as polling place. This includes the following streets from B-BK1: Argyle Street, Darlington Mews, Darlington Street, Edward Street, Great Pulteney Street, Johnstone Street, Laura Place, Pulteney Mews, Pulteney Road, Vane Street, William Street.
B-BK3	B-BK2	St Mary's Church Hall Darlington Street, Bath, BA2 4EB	1321	445	YES	See above. Also, allocate portion of North Road to Claverton Down Community Hall.
B-BK4	B-BK3	University of Bath Library Claverton Down, Bath, BA2 7AY	620	51	YES	Merge B-BK4 with B-BK5, with Claverton Down Community Hall as polling place.
B-BK5		Claverton Down Community Hall Claverton Down Road, Claverton Down, BA2 6DT	125	44	YES	

Chew Valley Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-CH1	N-CH1	Chew Magna	The Old School Room Millennium Hall, Chew Magna, BS40 8SH	773	194	YES	NO CHANGE
N-CH2	N-CH2	Chew Stoke	St Andrew's Church Hall Pilgrims Way, Chew Stoke, BS40 8TU	622	178	YES	NO CHANGE
N-CH3	N-CH3	Compton Martin	Compton Martin Village Hall The Street, Compton Martin, BS40 6JW	368	80	YES	NO CHANGE
N-CH4	N-CH4	Nempnett Thrubwell	Nempnett Village Hall Dewdown, Nempnett Thrubwell, BS40 8YJ	150	25	YES	NO CHANGE
N-CH5	N-CH5	Norton Malreward	The YDA Hall Rookery Hill, Norton Malreward, BS39 4EX	166	38	YES	NO CHANGE
N-CH6	N-CH6	Stanton Drew	Stanton Drew Village Hall Sandy Lane, Stanton Drew, BS39 4EL	522	100	YES	NO CHANGE
N-CH7	N-CH7	Bishop Sutton	Bishop Sutton Village Hall Wick Road, Bishop Sutton, BS39 5XD	956	268	YES	NO CHANGE
N-CH8	N-CH8	Ubley	Ubley Village Hall The Street, Ubley, BS40 6PN	241	43	YES	NO CHANGE

Clutton & Farmborough Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-CL1	N-CL1	Chelwood	Chelwood Village Hall Main Road, Chelwood, BS39 4NP	102	14	YES	NO CHANGE
N-CL2	N-CL2	Clutton	Clutton Village Hall Venus Lane, Clutton, BS39 5SP	1109	209	YES	NO CHANGE
N-CL3	N-CL3	Farmborough	Farmborough Memorial Hall Little Lane, Farmborough, BA2 0AE	848	171	YES	NO CHANGE

Combe Down Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-CD1	B-CD1	St Andrew’s Community Church Hawthorn Grove, Bath, BA2 5QA	1871	384	YES	NO CHANGE
B-CD2	B-CD2	Combe Down Rugby Football Club Bramble Way, North Road, Bath, BA2 5DE	737	119	YES	Replace the polling place with The Hub, Mulberry Way, Bath, BA2 5BS.
B-CD3	B-CD3	Union Chapel Church Road, Bath, BA2 5JJ	1572	423	YES	NO CHANGE

High Littleton Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-HL1	N-HL1	Farrington Gurney	Farrington Gurney Village Hall Church Lane, Farrington Gurney, BS39 6TY	598	106	YES	NO CHANGE
N-HL2	N-HL2	High Littleton	Post House Wells Road, Hallatrow, BS39 6EJ	327	86	NO	Merge N-HL2 and N-HL3, with The High Littleton Scout Hall used as polling place.
N-HL3			The High Littleton Scout Hall High Street, High Littleton, BS39 6JD	1076	198	YES	

Keynsham East Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-KE1	N-KE1	Keynsham	Keynsham Masonic Hall Bath Road, Keynsham, BS31 1SR	1212	282	YES	NO CHANGE
N-KE2	N-KE2	Keynsham	Chandag Junior School Chandag Road, Keynsham, BS31 1PQ	2250	1012	YES	NO CHANGE

Keynsham North Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-KN1	N-KN1	Keynsham	Broadlands Academy St Francis Road, Keynsham, BS31 2DY	1159	356	YES	NO CHANGE
N-KN2	N-KN2	Keynsham	Keynsham Rugby Club Crown Field, Bristol Road, Keynsham, BS31 2BE	2683	813	YES	Create two new polling districts, N-KN3 and N-KN4 (see below).
	N-KN3	Keynsham	The Keynsham Community Space 5 Temple Street, Keynsham, BS31 1HA				This polling district includes the following streets: Ashton Way, Back Lane, Bath Hill, Carpenters Lane, Charlton Park, Charlton Road, Handel Road, Hawthorns Lane, High Street, Mayfields, Park Road (part), Rock Road, Sherwood Close, St Keyna Road, Temple Street, The Labbott, West View Road, Westbourne Avenue.
	N-KN4	Keynsham	Somerdale Pavilion Cross Street, Keynsham, BS31 2FW				This polling district includes the following streets: Abbey Close, Abbey Park, Arcadius Way, Augustus Avenue, Aurelius Close, Caesar Crescent, Chandos Road, Claudius Road, Dryleaze, Hadrian Close, Julius Place, Lucius Avenue, Maximus Gardens, Octavius Road, Priory Road, Romulus Close, Severus Street, Station Road (part), Summerleaze, The Avenue, The Park, Tiberius Road, Titus Way, Trajectus Way, Via Traversus.

Keynsham South Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-KS1	N-KS1	Keynsham	Stirling Way Community Room Stirling Way, Keynsham, BS31 1DF	1779	427	YES	NO CHANGE
N-KS2	N-KS2	Keynsham	St Francis Church Warwick Road, Keynsham, BS31 2PW	2671	541	YES	NO CHANGE

Kingsmead Ward			Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)		Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-KM1	B-KM1		Percy Community Centre New King Street, Bath, BA1 2BN	1817	280	YES	Create new polling district B-KM4.
	B-KM4		Brunswick Room Guildhall, High Street, Bath, BA1 5AW			YES	This polling district includes the following streets: Abbey Churchyard, Abbey Green, Ambury, Beehive Yard, Bilbury Lane, Bridewell Lane, Broad Quay, Broad Street, Cheap Street, Church Street, Corn Street, Dorchester Street, Duke Street, George Street (part), Grand Parade, Green Street, Harington Place, Henry Street, Hetling Court, High Street, Hot Bath Street, Kingston Road, Lower Borough Walls, Manvers Street, Milsom Street, New Bond Street, New Bond Street Place, Northgate Street, North Parade, North Parade Buildings, Old Bond Street, Old King Street, Orange Grove, Parsonage Lane, Philip Street, Pierrepont Place, Pierrepont Street, Quiet Street, Queen Square (part), Saracen Street, Southgate Street, Stall Street, St James's Parade, St Michael's Place, Terrace Walk, Trim Bridge, Union Passage, Union Street, Upper Borough Walls, Westgate Buildings, Westgate Street, Wood Street, York Street.
B-KM2	B-KM2		St John the Evangelist Upper Bristol Road, Lower Weston, Bath, BA1 3DD	706	160	YES	NO CHANGE
B-KM3	B-KM3		The Lower Mews Christ Church, Julian Road, Bath, BA1 2RH	739	158	YES	Replace polling place with Royal Victoria Park Pavilion, Victoria Park, BA1 2NR. This polling district includes the following streets: Alfred Street, Bartlett Street, Bennett Street, Brock Street, Catharine Place (part), Charlotte Street (part), Crescent Gardens, Crescent Lane, Edgar Buildings, Gay Street, Lansdown Mews, Margaret's Buildings, Marlborough Buildings, Marlborough Lane, Miles's Buildings, Oxford Row, Prince's Buildings, Queen Square (part), Queen's Parade, Royal Crescent, Saville Row, St Andrew's Terrace, The Circus, Upper Church Street.

Lambridge Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-LM1	B-LM1	St Mark's School Bay Tree Road, Fairfield Park, Bath, BA1 6ND	848	241	YES	Move streets listed below to B-LM3: Brooklyn Road, Catsley Place, Charlcombe Lane, Coxley Drive, Dafford Street, Dafford's Buildings, Eden Terrace, Eldon Place, Hill View Road, Linen Walk, Otago Terrace, Rose Hill, Spring Lane, St Saviour's Road, Uphill Drive, Valley View Close, Valley View Road.
		New Oriel Hall Brookleaze Buildings, Larkhall, Bath, BA1 6RA	773	169		
B-LM2	B-LM2	Swainswick Gardens Community Hall Swainswick Gardens, Lower Swainswick, Bath, BA1 6TL	1004	286	YES	NO CHANGE
B-LM3	B-LM3	New Oriel Hall	857	174	YES	See above comment.

Lansdown Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-LN1	B-LN1	Walcot Rugby Football Club Albert Field, Bath, BA1 9BJ	480	107	YES	NO CHANGE
B-LN2	B-LN2	St Stephen's Church Lansdown Road, Bath, BA1 5SX	1404	460	YES	NO CHANGE
B-LN3	B-LN3	St Mary's Parish Centre Burlington Street, Bath, BA1 2SA	1767	311	YES	NO CHANGE

Mendip Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-ME1	N-ME1	East Harptree	The Pavilion East Harptree Playing Fields, East Harptree, BS40 6BH	432	88	YES	NO CHANGE
N-ME2	N-ME2	Hinton Blewett	Hinton Blewett Village Hall Litton Lane, Hinton Blewett, BS39 5AY	190	40	YES	NO CHANGE
N-ME3	N-ME3	Temple Cloud	Temple Cloud Village Hall Meadway, Temple Cloud, BS39 5BD	950	210	YES	NO CHANGE
N-ME4	N-ME4	West Harptree	West Harptree Memorial Hall Compton Road, West Harptree, BS40 6EG	358	66	YES	NO CHANGE

Midsomer Norton North Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-MN1	S-MN1	Midsomer Norton	Welton Vale Community Room 9 Welton Vale, Midsomer Norton, BA3 2BG	1610	483	YES	NO CHANGE
N-MN2	S-MN2	Midsomer Norton	Salvation Army Hall Radstock Road, Midsomer Norton, BA3 2AJ	1786	245	YES	NO CHANGE

Midsomer Norton Redfield Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-MR1	S-MR1	Midsomer Norton	Council Chamber The Hollies, High Street, Midsomer Norton, BA3 2DP	811	171	YES	NO CHANGE
N-MR2	S-MR2	Midsomer Norton	Prattens Westfield Amateur Sports Club Charlton Lane, Midsomer Norton, BA3 4BD	1055	255	YES	NO CHANGE
N-MR3	S-MR3	Midsomer Norton	Orchard Community Hall Orchard Vale, Longvernal, Midsomer Norton, BA3 2RA	2145	542	YES	NO CHANGE

Moorlands Ward		Constituency of Bath (new parliamentary boundaries)					
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change	
B-MO	B-MO1	Hillside Community Centre Hillside Road, Bath, BA2 3NX	1326	260	YES	Create new polling district including streets listed below, and allocate to St Luke's Church: Bloomfield Grove, Bloomfield Park, Bloomfield Road, Castle Gardens, Chantry Mead Road, Egerton Road, Englishcombe Lane (part), Englishcombe Way, Hensley Gardens, Hensley Road, Mead Close, Westfield Close.	
	B-MO2	St Luke's Church Hatfield Road, Bath, BA2 2BD	633	224	YES		

Newbridge Ward			Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-NB1	B-NB1		Weston Methodist Church Hall Kennington Road, Bath, BA1 3PR	1634	329	YES	NO CHANGE
B-NB2	B-NB2		Emmanuel Church Apsley Road, Bath, BA1 3LP	941	225	YES	NO CHANGE
B-NB3	B-NB3		Weston Hub Penn Hill Road, Bath, BA1 4EH	889	321	YES	NO CHANGE
B-NB4	B-NB4	Kelston Parish Meeting	Kelston Village Hall Church Lane, Kelston, BA1 9AG	113	21	YES	NO CHANGE
B-NB5	B-NB5	North Stoke Parish Meeting	Kelston Village Hall Church Lane, Kelston, BA1 9AG	67	16	YES	NO CHANGE

Odd Down Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-OD1	B-OD1	Sladebrook Evangelical Church Hall 239 Englishcombe Lane, Bath, BA2 2ER	960	178	NO	NO CHANGE
B-OD2	B-OD2	Odd Down Community Centre Odins Road, Bath, BA2 2TL	1693	362	YES	NO CHANGE
B-OD3	B-OD3	The Bridge, St Martin's Garden Primary School 150 Frome Road, Bath, BA2 5RE	1562	312	YES	NO CHANGE

Oldfield Park Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-OP1	B-OP1	Hayesfield Girls' School Brougham Hayes Foyer, Brougham Hayes, Bath, BA2 3QX	736	122	YES	Currently investigating possibility of using Newark Works as polling place for this polling district.
B-OP2	B-OP2	St Bartholomew's Church 1 King Edward Road, Bath, BA2 3PB	1031	175	YES	NO CHANGE

Paulton Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-PA1	N-PA1	Paulton	Wesley Hall Park Road, Paulton, BS39 7QQ	2414	421	YES	Move to N-PA2 the following streets: St Julien's Close, Winterfield Park, Winterfield Road.
N-PA2	N-PA2	Paulton	Paulton Rovers Football Club Winterfield Road, Paulton, BS39 7RF	1671	338	YES	See above.

Peasedown Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-PS1	S-PS1	Peasedown St John	Beacon Hall French Close, Peasedown St John, BA2 8SN	1664	304	YES	See below.
N-PS2	S-PS2	Peasedown St John	The Hive Community Centre Bath Road, Peasedown St John, BA2 8DH Beacon Hall French Close, Peasedown St John, BA2 8SN	1679 868	304 170	YES	Move to N-PS1 the following streets: Access Road to Ashgrove Farm, Ashgrove, Axford Way, Belle Vue Close, Bloomfield Terrace, Bloomfield Way, Braysdown Lane, Dunkerton Hill, Eckweek Gardens, Eckweek Lane, Eckweek Road, Fairfield Terrace, Filer Close, Ford Road, Gordon Road, Huddox Hill, Keel's Hill, North Meadows, Oxney Place, Springfield, Sunset Close, Tynning Road, White Ox Mead Lane.

Publow & Whitchurch Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-PW1	N-PW1	Publow with Pensford	Pensford Memorial Hall Publow Lane, Pensford, BS39 4HW	744	178	YES	NO CHANGE
N-PW2	N-PW2	Whitchurch	Whitchurch Village Community Hall Bristol Road, Whitchurch, BS14 0PT	1208	241	YES	NO CHANGE

Radstock Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-RA1	S-RA1	Radstock	Writhlington Village Hall Manor Road, Writhlington, BA3 3NF	1247	164	YES	NO CHANGE
N-RA2	S-RA2	Radstock	Whisty Community Centre Walnut Buildings, Tynning, BA3 3JL	909	163	YES	NO CHANGE
N-RA3	S-RA3	Radstock	Victoria Hall Church Street, Radstock, BA3 3QG	822	111	YES	Some adjustments are required to improve accessibility to the polling place.
N-RA4	S-RA4	Radstock	The Lamb Inn Chapel Road, Clandown, BA3 3BP	459	85	YES	NO CHANGE
N-RA5	S-RA5	Radstock	Haydon Que Club Kilmersdon Road, Haydon, BA3 3QR	451	54	YES	NO CHANGE

Saltford Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-SA1	N-SA1	Compton Dando	Compton Dando Village Hall Court Hill, Compton Dando, BS39 4JZ	377	116	YES	NO CHANGE
N-SA2	N-SA2	Corston	Corston Village Hall Wells Road, Corston, BA2 9AZ	316	72	YES	NO CHANGE
N-SA3	N-SA3	Newton St Loe	Bath Spa University Main House Newton Park Campus, Newton St Loe, BA2 9BN	241	15	YES	NO CHANGE
N-SA4	N-SA4	Newton St Loe	Newton St Loe Village Hall Village Road, Newton St Loe, BA2 9BT	122	18	YES	NO CHANGE
N-SA5	N-SA5	Saltford	Saltford Hall Wedmore Road, Saltford, BS31 3BY	2585	821	YES	NO CHANGE

Southdown Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-SD1	B-SD1	St Barnabas Church Mount View, Bath, BA2 1JX	1695	290	YES	This polling district includes the following streets: Alderley Road, Belmore Gardens, Burford Close, Englishcombe Lane (part), Englishcombe Rise, Glebe Road, Hillcrest Drive, Melrose Grove, Mount Grove, Mount Road (part), Mount View, Oriel Grove, Roundhill Grove, Rowacres, Sabin Close, Southdown Avenue, Southdown Road (part), The Circle, Wedmore Close, Wedmore Park, Whiteway Road (part).
B-SD2	B-SD2	Ascension Church Claude Avenue, Bath, BA2 1AG	2334	535	YES	Currently investigating possibility of replacing Ascension Church with The White Horse pub as polling place for this district. This polling district includes the following streets: Albany Road, Blackmore Drive, Claude Avenue, Claude Terrace, Claude Vale, Coronation Avenue, Dartmouth Avenue, Ivy Avenue, Ivy Grove, Ivy Place, King George’s Road, Lansdown View, Loxton Drive, Loxley Gardens, Lymore Avenue, Lymore Gardens, Minerva Gardens, Padfield Close, Parry Close, Priddy Close, Shophouse Road (part), Sladebrook Avenue, Southdown Road (part), Teddington Close, The Hollow (part), Victoria Close.
	B-SD3	Southdown Methodist Church The Hollow, Bath, BA2 1NJ				Create new polling district, including the following streets: Cotswold View, Elliston Drive, Langdon Road, Lytton Gardens, Mount Road (part), Roundhill Park, Sladebrook Road, St Joseph’s Close, St Joseph’s Terrace, The Hollow (part).

Timsbury Ward			Constituency of North East Somerset and Hanham (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-TI	N-TI	Timsbury	Conygre Hall North Road, Timsbury, BA2 0JQ	1721	356	YES	NO CHANGE

Twerton Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-TW1	B-TW1	The Hut Hinton Close, Bath, BA2 1RX	993	124	YES	NO CHANGE
B-TW2	B-TW2	Twerton Millennium Village Hall Landseer Road, Bath, BA2 1DX	1137	143	YES	NO CHANGE
B-TW3	B-TW3	Southside Youth Centre Kelston View, Bath, BA2 1NR	1977	256	YES	NO CHANGE

Walcot Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-WA1	B-WA1	St Saviour's Church St Saviour's Road, Bath, BA1 6QG	1008	235	YES	Replace polling place with The Claremont Pub, 5 Claremont Road, Bath, BA1 6EH. Some adjustments are required to allow full accessibility to the new polling place.
B-WA2	B-WA2	Riverside Youth Hub York Place, London Road, Bath, BA1 6AE	1691	336	YES	Move streets listed below to B-WA3: Alpine Gardens, Clarence Street, Pera Place, Pera Road, Walcot Parade.
B-WA3	B-WA3	St Swithin's Church The Paragon, Bath, BA1 5LY	800	145	YES	See above.

Westfield Ward			Constituency of Frome and East Somerset (new parliamentary boundaries)				
PD code	PD code (new)	Parish	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
N-WF1	S-WF1	Westfield	Westfield Sports & Community Centre West Hill Road, Westfield, BA3 3TE	2471	377	YES	NO CHANGE
N-WF2	S-WF2	Westfield	St Peter's Church Hall Longfellow Road, Westfield, BA3 3YZ	1628	310	YES	NO CHANGE

Westmoreland Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-WM1	B-WM1	Oldfield Park Baptist Church The Triangle, Bath, BA2 3JD	1317	189	YES	
B-WM2	B-WM2	Belvoir Castle Public House 32-33 Victoria Buildings, Lower Bristol Road, Bath, BA2 3EH	1786	285	YES	
	B-WM3	Cassia Sovereign Point, Bath, BA2 3GJ				Create new polling district B-WM3, including the following streets: Elizabeth Parade, Longmead Terrace, Midland Road, Percy Terrace, Stothert Avenue, Victoria Bridge Road.

Weston Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-WN1	B-WN1	Weston Free Church High Street, Upper Weston, Bath, BA1 4DB	1951	485	YES	NO CHANGE
B-WN2	B-WN2	All Saints Church Centre, Courtyard Room High Street, Upper Weston, Bath, BA1 4BX	1500	452	YES	NO CHANGE

Widcombe & Lyncombe Ward		Constituency of Bath (new parliamentary boundaries)				
PD code	PD code (new)	Polling place on 4 May 2023	Voting in person	Voting by post	Accessible?	Proposed change
B-WO1	B-WO1	Widcombe Social Club Widcombe Hill, Bath, BA2 6AA	817	259	YES	NO CHANGE
B-WO2	B-WO2	Claverton Down Community Hall Claverton Down Road, Claverton Down, Bath, BA2 6DT	240	79	YES	NO CHANGE
B-WO3	B-WO3	St Mark's Community Centre St Mark's Road, Bath, BA2 4PA	817	229	YES	NO CHANGE
B-WO4	B-WO4	St Luke's Church Hatfield Road, Bath, BA2 2DB	767	212	YES	NO CHANGE
B-WO5	B-WO5	Beechen Cliff Methodist Church Hall Bruton Avenue, Bath, BA2 4RF	1260	196	YES	NO CHANGE

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APPENDIX 2

Copies of representations received as part of the review

BATHAVON NORTH WARD

Cllr Kevin Guy

"I personally feel the polling stations in mine and Sarah's ward work well. It is always worth asking the views of the Parish Councils as well though."

Charlcombe Parish Council

"The Charlcombe Parish Council are satisfied with the current arrangements allowing residents of the parish to either vote at Walcot Rugby Football Club or Weston Free Church."

BATHAVON SOUTH WARD

Cllr Fiona Gourley

"Unless Matt has any further comments, [the current scheme] seems fine to me."

Cllr Matt McCabe

"No comment from me."

CHEW VALLEY WARD

Cllr Anna Box

"Unsure if we need to get back to you if there is no concern but I read through the document for the Chew Valley, and it all seems very perfectly suitable."

Chew Stoke Parish Clerk

"We have reviewed the arrangements in Chew Stoke and are happy with the current arrangements. The hall is fully accessible and there is parking nearby. One important change is that the hall is soon to be known as 'Chew Stoke Village Hall' not Church Hall."

CLUTTON & FARMBOROUGH WARD

Cllr Sam Ross

"I agree that there is no need for any changes to the current arrangements for the three polling places in Clutton, Farmborough and Chelwood. They continue to be the most suitable and accessible for the residents of each village."

Farmborough Parish Council

At the meeting of 14 November 2023, Farmborough Parish Council agreed that Farmborough Memorial Hall was still the most suitable and accessible polling place in Farmborough for its residents.

KEYNSHAM NORTH WARD

Cllr Alex Beaumont

"I am pleased that Somerdale will have its own district as I remember several residents saying how far away the polling station was for them. Also, the High Street area would benefit from a smaller polling station in the community space as there are a lot of non-mobile residents in the Hawthorns/Carpenters Lane area who can't make it down to the rugby club."

Ann E Shaw

"The addition of a polling station at Somerdale Pavilion seems entirely sensible to me. Most people on the estate will be able to walk to cast their votes."

KEYNSHAM SOUTH WARD

Christine Jorgensen

"Whilst I accept that the choice of Stirling Way Community Room as a polling station for the N-KS1 district meets accessibility criteria in terms of entry and exit to the building, I do have concerns about the lack of parking for those constituents who need to reach the polling station by car.

Although there is a car park, it is used extensively by local residents who I believe may rent the spaces from Curo (Park Road West, Keynsham is listed as being a Curo parking area on their website). There is very limited on street car parking along the part of Park Road closest to the polling station which is opposite a bus stop.

Please consider the needs of voters with impaired mobility who may need transport to their polling station in order to exercise their democratic right to vote when deciding where the polling station for this district of Keynsham South ward should be located.

"The LA previously used Elim Church could this be looked at again? There is plenty of parking there for both Polling Station staff and voters.

Other suggestions might be the Community Space or Riverside Suite which I believe has been used in the past. Both of these may be challenging in terms of parking but there is on street parking on Temple Street.

Has Castle Primary School been considered?"

KINGSMEAD WARD

Cllr George Tomlin

"Regarding Kingsmead and the location of the B-KM3 polling station we did receive some reports of confusion at the location of the polling station at the Lower Mews, Christ Church from electors and our tellers. This was mainly due to the fact there were two polling stations located at churches along Julian Road (the other being in B-LN3). But I appreciate there isn't much that can be done about that, and I can't off the top of my head think of an alternative location within the B-KM3 polling district.

However, I was wondering if the polling station for B-KM3 is located outside the ward, has there been some consideration at moving some properties on the north side of the Upper Bristol Road (Crescent Gardens) and the north side of Charlotte Street in to the B-KM1 polling district as the Percy Centre is much closer to those voters than Julian Road is."

"I would be very supportive of the idea of a polling station in the Guildhall to serve parts of B-KM1. With that new location I think a reasonable new split of B-KM1/B-KM3 can be achieved between the Guildhall and the Percy Centre polling locations with a redrawing of the current boundary line."

LAMBRIDGE WARD

Cllr Joanna Wright

"I am happy with the polling places within Lambridge. The recent change to the Oriel Hall of the streets listed did work much better in May 2023 and there have been no complaints on this matter."

MENDIP WARD

East Harptree Parish Clerk

"I have consulted with our councillors, and we are all in agreement that the current use of The Pavilion in East Harptree works very well, it is fully accessible and has good parking facilities. We'd like to continue with this arrangement."

MOORLANDS WARD

Cllr Jess David

"I am happy with the position for Moorlands ward."

OLDFIELD PARK

Cllr Ian Halsall

"As the new member representing Oldfield Park I do still wonder whether the north of the ward has appropriate access to a polling station. In May, as you have published, Hayesfield Lower School and St Bartholomew's Church Hall were the two polling stations for the ward.

Now the Newark Works is fully open on the Lower Bristol Road, I do wonder whether this may be a more suitable alternative to Hayesfield?

It is north of the railway line but I would argue much more accessible along the entire Lower Bristol Road corridor from Brougham Hayes to Churchill Bridge and covering Oak Street, Cheltenham Street, Westmoreland Street, Sydenham Buildings and Thornbank Place (not to mention the purpose built student accommodation buildings at Thornbank Gardens, Aquila, Banglo and The Depot – a demographic I am eager to be empowered to vote!) and much of the Lower Oldfield Park and Cedars area and my side of the Wells Road.

Voters living in the upper parts of Lower Oldfield Park and in the areas of Shaftesbury, Canterbury and Arlington roads and Third Avenue for example do not have any significantly tortuous trips to St Barts on King Edward Road."

PAULTON WARD

Cllr Liz Hardman

"The current situation is fine for us in Paulton."

Alex Frost

"Regarding the polling stations in Paulton. Although there were two of them for the earlier local elections the turnout was abysmal. Whether the positioning was inconvenient for some four thousand people or perhaps those four thousand just couldn't be bothered. If the latter is the case then repositioning one of the polling stations will not matter but it is something to consider."

PEASEDOWN WARD

Cllr Karen Walker

"As Ward Councillor for Peasedown St John, I can only comment on the polling stations in my ward. I am happy to support that the polling stations stay as they are. I am happy with the proposal of changing the polling district boundary between N-PS1 and N-PS2."

Cllr Gavin Heathcote

"I am with Cllr Walker and also have no issues."

RADSTOCK WARD

Cllr Eleanor Jackson

There is a problem which I have raised before. As a disabled person with limited mobility assigned to the Victoria Hall, I find access very difficult, though you did take steps to improve things. Is there some way to make it possible for people to drive in behind the hall if they have an electric chair? The issue is the gate and the lack of pavements.

Going in the front, there is no handrail. The rail is attached to the old entrance, which was easier. Could not the dance studio which opens almost directly onto the Street be used

instead of the former office? It is not completely flat, but much easier to access. The room was used for public concerts once.

Cllr Lesley Mansell

"The Lamb Inn, Clandown, is under planning application to change this into housing so it may not be available for much longer."

TWERTON WARD

Cllr Sarah Moore

"Councillor Ball and I had asked for our ward name to be changed to "Twerton and Whiteway ward" to reflect the 2 distinct areas that we represent. Is this to be reviewed as part of this process please."

Cllr Tim Ball

"We raised this several years ago. The community in Whiteway feel this change will give this distinct community recognition."

David Lee

"I agree that the ward should be renamed Twerton and Whiteway!"

Helen Tubbs

"Please update name to Whiteway and Twerton ward as that makes perfect sense."

Lisa Morris

"I would like to request that the ward name for Twerton be changed to Twerton and Whiteway Ward as this will reflect the area that it covers."

SOUTHDOWN WARD

Cllr Dine Romero

"Conversations with residents in the part of Southdown previously in Westmoreland suggest that they would value a polling station at the lower end of the ward, however there are no community spaces within Southdown just off the Lower Bristol Road. Would it be possible to use Twerton Village Hall, I understand that in previous years this has been shared by other wards, or else the White Horse pub?

"Ascension Church isn't particularly accessible to anyone with mobility needs, the car park is usually full so there are no spare spaces. Also the car park is in very poor condition, so even if someone can park it is tricky to walk across. And finally, the polling station is next to a primary school, as well as on the lane to a gym which also creates a lot of car traffic, which is worrying for parents taking young children to Oldfield Park Juniors School. Cars trying to park in the challenging car park adds to this stress.

WALCOT WARD

Cllr John Leach

"I have asked our ward members and supporters if they have any suggestions. One of our current polling stations (St Saviours) is not within the ward. The Claremont pub is a popular suggestion as a replacement for that one, but the pub does not have step-free access. The Fairfield Surgery on Tynning Lane has been suggested by three people. It has step-free access and a large waiting room that is more than the minimum it needs so it might be worth enquiring there.

The polling station at Riverside serves the middle of the ward and it would be nice if that were more centrally located but no one has identified an alternative that would be significantly better."

WESTFIELD WARD

Cllr Eleanor Jackson

"There is a problem which I have raised before. Both polling stations are exemplary, with easy access, car parking, etc. but I get complaints from residents in the Nightingale Way area and the 'birdie' estate, especially from those who remember voting at Norton Hill School, which was closer for them. They are often, older, and do not want a postal vote. Mardons Social Club pool table room (without the tables!) would be a possibility, and the club were interested. Disabled access and toilets are good with good parking, but the room is admittedly a bit small. Not much smaller than Haydon Que Club, where I admit we did seem to be all on top of each other at the Haydon by election count. Have you ever thought about using a mobile library?"

Westfield Parish Clerk

"At its meeting last night the Parish Council noted that the polling stations are remaining the same in Westfield and had no objections."

WESTMORELAND WARD

Rose Snook

"I am happy with the proposed polling station sites for my area and will continue to use my vote at every election."

WESTON WARD

Cllr Ruth Malloy

"As far as I can see, there are no changes made to the two Weston ward polling districts, both of which are accessible to voters with disabilities."

Cllr Malcolm Treby

"I too am happy with the current arrangements for polling in Weston, and see no need for any changes."

WIDCOMBE & LYNCOMBE WARD

Helen Peter

"I think St Mark's is a great polling station. In a quiet cul-de-sac, very easy and flat to access – it has ramps for disabled people and handrails plus a disabled parking spot. My only concern is that tellers have to be outside in the cold and wet when there is a perfectly good lobby to stand in."

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	30 November 2023	
TITLE:	Avon Pension Fund Annual Report to Council	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – The Avon Pension Fund Committee’s Annual Report to Council 2022/23		
Appendix 1a – Committee’s progress against workplan		
Appendix 2 – Local Pension Board – Annual Report 2022/23		
Appendix 3 – Terms of Reference for Committee & Investment Panel		

1 THE ISSUE

- 1.1 The Avon Pension Fund Committee discharges the responsibilities of the Council in its role as the administering authority of the Avon Pension Fund in accordance with the Local Government Pension Scheme Regulations 2013 (as amended).
- 1.2 The Committee reports annually to Council on the work it has undertaken in the previous twelve months and reference is also made in the report to the future work programme. This report is for the 12 months to 31 March 2023.
- 1.3 As background to this report members should be aware that Bath & North East Somerset Council has a dual interest in the Avon Pension Fund, firstly as administering authority and secondly as one of the employing bodies. This report focuses entirely on the Council’s role as administering authority.

2 RECOMMENDATION

The Council is asked;

- 2.1 To note the Committee’s Annual Report to Council
- 2.2 To note the Pension Board’s Annual Report

3 THE REPORT

- 3.1 The Annual Report for 2022/23 is attached as Appendix 1/1a to this report. The document is primarily for the Council's purposes. However, it will be circulated to the employing bodies within the Fund to improve transparency about the Committee's activities and the decisions taken.
- 3.2 The Public Service Pensions Act 2013 required the Council to establish a local pension board to assist the administering authority with the effective and efficient management and administration of the scheme. The Avon Pension Fund's Pension Board has published its annual report for 2022/23 which is included in Appendix 2 for completeness.

4 STATUTORY CONSIDERATIONS

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

6 RISK MANAGEMENT

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

7 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 None

10 CONSULTATION

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

Contact person	Carolyn Morgan, Governance & Risk Advisor, 01225 395240
Background papers	<i>Pension Fund Committee papers</i>

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Please contact the report author if you need to access this report in an alternative format

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AVON PENSION FUND COMMITTEE ANNUAL REPORT TO COUNCIL

(April 2022 - March 2023)

1. INTRODUCTION

This is the annual report to Council detailing the work carried out by the Avon Pension Fund (the “Fund”) Committee for the period 1 April 2022 to 31 March 2023.

The Council has delegated responsibility for the Fund to the Avon Pension Fund Committee (the “Committee”) which is the formal decision-making body. The Committee makes strategic choices, sets policy objectives, and monitors implementation and compliance with the stated strategy and objectives.

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

The Committee and administering authority are scrutinised by the Local Pension Board, ensuring that governance of the scheme is robust and fit for purpose.

The scheme is regulated and overseen by The Pensions Regulator. Other bodies and agencies undertake key roles, particularly the LGPS Scheme Advisory Board, the Department for Levelling Up, Housing and Communities, and CIPFA, which sets the accounting standards.

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

The Fund is a statutory scheme regulated by the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme Regulations (Management and Investment of Funds) Regulations 2016.

Bath & North East Somerset Council administers the Fund on behalf of 134,000 members and 462 employing bodies. The value of the Fund as at 31 March 2023 was £5.4 billion. And in 2022-23 the Fund received £203m in pension contributions and paid out £198m in pension payments and other benefits. Full details can be found in the Fund’s annual report.

<https://www.avonpensionfund.org.uk/finance-and-investments>

2. COMMITTEE MEMBERSHIP

The Committee structure is as follows:

Voting members (14)	<ul style="list-style-type: none">• 5 elected members from B&NES (subject to the rules of political proportionality of the Council)• 3 independent members• 1 elected member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council• 1 nominated from the Higher and Further Education bodies• 1 nominated from Academy bodies• 1 nominated by the Trades Unions
Non-voting members (3)	<ul style="list-style-type: none">• 1 nominated from Town & Parish Councils• 2 nominated from different Trades Unions

3. COMMITTEE ACTIVITIES & REVIEW OF THE YEAR

It has been a year of encouraging progress and development for the Fund.

We completed a triennial actuarial valuation during the year which showed the Fund to be in robust financial health, with a 96% funding level as at 31 March 2022¹. The Fund also funded a 10.1% rise in pension payments from April 2023. The improved funding position allowed us to achieve stability in employer contributions, critical given ongoing strain in local government finances.

We completed phase one of an investment review, focused on long-term objectives and setting out the appropriate asset mix to generate returns required to meet future pension commitments. This review confirmed the Fund's diversified investment strategy, with assets spread across equities, infrastructure, property, and bonds.

We have also been active in responsible investing and our equity investment portfolio is 20% more carbon efficient than the wider market. However there is keen appetite to accelerate progress towards net zero, and the investment review continues into 2023-24 with a robust assessment of the Fund's climate objectives. To help us we are actively encouraging involvement from scheme members, trades unions, councillors, and other stakeholders. We plan to confirm fresh climate targets before the end of March 2024.

Administration has been challenging over 2020-23. While service levels materially improved during 2022, performance in aggregate remains well below required levels as a result of staff vacancy rates of c.13%, increased data from employers reflecting higher employee churn, and regulatory changes.

Collaboration between APF teams and employers ensured the Fund continued to meet its statutory obligations throughout 2022-23. This included sending members their Annual Benefit Statements and Pensions Savings Statements on time.

The Fund appointed Legal & General as its Additional Voluntary Contribution (AVC) provider and successfully transferred members from Aviva and Utmost Life.

¹ Estimated to be 98% on 31 August 2023

The Fund has adopted a hybrid model of office and homeworking, which is helping development of staff as well as bringing teams back together to work more effectively. Our office accommodates 60% of staff and full-time staff are now office based at least two days a week.

In December Committee members approved the decision to make studying of the Hymans LGPS Online Academy mandatory for all members within a year of joining the Committee.

The Fund was pleased to appoint Nick Dixon as its new Head of Pensions in October 2022, to lead us through the next phase of the Fund's development. Progress against the Committee's workplan is set out in appendix A.

The Committee notes two important events that occurred after this reporting period, but before publication.

Firstly, the Committee reappointed Mercer as our Investment Advisors in September 2023. Their pitch on the climate and the understanding of the subject was a key factor in reaching the decision.

Secondly, the Fund was shortlisted in the 2023 LAPF Investment Awards for our climate strategy. The awards recognise excellence in the field of LGPS pensions provision. Congratulations go to NILGOSC who won the award, and to the other short-listed pension schemes London Borough of Newham and Southwark Council.

2 FUTURE ACTIVITY

Once again over the year ahead the Committee's focus will be on improving service experience, addressing the climate emergency, and managing investments to achieve financial strength and stable employer contributions.

To improve service experience, the Fund is driving three core actions:

- *Vacancies:* officers are working to recruit new staff and improve skills, to boost service capacity. There is also a keen focus on staff retention and skills development.
- *Performance insight:* the Fund is developing the range and insight of management information, to embed this in day-to-day decision making.
- *Project portfolio:* the Fund is developing a portfolio of transformational change which will digitalise administration, to improve members' service experience and drive operational efficiency. This includes a new member website and broader capability for member self-service through My Pension Online.

A rebranding project is also underway to help support the new member website and communication campaigns, such as My Pension Online sign-ups.

Work also continues in preparation for planned legislative changes such as the McCloud (age discrimination) remedy and the pensions dashboard.

The Fund expects to transfer administration of the Avon Fire & Rescue Firefighter's pension scheme to an alternative supplier before 30 June 2024. This is an unfunded scheme so does not include a transfer of assets.

In autumn 2023 the Fund continues the thorough assessment of its climate objectives. As part of this review the Fund will be speaking to and surveying key stakeholders about its climate and net zero targets. We welcome a full engagement with all councillors and pension fund members on this part of our responsible investments.

The Committee is supportive of the initiative to invest an allocation of 3% of the Fund's Investments in a Local Impact portfolio, which is expected to deliver positive social and environmental impact primarily in the South West region which will be implemented over 2024-26.

October 2023

Avon Pension Fund Committee Review			April 2022 to March 2023	
Progress in Year				On Target
Governance				
1	Governance Review	Conducted annual review of governance arrangements inc Terms of Reference, Governance Compliance Statement, roles & responsibilities. Terms of Reference approved by Council annually		
2	Committee Meeting Attendance	The Committee meets quarterly. Attendance at the meetings was 88% for the voting members and 25% for the non-voting members.		
3	Investment Panel Attendance	The Panel consists of up to six voting members from the Committee and meets at least quarterly ahead of Committee meetings. The Panel met formally four times during the year, with attendance of 79%.		
4	Risk Register	Reviewed quarterly by officers, committee and Pension Board		
5	Workplans	Reviewed quarterly by officers, committee and Pension Board		
6	Training	Achieved through committee reports, workshops, conference & seminar attendance, online training		
7	Annual Report	Work on the annual report including the final accounts is on course to be published by 1 December deadline		
8	Internal Audits	Internal audits carried out during the year were System Access - assurance level 2 (limited assurance) Cyber Security - assurance level 3 (reasonable assurance) & TPR Code of Practice 14 - Maintaining Contributions & Member Information gained an overall assurance of 4 (good)		
9	Local Pension Board	Pension Board on course with Work and training plans. All meetings held as planned. Minutes reviewed by Committee quarterly		
10	CIPFA Benchmarking	The CIPFA benchmarking data highlights the Fund's comparative performance in key cost areas. They demonstrate the Fund's lower cost performance when compared with national averages. Full details can be found in the Fund's annual report. Admin cost per FTE = £44,723 v national average of £70,591 Admin cost per member = £21.17 v national average of £35.10		
Financial				
11	Service Plan & Budget	Each year the Committee approves the Service Plan which sets out the Pension Fund's objectives for the next three years together with a three year budget to deliver the plan.		
12	Budget & cashflow monitoring	During the year to 31 March 2023, total administration costs (excluding advisory and investment management costs) were £3.4 million, 7% below the budget of £3.6 million. Annual investment management fees paid in the year were under budget at £18.1 million. The budget for governance costs was £3.6 million with actual costs just under budget at £3.4 million.		
13	Treasury management Policy	The Committee approves the Fund's Treasury Management Policy annually in March.		
Investment management				
14	Investment Strategy & Performance	Brunel now manage 86% (or £4.6 billion) of the Fund's assets. Within private markets, the Fund invests in Brunel's Secured Income, Renewable Infrastructure and Private Debt portfolios. At 31 March 2023, 56% of the Fund's combined commitments to these portfolios had been invested.		
15	Brunel Pension Partnership	In 2022-23 APF achieved annual fee savings of £8.6 million and cumulative fee savings to date are £20.3 million.		
16	Strategic Investment Review	Completed 3 yearly strategic review of asset allocation. Agreed a new allocation of 3% to a Local Impact Portfolio and to invest 50% of the equity assets in a Paris aligned passive fund.		
17	FRC Stewardship Code	As a signatory to the Financial Reporting Council's (FRC) UK Stewardship Code, the Fund submitted its second annual statement.		
18	Responsible Investing & Climate Emergency	On target to meet interim decarbonisation targets as achieved 6% y-o-y reduction in the absolute carbon emissions of the listed equities portfolio, equivalent to a 42% reduction versus 2020 baseline.		
		The intermediate climate targets to reduce the absolute emissions of the equity portfolio by 43% by 2025 and 69% by 2030 (versus 2020 baseline) will be revised during 2023. These provide clear milestones during the transition period for the Fund to achieve net zero.		
		Published our 2nd Task Force on Climate-Related Financial Disclosures (TCFD) statement demonstrating our commitment to reducing our carbon exposure		
		Implemented a climate solution for the Fund's liquidity portfolio by investing in Paris Aligned liquidity assets.		
Funding Strategy				
19	Annual Employer Update	Given the impact of the pandemic and rising costs on the scheme employers, affordability of pension costs was a key consideration in managing financial risk for both employers and the Fund at the 2022 valuation		
20	Valuation Results / Section 13	In the 2022 valuation the assets totalled £5,822m and liabilities were £6,060m. The funding level was 96%.		
21	Review of FSS	The Committee approved the latest Funding Strategy Statement in September 2022		
Administration				
22	Performance Indicators	While service levels materially improved during 2022, performance in aggregate remained well below required levels and just five out of nineteen service measures were completed within target timescales. Staff vacancy rates are running at c.13%		
23	Administration Strategy	The committee approved the budget for the revised service plan including new organisational structure, staff salary review and digital improvements to the Fund which will drive forward the required improvements to the administration.		
24	The Pension Regulator's Standards of data requirements	The Fund regularly tests its data against The Pension Regulator's (TPR) requirements. In the TPR Scheme Return submitted in September 2021 the Fund reported a data score of 95% for common data and 95% for scheme specific data		
Legislation				
25	Update on legislation	McCloud/Sargeant (Age discrimination) – McCloud regulations have been laid in effect from 8 September and will take effect from 1st October 2023. Further statutory guidance is awaited on the remedy but the team are ensuring the regulations are followed from the effective date		
		Pensions Dashboards Programme – Ongoing project in place with key officer resource to ensure the Fund's compliance with the onboarding of the PDP. The Regulations came into force in December 2022. The deadline for overall compliance to the Dashboard has been extended to 2026, with a separate staging timeline will be set out in the connection guidance.		

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Chairman's Summary

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

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

This report covers the period 1st August 2022 to 31st July 2023 within which the Board has held three formal meetings plus an informal workshop to discuss the performance of the Fund's administration and forward looking change and service improvement plans.

The Board has continued to focus on the Fund's operational arrangements which have continued to be delivered in a mixed environment of virtual and office working. The Board welcomed the news in October 2022 that the Fund would have a dedicated working area within the Civic Centre which is allowing more collaboration, with teams having the opportunity to work, support and train each other face to face.

Concerns have continued to be raised by the Board over key performance indicators and a key priority has been to allow sufficient time in meetings to receive updates on the Fund's change programme and service improvement plans. This includes the restructure of the service to maximise digital services and improve KPIs, with the vital objective of ensuring that the Fund delivers a good service to members and employers. It also acknowledges the challenges the Fund faces with ongoing recruitment and retention and has welcomed the steps being put in place to address the issues.

I am pleased to say that with the support of the officers to the Fund, the Board has made good progress in fulfilling its terms of reference and continuing to support the administering authority in its statutory duties. During this period the members of the Board have also continued to develop their knowledge and understanding of the LGPS and governance arrangements as required by law. All members' have now committed to study the Hyman's Online Learning Academy and as Chair I have asked all Board members to refresh their knowledge of the modules on an annual basis.

Over the year a wide range of LGPS regulations and governance requirements have been reviewed and regular updates received on its pooling arrangements with the Brunel Pensions Partnership as well as updates on the Fund's Funding and Investment strategies including progress towards the Fund's climate change targets.

In December 2022 the Board were pleased to welcome representatives of the Fund's external auditors, Grant Thornton and internal auditors to personally present their audit findings and provide Board members with an opportunity to ask questions directly. It was reassuring to note that no significant issues were found and all internal audits received a substantial assurance rating.

Looking ahead the LPB will continue to assist and support the Fund concentrating on a specific area of administration or governance at each meeting. However, as a critical priority they have requested an update on the Fund's change programme and service improvement plans at each meeting. Members have also requested additional engagement between meetings. These will be informal workshops to focus on a particular subject outside of the formal meetings.

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

Nick Weaver
Independent Chair

1. Local Pension Board Members

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

Member Type	Active/Retired	Member Name	Date of Appointment	Date of Term End	Extensions This Year
Chairman		Nick Weaver	01/11/19	29/10/23	
Employer Representative	Active	Steve Harman	01/07/15	30/06/23	30/06/25
Employer Representative	Active	Tony Whitlock	01/05/16	01/05/24	
Employer Representative	Active	Stuart Anstead	01/12/21	30/11/25	
Member Representative	Retired	David Yorath	01/07/15	30/06/23	30/06/25
Member Representative	Retired	Helen Ball	01/03/20	28/02/24	
Member Representative	Retired	Alison Wyatt	01/05/22	30/04/26	

Attendance at Local Pension Board Meetings – August 2022 – July 2023

Role	Board Member	Attendance
Independent Chairman	Nick Weaver	3/3
Employer Representative	Steve Harman	3/3
	Tony Whitlock	1/3
	Stuart Anstead	1/3
Member Representative	David Yorath	1/3
	Helen Ball	3/3
	Alison Wyatt	3/3

2. Training

Background

In accordance with the Pension Regulator (TPR) guidance every member of a Local Pension Board must:

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

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

Degree of Knowledge and Understanding

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

Areas of Knowledge and Understanding

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

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

Training Undertaken

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

All members have been studying the Hymans LGPS Learning Academy to improve knowledge and understanding as recommended as part of the SAB's Good governance review and in line with upcoming agenda items.

Throughout the year members attended various seminars and conferences such as CIPFA's Pension Board autumn & spring events, LGE's Trustee Fundamentals and Governance Conference plus Brunel Investor Days. These events help to broaden understanding of topics of relevance to the LGPS and the role of a pension board member.

The Board's training plan is a topic at each board meeting and a training log is maintained to assist in the identification of on-going training needs.

3. Review of Areas Covered in 2022/23 & Recommendations Made

Over the last year of operation of the Board was focussed on key administration and governance themes of KPIs, legal compliance, risk management, and best practice as well as monitoring the developments connected to asset pooling and the Brunel Pensions Partnership. A summary of the areas covered is as follows: –

Review of LPB Arrangements		Review of Pension Fund Activities	Review of Pension Fund Administration	Independent Assurance
Review of LPB Terms of Reference, Code of Conduct, Conflicts of Interest, Breaches		Review of Avon Pension Fund Committee & Investment Panel Minutes & governance arrangements	Review of Compliance Reports & legal timeframes at all meetings	Review of TPR, SAB & CIPFA external benchmarking exercises
Review of Training Requirements		Review of Brunel Oversight Board	Review of Risk Register at all meetings	Review of External Audit plan and reports
Review of Work Plan		Review of Funding Strategy Statement	Review of Service Plan annually	Review of Internal Audit plan and reports
		Review of Investment Strategy Statement	Review of Statutory Annual Requirements eg ABSs & PSS	Hymans' gap analysis of requirements of the SAB's Good Governance Review
		Review of Scheme Employers & Admitted Bodies	Review of regulatory projects eg McCloud remedy & Dashboard implementation plans	
		Review of Business Continuity	Review of Annual Report	
Meeting	Area		Action/Minutes	
4 October 2022	<ul style="list-style-type: none"> Brunel Update Funding Strategy Statement Admin Strategy Update. Pension Fund Administration CIPFA Reporting Risk Register Update Pension Board's Annual Report PB's Workplan & Training Plan 		http://vm-civ-mgov/ieListDocuments.aspx?CId=563&MId=6275&Ver=4	
8 December 2022	<ul style="list-style-type: none"> External Audit Findings Brunel Update Summary of Liquidity Profile Annual Report & Summary of Accounts Internal Audit Cyber Security Assessment Annual review of data and regulatory breaches Review of statutory annual requirements (year end/ABS/PSS) Update on Legislation Risk Register Update – PB's Workplan & Training Plan 		http://vm-civ-mgov/ieListDocuments.aspx?CId=563&MId=6202&Ver=4	
23 May 2023	<ul style="list-style-type: none"> Administration Update covering: 		http://vm-civ-mgov/ieListDocuments.aspx?CId=563&MId=6356&Ver=4	

	<ul style="list-style-type: none"> ○ Current service including KPIs ○ TPR DIP ○ Service Improvement & Change Programme • Technical & Compliance Update • Risk Register • Investment & Funding Strategy Update • Workplan / Training Plan 	
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4. Forward Plan for 2022/23

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

AGENDA ITEM	06/09/23	07/12/23	20/02/24	12/06/24
Board Governance				
Terms of Reference (Governance) review	X			X
Code of Conduct/ Conflicts of Interest policy				X
Work Plan (to be dynamically updated)	X	X	X	X
Annual budget setting and monitoring				X
Training Plan (to be updated as required)	X	X	X	X
Annual Report to PC and Council approval	X			
Scheme and Fund Governance				
Legal, policy, regulatory developments		X	X	X
Minutes PC, IP, BOB	X	X	X	X
Annual Service Plan				X
Risk Register review	X	X	X	X
Governance Review	X			X
TPR Code 14 Compliance updates	X	X	X	X
Internal Audit plan/reports on APF		X		
External Audit Governance Report and Accounts		X		
Funding/Investments				
Investment & Funding Strategy	X		X	
Climate change & progress on net zero targets	X	X		
Benefits Admin/Comms				
Admin Strategy Review	X	X	X	X
Fund and employers' compliance/TPR reporting	X	X	X	X
Breaches policy/register/TPR reporting		X		
GDPR compliance		X		
Record keeping, data security, business recovery		X		
ABS process annual review		X		
Admin performance benchmarking	X		X	

5. Pension Board Training Plan

Training Plan	Type of Training	Date planned / delivered
Trustee Fundamentals	Seminar	Autumn 2023
Brunel Investor Days	Seminar	Autumn 2023
Governance Conference	Conference	January 2024
Hymans' LGPS Online Learning Academy	Online modules	2023/24
To be confirmed	Workshops	2023/24

6. Pension Board Costs & Budget

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

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

Summary Financial Table

Budget Area	2022/23 Budget	2022/23 Actual Spend
LPB Members Allowances	£8,160	£4,342
LPB Members Training Costs & External Support	£6,120	£1,175
Pension Board Recruitment	£25,500	£0
LPB Meeting & Democratic Services Costs	£6,120	£1,390
Total	£45,900	£6,907

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

Appendix 1 - Legal basis of Local Pension Board

Specific Role and Purpose

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

- a) Securing compliance with the regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation and:
- b) To ensure the effective and efficient governance and administration of the Scheme.

The Board assists the 'scheme manager' by monitoring and advising on compliance with the pension scheme regulations, along with all other legislation and the requirements imposed by the Pensions Regulator to ensure the effective and efficient governance and administration of the scheme.

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

The Pension Regulator (TPR)

The Pension Regulator has responsibility for the LGPS. Therefore, one focus for the Board is ensuring the fund's compliance with TPR Codes of Practice. This is split into several areas which covers governance, risk management and resolving issues.

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

Code of Conduct & Conflicts of Interest

All Board members have signed up to BANES Council's Code of Conduct policy, which emphasises that as a holder of public office there is an expectation that Board members will comply with the 'seven principles of public life', also known as the 'Nolan Principles'.

All Board members have also signed up to the Fund's Conflicts of Interest Policy. This requires all members to notify the Fund of any potential conflict of interest arising as a result of their position on the Board.

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

All Board members have formally completed their declaration of interest forms. For more information on conflicts of interest and declarations at each meeting please use the following link –

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

Terms of Reference

Terms of Reference for the LPB are available through the following link to the Avon Pension Fund website: <https://www.avonpensionfund.org.uk/pension-board>

Appendix 2 - Risk Management

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

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

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

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

- Ability to deliver the service to agreed standards, including recruitment and retention of staff
- Failure to achieve decarbonisation targets ie Climate change
- Delivering the future funding & investment strategies
- Brunel fails to deliver client objectives
- Employers unable to meet financial obligations to the Fund
- Data Protection & Cyber Security

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

The Board has actively engaged on the key risks facing the Fund and supports increases in resources to mitigate some of these risks as well as discussing issues around capacity, skills gaps and recruitment and retention.

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

Appendix 3

Local Pension Board Compliance with the Pension Regulator's Code of Practice

In 2021 Internal Audit carried out a governance review against the requirements of TPR's Code of Practice and their report is available via the following link <http://vm-civ-mgov/ieListDocuments.aspx?CId=563&MId=5944&Ver=4>

Overall, the control framework in place and operating for the management of the 'Governing your Scheme' section of Code of Practice 14 was found to be effective and given an assurance rating of **"Substantial Assurance"**. A total of 3 audit recommendations, and 1 area of good practice, are detailed in the Action Plan.

Amongst the strengths identified were:

- The Terms of Reference for the Pension Board can be found in The Council's constitution.
- Pension Board members are asked to declare any conflicts of interest at the start of each meeting. This is recorded in the minutes of the meeting.
- Members are expected to observe the general principles of conduct identified by the Committee on Standards in Public Life (Nolan Principles) and signed declarations can be evidenced.
- There are more than four participants, on the Pension Board, with an equal split between employers and members. This structure complies with the requirements of the Local Government Pension Scheme regulations.
- When new members to the board are appointed, they are provided with detailed training material as well as attend an induction training session. Attendance at the training was 100% for new members.
- A "Training and Attendance" log is maintained and kept up to date.
- The Pension Board's work plan and training plan forms part of the standard Pension Board agenda.
- There are several communication channels to inform and educate Board Members, such as a the LGE monthly bulletin that explains any regulatory updates and changes to the scheme, LGPS regulatory update is a standard agenda item for Pension Board meetings, Invitations and attendance at LGPS seminars and workshops.

The following weaknesses were identified:

- Internal Audit was informed that all original members have completed the Pension Regulator's Toolkit, but this could not be evidenced for all members.
- One out of three new Board Members had not completed a Register of Interest Form and signed a declaration that they agree to abide by the Code of Conduct.
- An Independent Officer has not provided assurance that the declarations are not in conflict based on the interest declared and the members responsibility.

Internal Audit also identified the following opportunity

- A checklist should be developed that would enable measurement of the Pension Board's governance arrangements, including the requirements of COP-14, against governance best practice.

Following the audit an annual governance check was put in place to capture the requirements of the audit recommendations. This is now an annual standing item on the Board's agenda.

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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&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 3rd party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
- 14. The Director - One West 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.

(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 Council 20 July 2023

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	30 November 2023
TITLE:	Annual Report of the Charitable Trust Board
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Council on the work of the Charitable Trust Board in 2021/22.
- 1.2 The Chair of the Charitable Trust Board has requested that future annual reports are brought to Council before the end of the financial year to ensure that the information is being presented at the earliest opportunity.

2 RECOMMENDATIONS

- 2.1 To note the Annual Report of the Charitable Trust Board for 2021/23.
- 2.2 To note that in future, the Annual Report of the Charitable Trust Board will be brought to Council before the end of the financial year.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The purpose of the Charitable Trust Board is to facilitate the management of the charitable trusts for which the Council is the sole trustee; independently, in accordance with their governing documents and in the best interests of the charity. Currently the only charitable trust which the Board oversees is the Alice Park Trust. This is managed by a Sub-Committee consisting of voting members (elected members of the Council) and independent non-voting members.
- 3.2 The Charitable Trust Board is satisfied that the finances of the charity are being managed adequately with the support of the Council's finance team. The Alice Park Trust annual report and accounts for 2021/22 have been submitted to the Charity Commission.

4 THE REPORT

- 4.1 The Charitable Trust Board received the Annual Report of the Alice Park Trust and is satisfied that the Alice Park Trust is:

- Being managed in pursuit of its charitable purposes.
- Maintaining a balanced account.
- Acting within the requirements of its governing documents.
- Dealing with its regulatory and public accountability obligations.

4.2 Expenditure incurred for Alice Park Trust in 2021/22 was £44,402; this was offset by income of £22,112.

4.3 The deficit of £22,290 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.

4.4 Net Assets of the Trust are valued at a cost of £189,552. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.

4.5 The accounts for 2021/22 have been prepared by the Council's Finance team and have been independently examined by One West. The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission.

4.6 An annual report for the Trust has also been prepared for submission to the Charity Commission.

4.7 Subject to Covid closures, the park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.

4.8 All members of the Alice Park Trust Sub-Committee during the period April 1st 2021 to 31st March 2022 are listed in the Annual Return.

4.9 The Alice Park Trust accounts for 2021/22 were submitted to the Charity Commission by the required deadline of 31 March 2023.

5 RATIONALE

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

6 EQUALITIES

6.1 An Equalities Impact Assessment has not been carried out as this report is for information only.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CLIMATE CHANGE

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

9 CONSULTATION

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

10 RISK MANAGEMENT

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

Contact person	Chris Major, Director of Place Management
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	30 November 2023	
TITLE:	Annual Report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 Usage Statistics 2022-2023		
Appendix 2 RIPA & IPA training module		

1 THE ISSUE

- 1.1 This report updates council on the use of Regulation of Investigatory Powers Act and Investigatory Powers Act, policies, and procedures.

2 RECOMMENDATION

The Council is asked to:

- 2.1 Note the summary on the use of Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 (RIPA/IPA) by the Council (Appendix 1)
- 2.2 Note the RIPA & IPA training module (Appendix 2)
- 2.3 Adopt the Home Office Covert Human Intelligence Sources Code of Practice (revised December 2022) set out at paragraph C.1.13 of the Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 (Appendix 3).

3 THE REPORT

- 3.1 The Regulation of Investigatory Powers Act 2000 permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of crime and the protection of public health. This is undertaken by either the use of Directed Surveillance or the use of a Covert Human Intelligence Source (CHIS). The Investigatory Powers Act 2016 allows the Council to apply to telecommunications providers for data information (but not the contents of communications) about individuals who are suspected of committing crimes. When RIPA & IPA are applied, it ensures that the actions taken by the Council comply with the Human Rights Act 1998.
- 3.2 The Investigatory Powers Commissioner's Office (IPCO) is responsible for the inspection of public authorities with regard to compliance with RIPA & IPA. The Council has previously been inspected in May 2014 and June 2017 and in 2020 a 'desk top' inspection was undertaken. The frequency of inspection for Local Authorities is every 3 years and in all likelihood the Council will be inspected in the near future.
- 3.3 A summary of the Council's Annual Return on its use of RIPA and IPA powers to the IPCO is at Appendix 1.
- 3.4. The Council is committed to the continued professional development of Officers using RIPA and IPA powers. Officers using RIPA and IPA powers, therefore, are required to undergo annual training. The RIPA and IPA training module has been updated this year and made available through the Council's online 'Learning Zone' portal with a Certificate generated on successful completion of the training module. The Learning Zone is available to all Officers and will be available to the IPCO on inspection. A link to the RIPA and IPA training module is at Appendix 2.
- 3.5 The Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 is at Appendix 3 and note that paragraph C.1.13 provides a link to the Home Office Covert Human Intelligence Sources Revised Code of Practice revised December 2022.

4 STATUTORY CONSIDERATIONS

- 4.1 The revised code on Covert Surveillance and Property Interference recommends that elected members should review the use of RIPA/IPA powers and set the policy annually.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA/IPA powers, the IPCO requires the Council 's procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

7.1 There are no impacts on climate change arising from this report.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 The Monitoring Officer and Council S.151 Officer have been consulted on the contents of this report.

Contact person	Shaine Lewis, Legal Services Manager tel: 01225 395279
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Key Statistics 2022-23

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

None

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

Key Statistics 2022-23

SURVEILLANCE DATA

None

COMMUNICATIONS DATA

1

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

[RIPA - IPA Training 2022-23](#)

BATH AND NORTH EAST SOMERSET COUNCIL

Policy on

Regulation of Investigatory Powers Act 2000
(RIPA)

and

Investigatory Powers Act 2016 (IPA)

Revised November 2023

BATH AND NORTH EAST SOMERSET COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

&

INVESTIGATORY POWERS ACT 2016 (IPA)

POLICY

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REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

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INVESTIGATORY POWERS ACT 2016 (IPA)

A.1 Purpose

The purpose of this Policy and accompanying guidance is to explain:

- the scope of RIPA and IPA
- the circumstances where these apply

A.2 Introduction

A 2.1 **RIPA** - which came into force in 2000, regulates the use of investigatory powers exercised by various bodies including Local Authorities, and ensures that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and that, judicial approval is obtained before they are carried out.

A 2.2 **IPA** - which came into force in 2019, regulates the acquisition and disclosure of Communications Data (CD) by various bodies including Local Authorities. This is achieved by requiring application for CD to be facilitated by collaboration with the National Anti-Fraud Network (NAFN) and approved by the Office for Communications Data Authorisations (OCDA)

A 2.3 This policy sets out Bath and North East Somerset Council's (the Council) position in relation to RIPA and IPA. Part I deals with RIPA and Part II deals with IPA

A 2.4 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information is necessary and proportionate, i.e. whether a potential breach of human rights is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 **(RIPA)**

PART I – RIPA

B 1.0 The investigatory powers, which are relevant to a Local Authority, are directed covert surveillance in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment, or are related to the underage sale of alcohol and tobacco and the use of covert human intelligence sources (CHIS). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these can be viewed at

<https://www.gov.uk/government/collections/ripa-codes>

B 1.1 This policy sets out the practice to be followed before any covert surveillance is undertaken. The Council will only carry out covert surveillance where such action is necessary, proportionate and justified and will endeavour to keep such surveillance to a minimum. The Council recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime, preventing disorder or the protection of public health and has produced this document as guidance to assist officers. The procedures and guidance set out in this Policy are based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources (CHIS), the Home Office guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance and guidance issued by the Investigatory Powers Commissioner. See

B 1.2 Officers should be aware of the scope and extent of activities covered by the provisions of RIPA. In many cases, investigations carried out by Council officers will not be subject to RIPA, as they involve overt rather than covert surveillance (see below).

B 1.3 RIPA does:

- require prior authorisation and judicial approval of directed covert surveillance
- prohibit the Council from carrying out intrusive surveillance

- require prior authorisation and judicial approval of the conduct and use of CHIS
- require safeguards for the conduct and use of CHIS.

B 1.4 RIPA does not:

- prejudice any existing powers available to the Council to obtain information by any means not involving conduct requiring authorisation under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or from the Land Registry as to the ownership of a property.
- authorise the use of directed covert surveillance unless the crime threshold is met.

B 2.0 **Applications for Authorisations**

B 2.1 All applications for authorisation in accordance with RIPA must be considered by one of the Council's designated authorising officers. Schedule 1 of this Policy identifies the officers authorised to act as the Council's designated persons. Any incomplete or inadequate application forms will be returned to the Applicant Officer for amendment. The Authorising Officer shall in particular ensure that:

- a criminal offence is being investigated;
- there is a satisfactory reason for carrying out the surveillance;
- the crime threshold is met or the offences relate to the underage sale of alcohol or tobacco;
- the covert nature of the investigation is necessary;
- proper consideration has been given to collateral intrusion;
- the proposed length and extent of the surveillance is proportionate to the information being sought;
- the authorisations are reviewed and cancelled;
- records of all authorisations are sent to the Monitoring Officer for entry on the Central Register;
- an analysis of alternative methods, other than directed covert surveillance has been considered as a way of obtaining the necessary information together with reasons why those alternatives are inappropriate. This is to ensure that RIPA powers

are used as a last resort;

- B 2.2 After authorisation has been obtained from an authorising officer the Applicant Officer must attend the Magistrates' Court in order to obtain Judicial approval for the authorisation.

B 3.0 Scrutiny and Tribunal

- B 3.1 The Council must obtain an order from a Magistrate approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity be carried out. The Council can only challenge a decision of the Magistrate on a point of law by way of judicial review.
- B 3.2 The Investigatory Powers Commissioner (IPC) was set up to oversee and monitor compliance with RIPA operations carried out by public authorities. The IPC has "*a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA*", and the IPC will from time to time inspect and examine the Council's policies, records, operations and procedures for this purpose.
- B 3.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g., directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.
- B 3.4 The Tribunal can order:
- B 3.4.1 the quashing or cancellation of any warrant or authorisation;
 - B 3.4.2 the destruction of any records or information obtained by using a warrant or authorisation;
 - B 3.4.3 the destruction of records or information held by a public authority in relation to any person.
- B 3.5 The Council has a duty to disclose to the Tribunal all documents it requires, if any Council officer has:
- B 3.5.1 granted any authorisation under RIPA;
 - B 3.5.2 engaged in any conduct as a result of such authorisation.

B 4.0 **Benefits of RIPA Authorisations**

- B 4.1 RIPA states that if authorisation is given to engage in a certain conduct and the conduct undertaken is in accordance with the authorisation (including judicial approval), then it will be lawful for all purposes. Consequently, RIPA provides a defence to an accusation of an infringement of a human right.
- B 4.2 Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

B 5.0 **Statutory Definitions**

B 5.1 'Surveillance' includes:

- B 5.1 monitoring, observing, listening to people, watching or following their movements, listening to their conversations and other such activities or communications.
- B 5.1.2 recording anything mentioned above in the course of surveillance.
- B 5.1.3 surveillance by, or with the assistance of, appropriate surveillance device(s).

Surveillance can be overt or covert.

- B 5.2 **Overt surveillance** will include most of the surveillance carried out by the Council – there will be nothing secretive, clandestine or hidden about it. For example, sign posted CCTV cameras normally amount to overt surveillance (but see 6.6 and 7.3 below). In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases carried out by Environmental Health for food hygiene or other purposes), and/or will be going about Council business openly (e.g. a parking attendant walking through a Council car park).
- B 5.3 Similarly, surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that noise will be recorded if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- B 5.4 Overt surveillance does not require any authorisation under RIPA. Neither does **low-level surveillance** consisting of general observations in the course of law enforcement (for example, where a planning officer drives past a site to check whether planning conditions are being complied with). Repeated visits may amount to systematic surveillance, however, and require authorisation: if in doubt, legal

advice should be sought. Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of a *general* observation does not need to be regulated by RIPA, as long as the *systematic* surveillance of an individual is not involved.

B 5.5 **Covert surveillance** (S. 26(9)(a)) is surveillance carried out in a manner calculated to ensure that the person subject to the surveillance is unaware that it is, or may be taking place. RIPA requires the authorisation to two types of covert surveillance (**directed surveillance** and **intrusive surveillance**) plus the use of CHIS.

B 5.6 **Directed surveillance** (s.26(2)) is surveillance which:

B 5.6.1 is covert; and

B 5.6.2 is not intrusive surveillance (see definition below – **the Council is prohibited by law from carrying out any intrusive surveillance**);

B 5.6.3 is not carried out in an immediate response to events where it would not be practicable to obtain authorisation under the Act;

B 5.6.4 is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation).

B 5.6 **Private information** in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact or associates with.

B 5.7 Similarly, although signposted town centre CCTV cameras do not normally require authorisation, this will be required if the camera is tasked for a specific purpose which involves prolonged surveillance on a particular person or place.

B 5.8 Other examples of directed surveillance include:

B 5.8.1 officers following an individual over a period to establish whether s/he is working whilst claiming benefit.

B 5.8.2 test purchases where a hidden camera or other recording device is used.

B 5.9 Surveillance that is unforeseen and undertaken as **an immediate response** to a situation normally falls outside the definition of directed surveillance and, therefore, authorisation is not required. However, if a specific investigation or operation is subsequently to follow, authorisation must be obtained in the usual way before it can commence. In no circumstance will any covert surveillance operation be given backdated authorisation after it has commenced.

B 5.10 Intrusive Surveillance (s. 26(3)) occurs when surveillance:

B 5.10.1 is covert;

B 5.10.2 relates to residential premises and private vehicles; and

B 5.10.3 involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if it were in the premises/vehicle.

Residential premises do not include common areas to which a person has access in connection with their use of occupation for example hotel reception area or communal stairways.

B 5.11 Directed surveillance carried out at the following locations for the purpose of legal consultation shall be treated as intrusive surveillance:

B 5.11.1 Any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;

B 5.11.2 Police stations;

B 5.11.3 Hospitals where psychiatric services are provided;

B 5.11.4 The place of business of any professional legal adviser;

B 5.11.5 Any place used for the sittings and business of any court, tribunal, inquest or enquiry;

B 5.11.6 Any place which persons may be detained under certain circumstances provided by the Immigration Act 1971 or UK Border Act 2007.

Intrusive surveillance can be carried out only by police and other law enforcement agencies. **Council officers must not carry out intrusive surveillance.**

B 5.12 **‘Covert human intelligence source’** (CHIS) (s.26(8)) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to information to another person or covertly discloses information obtained through the use of such a relationship or as a consequence of the relationship.

B 5.13 **‘Authorising Officer’** in the case of Local Authorities these are specified as Assistant Chief Officers (and more senior officers), Assistant Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010/521). The Council’s authorising officers are set out in Schedule 1 to this Policy.

B 5.14 **‘Applicant Officer’** those council officers who apply for RIPA authorisation.

B 5.15 **‘Crime Threshold’** applies to an authorisation for directed surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:

- 7.11.1 S.146 of the Licensing Act 2003 (sale of alcohol to children);
- 7.11.2 S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- 7.11.3 S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
- 7.11.4 S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

B 6.0 **When does RIPA apply?**

Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is necessary for the purpose of preventing or detecting crime or of preventing disorder.

B 6.1 The Council can only authorise directed covert surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary

conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:

- S.146 of the Licensing Act 2003 (sale of alcohol to children);
- S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
- S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

B 6.2 CCTV – the normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV to target a specific individual or group of individuals via CCTV recordings.

B 6.3 The use of RIPA powers must be in relation to the performance of a core function of the Council and not 'ordinary functions' such as employment issues or contractual arrangements. It will include criminal misconduct investigations.

B 7.0 Training

B 7.1 Each Director shall be responsible for ensuring that relevant members of staff, involved with any aspect of covert surveillance, are aware of the Act's requirements.

B 7.2 The Monitoring Officer shall ensure that refresher training is offered once a year to all services of the Council and also give advice and training on request. Applicant Officers must have received training and bi-annual refresher guidance on RIPA.

B 8.0 Central Register and Records

B 8.1 A Central Register of all authorisations including the application for judicial approval, and Order form shall be retained by the Monitoring Officer. The content of the application forms and authorisations will be monitored to ensure that they comply with the Act. The Monitoring Officer will report any breaches of this Policy or the Act's provisions to the Strategic Management Team of the Council

B 9.0 Overview and Scrutiny

B 9.1 The Monitoring Officer shall be the Senior Responsible Officer who will:

- ensure compliance with the Council's policy, relevant RIPA legislation and guidance;

- engage with commissioners and inspectors when the Council's inspection is due (usually every three years);
- oversee any post-inspection action plans recommended or approved by a Commissioner.

B 9.2 This policy shall be reviewed, and where necessary amended, at least once a year and the version control table at Schedule 2 updated accordingly. If requiring amendment, the revised policy shall be presented to and considered by the following:

- The Strategic Management Team
- The relevant Council Committee/Cabinet

B 9.3 The Senior Responsible Officer will report to the relevant Council committee/Cabinet, detailing the Council's use of RIPA powers, annually.

B 9.4 The Council's elected members will not be involved in any decisions made on specific authorisations granted.

B.10 Internet & Social Media Policy

B 10.1 In order to prevent and detect crime a social media policy has been introduced to ensure that a lawful process is followed when accessing Social Networking Sites "SNS" and the internet at Schedule 3

B.11.0 Aerial Surveillance

B 11.1 Where surveillance using airborne crafts or devices, for example helicopters or unmanned aircraft ('drones'), is planned, consideration must be given as to whether a surveillance authorisation is appropriate. In considering whether the surveillance should be regarded as covert, account should be taken of the reduced visibility of a craft or device at altitude. If these devices are used in a covert and pre-planned manner, as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance authorisation should be considered. Such covert surveillance is likely to result in the obtaining of private information about a person (namely, a record of their movements and activities) and therefore falls properly within the definition of directed surveillance.

C 1.0 Covert Human Intelligence Source

C 1.1 The RIPA definition (section 26) is anyone who:

- C.1.1.1 establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs C 1.1.2 –C 1.1.3;
- C 1.1.2 covertly uses such a relationship to obtain information or provide access to any information to another person; or
- C 1.1.3 covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

C 1.2 Any reference to the conduct of a CHIS includes the conduct of a source which falls within C1.1.1 - C 1.1.3. or is incidental to it. References to the use of CHIS are references to inducing, asking or assisting a person to engage in such conduct.

C 1.3 Section 26(9) of RIPA goes on to define:

- C 1.3.1 a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and
- C 1.3.2 a relationship is used covertly, and information obtained as mentioned in section 26 (8)c and is disclosed covertly, if and only if, it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

C 1.4 The Council is only likely to use a CHIS in **very exceptional circumstances**, and advice should be sought from the Monitoring Officer before any authorisation is sought.

C 1.5 If the Monitoring Officer deems that the use of a CHIS is appropriate the application must be authorised and judicial approval obtained.

C 1.6 The provisions of RIPA relating to CHIS do **not** apply;

- C .1.61 where members of the public volunteer information to the Council as part of their normal civic duties;

- C 1.6.2 where the public contact telephone numbers set up by the Council to specifically receive information;
- C.1.6.3 where test purchases are carried out in the normal course of business
- C.1.6.4 where members of the public are asked to keep diaries of incidents in relation to planning enforcement or anti-social behaviour.

as none of these situations normally require a relationship to be established for the covert purpose of obtaining information.

C 1.7 If a CHIS is used, both the use of the CHIS and his or her conduct require prior authorisation and judicial approval;

- C.1.7.1 conduct – establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to the covert purpose of) obtaining and passing on information
- C.1.7.2 use – inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

C.1.8 One person within the Council will be responsible for tasking the source, dealing with them, directing their day-to-day activities and recording information supplied by them and monitoring their welfare and security. A risk assessment MUST be carried out at the start, during and after the investigation (see Schedule 3 and Section 29(5) of RIPA for the specific requirements that need to be satisfied and for details of the different persons required to undertake separate responsibilities).

C 1.9 Special safeguards exist for the use of individuals who are under the age of 18 years old as a CHIS. The Regulation of Investigatory Powers (Juveniles) Order 2000 details the special provisions that must be satisfied.

C.1.10 Only an Authorising Officer may grant an authorisation for the use of a juvenile as a CHIS. Under no circumstances may a juvenile under the age of 16 be authorised to act as a CHIS against the wishes of his parents or person who has parental responsibility for him/her. The duration of an authorisation for the use of a juvenile as a CHIS is one month.

C.1.11 A vulnerable individual is a person who is or may be in need of community care services for reason of mental or other disability, age or illness or is unable to take care of himself or protect himself from significant harm or exploitation. Only in the most exceptional circumstances may an Authorising Officer grant an authorisation for the use of a vulnerable individual as a CHIS.

C.1.12 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship which is authorised in the 2000 Act, not whether the CHIS is asked to do so by the Council. Where an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on the information from any such informant.

C.1.13 For the Home Office Covert Human Intelligence Sources Revised Code of Practice December 2022 see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123687/Revised_CHIS_Code_of_Practice_December_2022_FINAL.pdf

C 2.0 **Directed Surveillance**

C 2.1 All application forms see

<https://www.gov.uk/government/collections/ripa-forms--2>

must be fully completed by the Applicant Officer with the required details and sufficient information to enable to Authorising Officer to make an informed decision that he is satisfied and believes that RIPA is necessary and proportionate. The application form must also provide all the information required for approval by the Judiciary. No authorisation shall be granted unless the Authorising officer is satisfied that the RIPA authorisation is:

- Necessary for either the purpose of preventing or detecting crime or the prevention of disorder that involves a criminal offence or offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment or are related to the underage sale of alcohol and tobacco (see paragraph 7.2 the policy above);
- Proportionate this means that:
 - the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;
 - it must be the method that is least invasive of the individual or individual being observed;

- the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 2.2 below); and
- that no other form of investigation would be appropriate.

The authorisation completed by the Authorising Officer should indicate that full consideration has been given to the above points and a record should be made on the appropriate forms.

Both the Applicant Officer and Authorising Officer should refer to their training notes regarding the completion of the RIPA forms, with particular attention to necessity and proportionality.

C 2.2 The Authorising Officer must also take into account the risk of **'collateral intrusion'** i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation, particularly where there are special sensitivities e.g. premises used by lawyers, doctors or priests for any form of medical or professional counselling or therapy. The application form must include a detailed assessment of any risk of collateral intrusion for this purpose.

C 2.3 Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion. The Applicant Officer must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as these become apparent.

C 2.4 A single authorisation may refer to a number of individuals but relate to a single investigation and are "same fact". However, necessity, proportionality and collateral intrusion should be considered individually. If particular subjects are subsequently ruled out of the investigation, those individuals should be removed at the next review. Such circumstances should prompt an early review.

C 2.5 Special consideration should be given in respect of confidential information. Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material (S98 – 100 Police Act 1997). The Chief Executive, Monitoring Officer or Deputy Monitoring Officer must sign any authorisation before judicial authority is sought.

C 2.6 Legal Privilege

This applies to legal consultation and includes communications or consultation between an individual and his/her legal adviser or a person representing their client in connection with the giving of legal advice in connection with or in contemplation of legal proceedings.

This also includes consultations with medical practitioners. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Monitoring Officer should be sought in respect of any issues in this area.

C 2.7 Confidential Personal Information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's **spiritual welfare** or matters of **medical or journalistic confidentiality**.

C 2.9 Confidential Journalistic Material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered under RIPA may not necessarily be properly regarded as confidential under Section 41 Freedom of Information Act.

Where such information is likely to be acquired, the surveillance may only be authorised by the Monitoring Officer.

C 3.0 Judicial Approval of Authorisations

C 3.1 Once the Authorising Officer has authorised the Directed Surveillance or CHIS the Applicant Officer (who completed the application form) should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Magistrate.

C 3.2 The Applicant Officer will provide the Magistrate with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Magistrate and should contain all the information that is relied upon.

C 3.3 In addition the Applicant Officer will provide the Magistrate with a partially completed judicial application/order form.

C 3.4 The hearing will be in the Magistrates' Court and the Applicant Officer will be sworn in and present the evidence as required by the Magistrate. Any such evidence should be limited to the information in the authorisation.

C 3.5 The Magistrate will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be so. He/she will also consider whether the authorisation was given by the appropriately designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

C 3.6 The Magistrate can:

C 3.6.1 approve the grant of the authorisation which means that the authorisation will then take effect; or

C 3.6.2 refuse to approve the grant of the authorisation which means the authorisation will not take effect but the Council may look at the reasons for the refusal, make amendments and re-apply for judicial approval; or

C 3.6.3 refuse to approve the grant of the authorisation and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the Applicant Officer has at least two business days from the date of the refusal in which to make representations.

C 4.0 **Notifications to Inspector/Commissioner**

C 4.1 The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- where a lawyer is the subject of an investigation or operation;
- where confidential personal information or confidential journalistic information has been acquired and retained.

C 5.0 **Applications for CHIS**

C 5.1 The process is the same as for directed surveillance except that the authorisation must specify the activities and identity of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

All application forms <https://www.gov.uk/government/collections/ripa-forms--2>

must be fully completed with the required details to enable the Authorising Officer to make an informed decision and to be approved by the Magistrate.

C 6.0 **URGENT AUTHORISATIONS**

- C 6.1 Urgent authorisations should not normally be necessary. However, in exceptional circumstances, if the authorisation cannot be handled on the next working day the Court's out-of-hours service can be contacted. Legal Advice should be sought from the Monitoring Officer about whether it is appropriate to utilise this facility.
- C 6.2 If the need for authorisation has been neglected, or if the situation is of the Applicant Officer's own making, this will not amount to an urgent or exceptional circumstance.

C 7.0 **Duration and Cancellation**

- C 7.1 Every authorisation and every renewal (except in the cases of oral authorisations or where the use of a juvenile CHIS is being authorised) must be for the designated statutory period. If the operation is to only last for a short time, this is information which should be considered in the review and/or cancellation.
- C 7.2 An authorisation for directed surveillance shall cease to have effect (if not renewed) 3 months less one day from the date of judicial approval but still requires to be cancelled using the appropriate form even if the surveillance is required for less than 3 months.
- C 7.3 An authorisation for CHIS shall cease to have effect (unless renewed) 12 months from the date of judicial approval but it is still necessary to cancel the authorisation using the appropriate form.

NOTE:

Authorisations should continue for the minimum period reasonable for the purpose they are given and then cancelled promptly.

C 8.0 **Reviews**

- C 8.1 The Authorising Officer should review all authorisations prior to their expiry date and at intervals determined by him/herself. This should be as often as necessary and practicable. Particular attention should be paid to the possibility of obtaining confidential information. The Applicant Officer can do the necessary research and prepare the papers for the review but the actual review is the responsibility of the original Authorising Officer and should be conducted by him. Necessity and proportionality should be reconsidered if the surveillance is to continue.
- C 8.2 The Applicant Officer must make the Authorising Officer aware of any proposed or unforeseen changes to the nature or extent of the

surveillance operation which may result in further or greater intrusion into the private life of any person by means of a review. The Authorising Officer should consider whether the proposed changes are proportionate before approving or rejecting them.

C 8.3 Where authorisation is given for the surveillance of unidentified individuals whose identity is later established, the review should include reference to their identity. A fresh authorisation will not be necessary if the investigation remains the same.

C 8.4 Evidence of the review should be recorded.

C 9.0 **Renewals**

C 9.1 Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. This renewal must then be approved by a Magistrate in the same way the original authorisation was approved. The process set out in C 3.0 above should be followed.

C 9.2 A CHIS authorisation must be thoroughly reviewed before any application for renewal is sought. Once the Authorising Officer has approved an application to renew, that application must then be approved by a Magistrate in the same way that the original authorisation was approved. The process set out in C 3.0 above should be followed.

C 10. **Central Register of Authorisations**

C 10.1 The Council must maintain the following documents:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorised Officer;
- a copy of the order made by the Magistrate;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation and order made by the judiciary and supporting documentation submitted when the renewal was requested;
- the date and time when any instruction was given by the Authorising Officer.

C 10.2 To comply with C 10.1 above the Monitoring Officer will hold the central register of all authorisations issued by Authorising Officers of the Council. The original copy of every authorisation, judicial order, review, renewal and cancellation issued should be lodged immediately with Legal Services in an envelope marked 'Private and Confidential'.

C 10.3 The Council must also maintain a centrally retrievable record of the following information for a period of 3 years or until the next IPC inspection whichever is the latter:

- type of authorisation
- date the authorisation was given
- date the Order was made by the Magistrate
- name and rank/grade of the Authorising Officer
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation;
- whether urgency provisions were used, and if so why
- details of renewal
- whether the investigation/operation is likely to result in obtaining confidential information
- whether the authorisation was granted by an individual directly involved in the investigation
- date of cancellation

These records will be retained for at least 3 years and will be available for inspection by the Investigatory Powers Commissioners Office.

C 11. **Retention of Records**

C 11.1 All documents must be treated as strictly confidential and the Authorising Officer must make appropriate arrangements for their retention, security and destruction, in accordance with the Council's Data Protection Policy and the RIPA codes of practice. The retention period of the purposes of this guidance is three years from the ending of the period authorised.

C 11.2 The Council's Records Retention and Disposal Policy should be referred to which sets out how different types of records are created as part of any investigation, their storage, retrieval, maintenance, protection and final disposal. The Council also has a separate Code of Practice which covers these issues specifically for CCTV tapes.

C 12 **Complaints Procedure**

C 12.1 The Council will maintain the standards set out in this guidance and the relevant Codes of Practice. The IPC has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

C 12.2 A contravention of the General Data Protection Regulations (GDPR) may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of the guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Customer Feedback & Standards Manager, Bath and North East Somerset Council on 01225 477013 or via councilconnect@bathnes.gov.uk

POLICY ON INVESTIGATORY POWERS ACT 2016 (IPA)

PART II - IPA

D 1.0 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- D 1.1 With effect from 5 February 2019, and in accordance with Part 3 and chapter 2 of Part 6 of the Investigatory Powers Act 2016 (“the IPA”), Local Authorities can obtain ‘communications data’(CD) provided that the acquisition of such CD is necessary for the applicable crime purpose ; and proportionate to what is sought to be achieved by acquiring such CD.
- D 1.2 The applicable crime purpose will depend upon whether the CD being sought is classified as entity data or events data. Where the CD sought is wholly or partly events data the purpose must be for a serious crime. In any other case the CD must be for the purpose of preventing or detecting crime or of preventing disorder.
- *Serious crime*” means crime where-
 - (a) the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence for which a person who has reached the age of 18 and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 1 year or more, or
 - (b) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose

D. 1.3 The Communications data Code of Practice can be accessed here:

<https://www.gov.uk/government/publications/code-of-practice-for-the-acquisition-and-disclosure-of-communications-data>

Important: The Council is NOT Permitted to Intercept any Communications

- D 1.4 The purpose and effect of the procedure is the same as RIPA i.e. to ensure proper consideration is given to permitting such investigations and to provide protection against a human rights challenge.

D 1.5 Applications for CD are subject to independent examination, scrutiny and approval by the IPC through the “Office of Communications Data Authorisations (OCDA). All applications for CD must be undertaken online through NAFN acting as single point of contact SPOC pursuant to the IPA.

D 2.0 What is ‘Communications Data’?

D 2.1 The term Communications Data includes the “who”, “where”, and “how” of a communication but not the content i.e. what was said or written. CD is generated, held or obtained in the provision, delivery and maintenance of communications services i.e. postal services or telecommunications services.

D 2.2 The Council may only acquire less intrusive types of CD. These are:

Entity Data – this data describes or identifies the entity. Entities can be individuals and objects (such as mobile phones).

Events Data –for CD this is limited to communications events which identifies any person, apparatus or location to or from which a communication is transmitted

e.g.:

- incoming call records,
- the location of a mobile phone,
- numbers called

D 2.3 CD relating to Events data is more intrusive than data relating to Entities

D 3.0 Senior Responsible Officer

D 3.1 The Monitoring Officer shall be appointed as the Council’s Senior Responsible Officer and in their absence the Corporate Director for People & Policy.

The SRO is responsible for

- the integrity of the process in place within the public authority to acquire communications data;
- engagement with authorising officers in the Office for Communications Data Authorisations (where relevant);
- compliance with Part 3 of the Act and with the code, including responsibility for novel or contentious cases;
- oversight of the reporting of errors to the IPC and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

- ensuring the overall quality of applications submitted to OCDA by the public authority;
- engagement with the IPC's inspectors when they conduct their inspections; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the IPC.

D 4.0 Application Forms

D 4.1 The Council will maintain a collaboration agreement with the National Anti- Fraud Network (NAFN). All applications must be made online at <https://www.nafn.gov.uk/> NAFN will act as a single point of contact (SPOC) between both the communications service providers (CSPs) and the Council concerning the request and provision of CD. This is to ensure a centralised and managed approach in making applications to obtain CD and facilitates lawful acquisition of CD and effective co-operation between the Council and CSPs.

In addition to being considered by a NAFN SPOC, the applicant for CD must ensure that the Council's SRO is aware of the application being made before it is submitted to an authorising officer in OCDA. The Council's SRO's will be notified to NAFN.

D 5.0 Duration

D 5.1 Authorisations to obtain CD are only valid for one month beginning with the date on which the OCDA approval is granted

D 6.0 Renewal and Cancellation

D 6.1 An authorisation may be renewed at any time during the month it is valid using the same procedure as used in the original application (including seeking OCDA approval). A renewal takes effect on the date which the authorisation it is renewing expires.

D 6.2 The code requires that all authorisations must be cancelled by the Council or OCDA as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The Council must notify the SPOC which must cease the authorised conduct.

D 7.0 Retention of Records

D 7.1 Applications, authorisations and notices must be retained until the Council has been audited by the Commissioner. Applications must

also be retained to allow the Tribunal (see paragraph D 8.0 to carry out its functions.

D 7.2 A record must be kept of:

- the dates of which the authorisation or notice is started or cancelled;
- any errors that have occurred in the granting of authorisations or giving of notices.

D 7.3 A report and explanation of any errors must also be sent to the Commissioner as soon as is practicable. Communications data, and all copies, extracts and summaries of it, must be handled and stored securely and the requirements of the GDPR must be observed. The Monitoring Officer will maintain a centrally retrievable register.

D 8.0 **Oversight and Complaints**

D 8.1 The Act provides for an Investigatory Powers Commissioner whose remit is to provide independent oversight of the use of the powers contained within the IPA and the code requires any person who uses the powers conferred by the IPA to comply with any request made by the Commissioner to provide any information he requires to enable him to discharge his functions.

D 8.2 The IPC must inform any affected person of any rights that the person may have to apply to the Investigatory Powers Tribunal.

SCHEDULE 1

Designated Persons/Authorising Officers

Chief Executive
Monitoring Officer
Deputy Monitoring Officer

**Note: When the above are the Applicant Officer in a matter they may
NOT authorise the same application for surveillance.**

Senior Responsible Officers for CD

Monitoring Officer
Corporate Director for People and Policy

SPOC for CD

NAFN <https://www.nafn.gov.uk/>

SCHEDULE 2

VERSION CONTROL TABLE Since 2014

RIPA POLICY VERSIONS	DATE	STATUS	Approved by Council
Version 1	14 April 2014	Superseded	
Version 2	18 May 2017	Superseded	
Version 3	31 July 2019	Superseded	
Version 4	15 September 2022	Superseded	
Version 5	01 November 2022		

SCHEDULE 3

AUTHORISING A CHIS: PROCEDURE

The Council will only authorise a CHIS in exceptional circumstances. Section 29 of RIPA sets out the criteria for authorising a CHIS.

The Authorising Officer

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010 N0.521) states that the Authorising Officer for a local authority can be a Director, Head of Service, Service Manager or equivalent.

Where the surveillance involves the likelihood of obtaining confidential information, the deployment of juveniles or vulnerable people, then authorisation has to be sought from the Head of Paid Service and in their absence, the acting Head of Paid Service.

Time Limits

The current time limits for an authorisation 12 months for a CHIS (1 month if the CHIS is underage).

A renewal must be authorised prior to the expiry of the original authorisation, but it runs from the expiry date and time of that original authorisation. Authorisations may be renewed more than once if still considered necessary and proportionate and approved by a Magistrate.

Applications for renewals should not be made until shortly before the original authorisation period is due to expire but applicants must take account of factors, which may delay the renewal process (e.g. intervening weekends or the availability of the relevant local authority authorising officer and a Magistrate to consider the application).

Authorising Officer's Consideration

S.29 (2) states:

"A person shall not grant an authorisation for the conduct or the use of a covert human intelligence source unless he believes-

- (a) that the authorisation is necessary on grounds falling within subsection (3);
- (b) that the authorised conduct or use is proportionate to what is sought to be achieved by that conduct or use; and
- (c) that arrangements exist for the source's case that satisfy the requirements of subsection (5) and such other requirements as may be imposed by order made by the Secretary of State. "

Consequently the following matters must be satisfied before authorising the deployment of a CHIS:

1. Necessity

The deployment of a CHIS has to be necessary on one of the grounds set out within in S.29 (3). Local authorities can only authorise on the following grounds; where it is necessary:

“for the purpose of preventing or detecting crime or of preventing disorder.”
(S.29 (3) (b)) or

The matter being investigated must be an identifiable criminal offence, constitute disorder or be for the purpose of protecting public health.

2. Proportionality

Proportionality means ensuring that the deployment of the CHIS is the least intrusive method to obtain the required information having considered all reasonable alternatives. This requires consideration of not only whether a CHIS is appropriate but also the method to be adopted, the duration and the equipment to be used. The CHIS Code Para 3.6 provides guidance on the elements of proportionality:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1112009/October_2022_Draft_Revised_CHIS_Code_of_Practice_print_.pdf

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

3. Security and Welfare Arrangements

CHIS's are often placed in difficult and sometime dangerous situations. Appropriate security and welfare arrangements must also be in place in relation to each CHIS. S.29 (5) requires there to be:

- A person who will have day-to-day responsibility for dealing with the CHIS on behalf of that authority, and for his/her security and welfare; (**CHIS Handler**)
-
- A person who will have general oversight of the use made of the CHIS. (**CHIS Controller**) This person must be different to the one above.

-
- A person who will maintain a record of the use made of the CHIS. This can be one of the above or a separate person.
-
- Proper and secure records to be kept about the use made of the CHIS.

4. Risk Assessment:

An applicant considering deploying a CHIS should take into account the safety and welfare of that CHIS when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking.

Before authorising the use or conduct of a CHIS, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS, after the cancellation of the authorisation, should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in, Court.

The CHIS handler is responsible for bringing to the attention of the CHIS controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the CHIS; and
- the safety and welfare of the CHIS.

Where appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

SCHEDULE 4

Bath & North East Somerset Council Social Media Policy for the Purposes of Regulation of Investigatory Powers Act 2000' RIPA'

Bath & North East Somerset Council recognises the benefits and opportunities that the internet and multi-media provide to access and share information using a wide range of on line facilities. This is referred to Social Networking Sites – 'SNS'.

There are however some considerations and standards to apply when using such sites and this policy establishes the Council's position regarding the use of the internet, mobile web browsing and specifically social media websites when undertaking investigations under and in accordance with RIPA.

The Council's ICT Security Policy provides the basis for this policy and associated guidance. This policy should be read in conjunction with the supporting RIPA Policy and any guidance issued by the IPC – Investigatory Powers Commissioner.

This policy covers external investigations, which could also apply to internal staff that may be subject to an investigation. Advice should be taken from HR should an investigation involve a member of staff.

Contents

1. This policy covers the use of social media, including social networking websites such as Twitter, Facebook, LinkedIn, and YouTube, content communities and blogs.
2. The policy and guidance aim to ensure that the council and its employees when undertaking investigations are protected and that a lawful and fair process is followed.
3. This policy closely relates to other council documents but in particular ICT Security policy.
4. The other legislation that may also be impacted by an investigation being carried out is as follows: Human Rights Act 1998, Freedom of Information Act 2000 and the GDPR

Conducting an investigation under the Social Media Policy.

5. The implications of enforcement through monitoring of social media

and its human rights implications are difficult areas for law enforcement with complex privacy considerations:

5.1 The three main issues are:

- (1) What expectation of privacy a user may reasonably have when posting on the Internet; and
- (2) How covert or overt the officer looking at information on the internet is being.
- (3) Whether or not a RIPA or CHIS authorisation should be obtained.

Investigatory 'Tools'

There are three main investigatory tools under RIPA that Officers may consider using in an investigation involving SNS. They are:

The use of 'Directed Surveillance, which is essentially covert surveillance carried out in places other than residential premises or private vehicles which is relevant where an investigatory technique might infringe Article 8 rights (e.g. where personal data or sensitive data is likely to be accessed or acquired and where there is an expectation of privacy) and which is subject to a 'crime threshold' when investigating criminal offences.

The use of Covert Human Intelligence Source (CHIS) which includes undercover officers (most significantly included covert profiles), informants and persons making test purchases; and

5.2 Powers to acquire or obtain 'communications data'.

5.3 The Council is seeking to focus on 3 broad categories so as to give an indication of what is and what is not acceptable for it to do. Prior to starting a browsing session an officer should consider what he/she is seeking to achieve and is likely to be doing and be aware of when their actions might cross the boundary from one "level" to another.

Three Broad Categories

6. **Category 1** – Viewing publically available postings or websites where **the person viewing does not have to register a profile, answer a question, or enter any significant correspondence in order to view.** E.g. a typical trader's website.

- There must be a low expectation of privacy and **no RIPA authorisation would normally** be required to view or record these pages.
- However, **repeated visits** over time to the extent that you might be perceived as **monitoring** a website, may require authorisation.

Private information can remain private information even when posted on such a website and the European Convention on Human Rights has construed that the way a business is run can be private information. If you intend to monitor in this way therefore you may acquire private information and it is recommended that it is done in a **systematic** way with results recorded. Particularly note whether or not you happen to access private information. The fact that on previous visits a lack of private information is found could be good evidence that any subsequent acquisition was incidental and a RIPA authorisation is not required.

- There is unlikely to be **unfairness** (S78 PACE Act) in presenting the pages viewed as evidence. Pay attention to the requirements in Appendix B of the ACPO Good Practice Guide for Digital Evidence (in Chapter 2 of the D&S enforcement manual). If a test purchase is required, you may use a fictitious name and address without triggering the need for a CHIS (or Directed Surveillance) authorisation, provided no “relationship” is formed.
- As above, the **use of a fictitious identity or “covert” account** is not necessarily the trigger for a need for a RIPA authorisation, be it Directed Surveillance, or the in the case of a test purchase, CHIS. More relevant is the likelihood of acquisition of private information, or how far a “relationship” is formed.

7. **Category 2** – Viewing postings on social networks **where the viewer has had to register a profile but there is not otherwise a restriction on access**. This would include Facebook where there is no need to be accepted as a “friend” to view. E.g.: Trader has a “shop window” on Facebook advertising a business and products.

- There are differences between this and Category 1. The person who posts information or runs such a website may reasonably expect viewers to work within the terms and conditions of the website.
- Viewing should therefore normally be conducted in an overt manner i.e. via an account profile which uses your correct name, and email address (which should be a B&NES.gov.uk etc. address) or an officer’s Service Sanctioned profile. If this is done there can be no objection to a recording of the visit being made and presented in evidence.
- If the posting or website contains no private information a viewing would not engage privacy issues and therefore a RIPA authorisation is not needed. However it is possible that a mixture of private and business material is displayed, and the ECHR has construed the way a business is run as being private information. The conditions regarding **repeat visits** in Level 1 are therefore relevant.
- A “Covert” account at this level should only be used in the context of a RIPA authorisation.

8. **Category 3– Viewing postings on social networks which require a “friend” or similar status to view.**

- These are **highly** likely to involve viewing private information.
- Repeated viewings will constitute Surveillance and require a RIPA authorisation. This may apply whether or not a “covert” or “overt” account is used, though this is probably best obtained via a CHIS authorisation with the use of a covert profile and appropriate risk assessments.
- An “Overt” account which gains “friend” or similar status may **still require a RIPA authorisation**. It may be that such a status may be given by a default on the part of the person posting or website owner. The officer should be especially sure that their access is being granted as a representative of the Service. For example, on Facebook it is stated that only people who know the person who maintains a profile should send a “friend” request to that profile. A person accepting that friend request may believe the person requesting is an acquaintance that they simply do not recall or know by another name. They still have a justifiable expectation of privacy. While requesting access may not comply with a strict interpretation of Facebook terms and conditions, a clearly identifiable **Officer’s Service Sanctioned profile** is a way to deal with that expectation of privacy, rather than a more neutral officer based profile.
- A “Covert” account at this level should only be used in the context of a RIPA authorisation.

Covert Facebook Accounts:

9. The use of covert Facebook accounts to access postings need to be covered by a RIPA authorisation. Currently there does not seem to be a mechanism for a Service to operate these on Facebook within the company’s terms and conditions. Any evidence obtained via them can run a risk of being considered “unfair”. It is quite likely that the profiles used will become “blown” at some stage and users need to monitor them to ensure this is identified early. Considerable officer time is required to maintain a covert identity.
10. Obtaining a RIPA authorisation will also present an officer with a defence should there be an allegation that they have breached the Computer Misuse Act 1990 – it is an offence to deliberately access unauthorised material.

Covert surveillance of Social Networking Sites (SNS)

11. The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand

how the SNS being used works. authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

12. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example).
Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.
13. Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).
14. **It is not unlawful for a member of a public authority to set up a false identity but it is not advisable for a member of a public authority to do so for a covert purpose without authorisation.** Using photographs of other persons without their permission to support the false identity infringes other laws.
15. A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is being used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

Recording Information

16. All information should be recorded on the appropriate form(s) should an authorisation be required.

Training

17. Training should be made available to Officers undertaking any covert or directed surveillance when undertaking investigations.

Related Documents

18. Documents that should be referred to are:
- RIPA Policy
 - Investigatory Powers Commissioners Codes
 - Council Code of Conduct
 - Council Email and Internet Policies

Bath and North East Somerset Council Full Council meeting 30 November 2023

Green Party Motion to Adopt a Vision Zero Approach to Eliminate Road Deaths in Bath and North East Somerset

Proposed by Cllr Saskia Heijltjes

Seconded by Cllr Joanna Wright

Council notes:

1. Statistics from the Department for Transport state that between 2017 and 2021 – the last period with complete data, 15 people were killed and 133 seriously injured by vehicle collisions within Bath and North East Somerset. On average, 30 people were injured every year.
2. The Joint Local Transport Plan 4 mentions that all WECA authorities have adopted the Vision Zero target, which aspires to eliminate all Killed and Seriously Injured (KSI) collisions on the network by 2036.
3. Vision Zero is a proven strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. Key principles include:
 - Safe speeds - encouraging speeds appropriate to the street;
 - Safe streets - designing an environment forgiving of mistakes;
 - Safe vehicles - reducing risks posed by the most dangerous vehicles;
 - Safe behaviours - improving the behaviours of people using our roads;
 - Post-collision response - learning from collisions and improving justice and care for victims.
4. B&NES council has recently launched the Joint Health and Wellbeing Strategy¹ and Corporate Strategy² which set out priorities for healthy communities as well as safe neighbourhoods.
5. Councils and organisations that have adopted Vision Zero include: Bristol, Kent, Devon, Cornwall, Brighton and Hove, Blackpool, Leeds, Hackney, Transport for London, National Fire Chiefs Council, The AA, and RAC.
6. The Vision Zero approach is endorsed by international organisations, including the World Health Organisation (WHO) and Organisation for Economic Co-operation and Development (OECD), and is led by an ethical stance that it is not acceptable that people should be killed or seriously injured as a price for mobility. These are avoidable events – not accidents.

¹ <https://beta.bathnes.gov.uk/document-and-policy-library/joint-health-and-wellbeing-strategy>

² <https://beta.bathnes.gov.uk/document-and-policy-library/corporate-strategy-2023-2027>

7. Actions that can be taken to achieve vision zero often include:

- Road Design, including separation of cycle users and pedestrians from vehicles;
- Enforcement of Speed Limits and the Highway Code;
- School Streets;
- Liveable (Low Traffic) Neighbourhoods;
- Education;
- A cohesive network of walking and cycling routes.

Council believes that:

1. The vast majority of road deaths are avoidable, and the only acceptable long-term casualty target for road deaths and serious injuries in Bath and North East Somerset is Zero.

2. It is vitally important to provide consistent, accessible active travel infrastructure for people to use across Bath and North East Somerset. Yet, fear of injury suppresses the demand for walking and cycling. This adversely affects children, older people and people with disabling conditions and prevents them from moving around our area.

3. All Unitary authorities in the West of England Combined Authority (WECA) have adopted the Vision Zero target, but B&NES council and its partners do not have a published plan to meet this target.

4. By separating people walking, cycling, and using vehicles, casualties will be reduced. Work is ongoing to create new routes such as Somer Valley Links, but currently, much of Bath and North East Somerset's active travel infrastructure is disconnected and does not meet the accessibility requirements of a modern diverse society in our region.

5. High-quality, consistent road design can reduce road deaths. Local Transport Note LTN 1/20³, Cycle infrastructure design, is the current best practice design guideline for all transport schemes and is endorsed by Active Travel England and has been put in place by the UK Government.

6. While there are a number of actions that will require joined-up work with partner organisations, there are some steps to reduce road casualties that B&NES Council could take or investigate now including:

- Speed Limiters in all council vehicles to act as pace vehicles for the whole city;

³ <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

- Roll out of 'vision zero' training to all council employees who drive as part of their role;
- Investigate actions with partners, such as the Police, to enforce 20mph and safer driving practices as part of their operations;
- Identify the ten most dangerous locations in B&NES and implement coordinated and evidence-based changes to make them safer;
- Re-deployable average speed cameras at hotspots;
- A public awareness campaign on Vision Zero BANES with targeted education programmes that change road user attitudes and behaviour;
- Reduce risk through intelligence-led enforcement;
- Run an "Exchanging Places" programme to make HGV drivers, bus drivers and cyclists more aware of one another;
- Investigate the use of safer HGVs based on the Transport for London (TfL) policy;
- Review and reduce wait times for pedestrians at the ten busiest signalised crossings or junctions;
- Increase use of bicycles by Bath and North East Somerset officers while at work and add branding to bikes to set an example;
- Accelerate the rollout of School Streets and provide a road safety forum for schools.

Council therefore resolves:

1. Set a Vision Zero target for road deaths and serious injuries by 2030.
2. Include consideration of this target in all relevant council decisions and strategies e.g. road design and procurement, by implementing LTN1/20 when building any new walking, cycling and road projects or providing diversions around highway maintenance work.
3. Develop supplementary planning documents and/or other guidance to support the delivery of Vision Zero via BANES's Local Plan process and the Joint Local Transport Plan.
4. Work with partners and other organisations including West of England Combined Authority, Major Employers, Avon & Somerset Police, Avon Fire and Rescue, South West Ambulance Trust, First Bus, Faresaver, TIER, Developers and residents to achieve Vision Zero.
5. Work with the West of England Combined Authority and the surrounding Unitary Authorities to promote a joined-up approach to Vision Zero across the region.
6. Recognise the need for ongoing support to implement this motion and ensure that within the approved budget and existing staffing resource a Vision Zero approach is consistently used at all times.

7. Request the administration to report back to the relevant Policy Development and Scrutiny Panel on progress towards these steps in 6 months' time.

Bath and North East Somerset Council

Full Council meeting 30 November 2023

Liberal Democrat Group Motion on Climate Commitments

To be proposed by Councillor John Leach

Council notes:

1. The recent announcements by the Prime Minister, moving back the dates for the banning of sales of new petrol and diesel cars from 2030 to 2035, loosening the phase out of gas boilers and reducing the obligations on landlords to insulate their properties.
2. Delaying the ban on combustion engine car sales will mean that more petrol and diesel cars will be on our roads for longer, resulting in more harmful emissions for longer.
3. Loosening the phaseout of new gas boilers will mean that more gas boilers are in use for longer, resulting in more harmful emissions for longer.
4. Reducing the obligations on landlords to insulate their properties will also lead to higher emissions for longer and cost renters more in higher bills for longer.
5. Car and boiler manufacturers that have been working to the previous dates now have uncertainty over the investments there were making, creating doubt over their future strategy.
6. Even if the overall Net Zero target of 2050 is subsequently met, more greenhouse gases will have been emitted into our atmosphere, exacerbating the effects of Climate Change.

Council therefore resolves that:

7. The Leader of the Council should write to the PM expressing our concern at this change in policy, our frustration that it will increase the impact of Climate Change and our anger that it will undermine our country's climate change strategy, and to urge the government to reverse its announcement.
8. The Council should seek to join forces with other like-minded Councils to explore the best way to challenge the Government's change in policy, for example, via the LGA.

- *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.*

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Bath and North East Somerset Council

Full Council meeting 30 November 2023

Labour Group Motion on safe travel home for night economy workers

To be proposed by Cllr Lesley Mansell

1. Council notes:

- the campaign initiated by Unite the Union called: 'Get me home safely' to ensure safe home transport is widely available for night time economy and shift workers who often struggle to find and pay for transport home after midnight.
- the campaign's call on employers to take all reasonable steps to ensure workers are able to get home safely from work at night
- that shift work is widespread in many industries, particularly hospitality, as well as health and care workers, retail, cleaning, security and porter staff, and can often entail late-night working;
- and that many workers, especially women, are increasingly worried about their safety when travelling to and from work at night;
- only 2% of victims report sexual harassment on public transport.

2. Council believes that:

- while employers may feel their duty of care to staff ends when an employee finishes a shift, they should take into consideration journeys home, especially during unsocial hours;
- the weakness of enforcement of the law against sexual assault, including up-skirting, on public transport is appalling, and
- greater numbers of trained staff and stronger enforcement of the law against sexual assault and harassment on public transport are urgently needed;
- Such a move would significantly benefit the safety and wellbeing of hospitality workers, particularly women, who often cannot afford, or access, safe transport options late at night and will also benefit our community.
- *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.*

3. Council therefore calls on Bath and North East Somerset Council to:

- use its powers (where possible) – as others have done – to allow our Licensing Committee to include additional criteria when considering late opening applications from licensed premises, encouraging venues to provide free transport home for night shift employees;
- Campaign for & encourage improvements to late night and off-peak transport service provision, as well the lowering of fares;
- oppose any cuts to public transport funding and for our elected officials to use their powers and political platforms to achieve this;
- support calls for the municipal ownership of buses in order to lower prices and improve service provision, including safety provision, especially for night-time and off-peak services;
- call on our local MPs to make representation to the Government and other appropriate authorities at regional and local levels of governance to bring forward national minimum standards for taxis and private hire as per the recommendations of the Department of Transport independent Taxi & Licencing group, Unite's Get Me Home Safely campaign, in support of this motion and its demands on behalf of our local community.

Background:

More about the Unite campaign [HERE](#).

More about the Dept of Transport's report here: [Task and Finishing group](#),

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- *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.*