

# Council

**Date: Thursday 16th May 2024**

**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 16th May 2024** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Jo Morrison  
Democratic Services Manager  
for Chief Executive

**Jo Morrison**

**Democratic Services**

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## NOTES:

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

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

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

### 3. **Recording at Meetings:-**

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

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

### 4. **Public Speaking at Meetings**

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

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full.

Further details of the scheme can be found at:

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

### 5. **Emergency Evacuation Procedure**

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

### 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

## Council - Thursday 16th May 2024

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. ELECTION OF CHAIR 2024/25

4. APPOINTMENT OF VICE CHAIR 2024/25

5. MINUTES - 14TH MARCH 2024 (Pages 5 - 12)

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

6. 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.

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

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

8. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

If there is any urgent business arising since the formal agenda was published, the Chair will announce this and give reasons why it has been agreed for consideration at this meeting. In making this decision, the Chair will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be

circulated at the meeting, if not made available previously.

9. APPOINTMENT OF COMMITTEES AND PANELS & OTHER ANNUAL BUSINESS  
(Pages 13 - 74)
10. CONSTITUTION: ESTABLISHMENT OF CONSTITUTION WORKING GROUP &  
MINOR UPDATES TO NOTE (Pages 75 - 86)
11. 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.

12. 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 14th March 2024

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

Apologies for absence: **Councillors** Anna Box, Paul Crossley, Grant Johnson, George Leach and Ann Morgan

**76 EMERGENCY EVACUATION PROCEDURE**

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

**77 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**78 MINUTES - 20TH FEBRUARY 2024**

On a motion from Councillor Paul May, seconded by Councillor Robin Moss, it was

**RESOLVED** that the minutes of the meeting of 20<sup>th</sup> February 2024 be confirmed as a correct record and signed by the Chair.

**79 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL**

The Chair reminded Members about the microphone system and silencing mobiles. She then made the following statement;

“We would like to express deep sympathy for all those affected by the conflict in Palestine and Israel. To those in the Bath and North East Somerset area who have been affected by this conflict, we offer our support during this difficult time.

We hope for an immediate ceasefire and a peaceful resolution to this conflict. We hope for the immediate release of all hostages and for aid to be delivered.

We believe that Muslims, Jews and people of all faiths and none, should feel safe and supported throughout the world and we therefore condemn the increase in

antisemitic and Islamophobic violence and abuse in the UK. In particular, we condemn the use of all dehumanising language and call on our communities to treat each other with respect and refrain from inflammatory terms to describe either the Palestinian or Israeli populations.”

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

There were no items of urgent business.

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

Statements were made by the following members of the public;

Jake Hotchkins spoke to Members about his experience of being a care experienced person, in support of the motion later on the agenda. He called on Members to demonstrate they were taking their corporate parenting responsibilities seriously by adopting care experience as a protected characteristic. A full copy of the statement is available attached to the minutes and added to the Minute book.

Terry Galloway also spoke in support of the care experience motion on the agenda. He explained he was leading the campaign nationally to make care experience a protected characteristic in UK legislation. Councillor Joanna Wright asked how such a move would have impacted Terry as a young man, to which he replied that this was about system design and the process of making decisions. The hope is that the system will change around people, so they won't have to actually declare and won't have the barriers that they often face. A full copy of the statement is available attached to the minutes and added to the Minute book.

John Morgan made a statement on behalf of his neighbour, Alexandra Watkins, against the proposed ETRO to block Winifred's Lane and Lansdown Crescent, in the context of the wider Liveable Neighbourhood programme, and urging Councillors to reconsider this proposal. Councillor Joanna Wright asked if John considered this would be beneficial to health or not, to which he replied that it didn't affect him at all. A full copy of the statement is available attached to the minutes and added to the Minute book.

Chad Allen made a statement calling on the Council to cut back or remove ivy from various locations as natural habitat was being destroyed.

Luke John Emmett made a statement calling for more support for the cultural industries and expressing disappointment that culture was not more embedded in the Heritage Services Business plan. Councillor Robin Moss asked if Luke knew when the last time was that the Council had a strategy for, or gave out grants for, commissioned work to artists or makers. Luke replied that the end of the Cultural Strategy coincided with the closure of the Arts department in 2017, and there hasn't been any cohesive support since then. Ad-hoc initiatives happen and are appreciated but an over-arching strategy is needed. Councillor Saskia Heijltjes asked how much the culture industries contribute to the local economy. Luke replied it was a huge amount; citing the statistic that for every £1 invested in the arts, it brings back between £2 - £7 into the local economy. He added that the arts budget of £423,000 which had been cut, although not a large amount, then leveraged

income from the Arts Council and other funders. A full copy of the statement is available attached to the minutes and added to the Minute book.

Bob Goodman made a statement about the legalities of listed building consent and detailing various perceived infractions of process. He called for a fully independent inquiry to be held in public. Councillor Colin Blackburn asked if Bob was aware of any other examples of the Council carrying out work without consent, to which he replied that there were, and cited one property he knew of where over £300k was spent without consent. Councillor Tim Warren asked if or when elected members were aware of this taking place, to which Bob replied that he did have confirmation that the previous Administration had not been made aware of this. Councillor Joanna Wright asked for clarity on the significance of the lath and plaster ceiling being replaced with plasterboard, to which Bob explained that the replacement has to be 'like for like' and that when consent was finally given, this was the stipulation. A full copy of the statement is available attached to the minutes and added to the Minute book.

Emma Owens made a statement about the situation in Gaza, challenging Councillors to consider the right course of action to take. Councillor Joanna Wright asked if B&NES Councillors had any legal duty to prevent genocide, following the International Court of Justice's (ICJ) ruling that genocide may be being committed. Emma responded that, since the Genocide Convention 1948 was incorporated into UK law, the nation does have obligations to prevent genocide and punish such crimes. A full copy of the statement is available attached to the minutes and added to the Minute book.

Marie Duffy addressed Councillors about the situation in Gaza and the impact on B&NES residents, some of whom have family there. She called on the Council to do more and highlighted many other Councils who have agreed a motion calling for a ceasefire. A full copy of the statement is available attached to the minutes and added to the Minute book.

Alice Georgiou called on Councillors to use their public platform to show solidarity to call for a ceasefire. She stated that a poll in October 2023 had shown that 76% of the British public supported a ceasefire and it was likely to be a higher percentage now. B&NES Councillors needed to represent their constituents by calling for a ceasefire.

Jane Samson addressed Councillors by passing on a number of statements about the personal impact the Gaza conflict was having on B&NES residents. This was compounded by a perception that, by not taking a peace motion at Council, their Council did not care. A full copy of the statement is available attached to the minutes and added to the Minute book.

Sophie Higgins spoke on behalf of Johyna Ballout, a Palestinian student who was unable to be present. The statement described the history of occupation and the need to fight for Palestinian rights. Assigning blame was not divisive but necessary and taking a neutral stance was cowardly. Councillor Saskia Heijltjes asked Sophie to explain how the situation affected British people and specifically B&NES residents, to which they replied that young people have been told that empire and colonisation

are a thing of the past, but they now see that it seems to be acceptable and supported.

Mohammed Alrozzi in his statement asked why, after 160 days of relentless bombardment and the ICJ ruling, the Council had not demanded a ceasefire. This silence leads to residents feeling defeated and alienated from the decision making processes and erodes trust. He added that the Council had a responsibility to reflect the conscience of the community and urged Councillors to speak up and call for a ceasefire in Gaza. Councillor Kevin Guy asked if Mohammed was aware that the Chair had made a statement at the start of the meeting from all Group Leaders calling for a ceasefire, to which he replied that he had not been aware. Councillor Sam Ross asked if the lack of consensus had personally impacted on him as a Palestinian and a resident of B&NES. Mohammed replied that he had mixed feelings, one of which was that his wellbeing and life do not matter.

The Chair thanked everyone for their statements, which would be considered by the relevant Cabinet Members.

## **82 MEMBERS ALLOWANCES REVIEW**

The Council considered a report inviting their approval to re-establish the independent panel to consider the next review of their allowances scheme, which must take place every 4 years.

The Green group suggested an item for inclusion in the review; - more clarity about councillor parking permits. They will submit this request to the Monitoring Officer for inclusion in scope.

On a motion from Councillor Dave Wood, seconded by Councillor Robin Moss, it was unanimously

### **RESOLVED to**

1. Agree the re-appointment of the Independent Remuneration Panel for B&NES;
2. Agree that the Independent Remuneration Panel be asked to conduct the next full review of the Member Allowances scheme in late summer/Autumn of 2024, with a view to any agreed changes to the scheme being implemented from April 2025;
3. Note the issues carried over from the last review (in paragraph 3.5 of the report);
4. Submit any suggestions for Panel consideration to the Monitoring Officer, before its first meeting in April 2024.

## **83 ANNUAL REPORT OF THE CHARITABLE TRUST BOARD**

The Council received the annual report which updates Members on the work of the Charitable Trust Board in 2022/23.



On a motion from Councillor Tim Ball, seconded by Councillor Joanna Wright, it was unanimously

**RESOLVED** to note the Annual Report of the Charitable Trust Board for 2022/23.

**84 MOTION FROM LIBERAL DEMOCRAT GROUP - CARE EXPERIENCED PEOPLE**

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

**RESOLVED**

Council notes that:

5. Care experienced people face significant barriers that impact them throughout their lives.
6. Despite the resilience of many care experienced people, society too often does not take their needs into account.
7. Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
8. As corporate parents, we have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority.
9. All corporate parents should commit to hearing the voices of looked after children and young people and to considering their needs in any aspect of Council work.
10. This issue has been discussed at the Corporate Parenting meeting of 17 January 2024, at which all Councillors present supported the idea of treating care experience as a protected characteristic, and with care experienced people locally.
11. Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society.
12. The Public Sector Equality Duty requires public bodies, such as Councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.
13. 75 other Local Authorities (cross party) have already adopted the motion to protect Care Experience.
14. The Independent Review of Childrens Social Care (2022) recognised that Care Experience should be considered a Protected Characteristic. The

national advisor for Care Leavers, Mark Riddle (DfE) supported this recommendation in May 2023.

**Council therefore:**

15. Recognises that care experienced people are a group who are likely to face discrimination.
16. Recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making and include them in decisions which affect them.
17. Include a category of “care experienced” in all equality impact assessments, thereby ensuring that future decisions, services and policies made and adopted by the Council will be assessed to determine the impact of changes alongside those who formally share a protected characteristic.
18. Requests that in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
19. Resolves that this Council will treat care experience as if it were a protected characteristic and that this shall be in addition to any other protected characteristic which may be relevant to an individual.
20. Formally calls upon other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
21. Ensure Council departments continue to proactively seek out and listen to the voices of care experienced people when developing new policies and practices.

**85 MOTION FROM LABOUR GROUP - DEBATE NOT HATE**

On a motion from Councillor Lesley Mansell, seconded by Councillor Dine Romero, it was unanimously

**RESOLVED** that

**Council:**

1. Believes the intimidation and abuse of councillors and local government officers, in person or otherwise, undermines democracy, by preventing elected members from representing the communities they serve, deterring individuals from standing for election, and undermining public life in democratic processes.
2. Notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy and that prevention, support

and responses to abuse and intimidation of local politicians must improve to ensure councillors, officers and their families feel safe and that councillors are able to continue representing their residents.

**Council therefore:**

1. Takes a zero-tolerance approach to abuse of councillors and officers.
2. Challenges the normalisation of abuse against councillors and officers.
3. Upholds exemplary standards of public and political debate in all it does.
4. Commits to providing councillor and officer training in online safety.
5. Commits to ensuring the Council has a clear reporting mechanism to allow monitoring and recording of incidents of harassment and abuse of councillors and officers.
6. Commits to regularly reviewing support available to councillors and officers in relation to abuse and intimidation and safety.
7. Agrees to work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors, officers and their families, and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MPs.
8. Commits to publicising its position, processes and sanctions internally and externally to further these aims.
9. Further agrees to sign up to the LGA's Debate Not Hate campaign which aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.
10. Requests the group Leaders jointly write to BNES' local MPs to ask them to support the campaign and to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of people working and holding office in local government.

**86 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS**

The Chair made reference to the Q&A document which had been circulated. In accordance with CPR rule 3.1.22, Councillor Kevin Guy added comments to his written answer, mentioning the generators and ambulance that had been sent out. They were currently fundraising for a school bus to bring children in to school from the suburbs, plus there are links with musicians and schools. He thanked everyone involved.

Councillor Joanna Wright made a statement about the proposed peace motion which had not been accepted onto the agenda. She set out reasons why she considered

that it was directly relevant to B&NES and called on local leaders to reconsider and bring this item back to a future meeting.

The meeting ended at 8.18 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Council
MEETING DATE:	16 <sup>th</sup> May 2024
TITLE:	<b>Appointment of Committees and Panels and other Annual Business</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 – Terms of Reference of Panels, Committees and other bodies in the Council’s Constitution</p> <p>Appendix 2 – Current political proportionality table</p> <p>Appendix 3 – Member Advocates – Annual Activity report</p>	

**1 THE ISSUE**

1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2024 to May 2025 and associated annual business.

**2 RECOMMENDATION**

Council is asked to:

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

- 2.6 Determine the bodies on which co-opted and independent members are to have seats, as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
- 2.7 Note the arrangements for the conduct of Cabinet business, as set out in section 5;
- 2.8 Note the activity of the Member Advocates, as set out in Appendix 3;
- 2.9 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.10 Note the calendar of meeting dates that has been prepared up to May 2025 which is available on the Council's website;
- 2.11 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 None.

### **4 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS**

- 4.1 The Council's Constitution sets out the approved non-executive and regulatory decision-making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 1 to this report.
- 4.2 The current political proportionality table is attached at Appendix 2. It shows when a seat is allocated to a particular group, but they have offered it to another group to fill. This offer can be withdrawn at any time and the seat allocation remains with the political group listed in the table.
- 4.3 Political groups have appointed members to the bodies listed in Appendix 1 and as Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees. Unless otherwise advised by the political groups, these appointments continue for the 4 year term.

### **5 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS**

- 5.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council.
- 5.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution rule 3.5.16 refers). This Council has decided that will happen on an annual basis.

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

## **6 MEMBER ADVOCATES**

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

<https://democracy.bathnes.gov.uk/documents/s80638/Member%20Advocates.pdf>

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

## **7 APPOINTMENTS ON OUTSIDE BODIES**

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

## **8 RISK MANAGEMENT**

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

## **9 EQUALITIES**

9.1 Not applicable.

## **10 ADVICE SOUGHT AND CONSULTATION**

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

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

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

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## **APPENDIX 1 - TERMS OF REFERENCE OF COMMITTEES, PANELS AND BODIES [Extract of Constitution]**

### **2.7 ALICE PARK TRUST SUB-COMMITTEE**

#### **2.7.1 Committee Scope**

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

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

Appointed by: The Charitable Trust Board

#### **2.7.2 Functions**

To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.

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

To approve the use of any reserves.

To agree the Trust's annual accounts.

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

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

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

#### **2.7.3 Composition**

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

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

#### **2.7.4 Quorum**

3 voting Members.

#### **2.7.5 Substitution**

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

### **2.8 AVON PENSION FUND COMMITTEE**

*[Approved by the Avon Pension Fund Committee 22 March 2024]*

#### **2.8.1 Committee Scope**

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

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

#### **2.8.2 Functions and Duties**

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

The key duties in discharging this role are:

1. Having taken appropriate advice determining the following:
  - a. the investment strategy and strategic asset allocation
  - b. the administration strategy
  - c. the funding strategy.

2. Monitoring the performance of the investment strategy, scheme administration, and external advisors.
3. Ensuring that the investment strategy can be delivered by the portfolios offered by BPP Ltd. If not, agree alternative arrangements. In relation to Brunel Pension Partnership:
  - a. Monitoring the performance of BPP Ltd in delivering investment services to the Fund. Make representations to the Brunel Oversight Board on matters of concern regarding the service provided by BPP Ltd and the performance of its portfolios.
  - b. Monitoring the governance of Brunel Pension Partnership and making recommendations to the Brunel Oversight Board. Terminating the Service Agreement with BBP Ltd.
4. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
5. Approving the annual budget and 3-year Service Plan and resource requirements to deliver the work plan.
6. Approving variances to budget within a financial year.
7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's work plan.
8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
9. Making representations to government and responding to consultations as appropriate concerning any proposed changes to the Local Government Pension Scheme.
10. Nominating a representative (and named substitute) from the Committee to represent the Committee on the Oversight Board for Brunel Pension Partnership.

### 2.8.3 Delegations

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

### 2.8.4 Composition

Voting Members (14)	<p>5 elected Members from B&amp;NES (subject to the rules of political proportionality of the Council)</p> <p>3 independent members</p> <p>1 elected Member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council</p> <p>1 nominated from the Higher and Further education bodies</p>
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	<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.

**2.8.5 Meetings**

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

**2.8.6 Quorum**

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

**2.8.7 Substitution**

Named substitutes to the Committee are allowed.

**2.9 AVON PENSION FUND INVESTMENT PANEL**

**2.9.1 Committee Scope**

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

**2.9.2 Functions**

The Investment Panel will:

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

And have delegated authority for:

4. Monitoring the transition of assets to the Brunel portfolios and allocate assets to the relevant portfolio offered by Brunel

5. Approve and monitor tactical positions within strategic allocation ranges.
6. Approve allocations to emerging opportunities within the strategic allocations.
7. Approve commitments to Brunel's private market portfolios at each commitment cycle to maintain strategic allocations.
8. For the Risk Management Strategies monitor the outcome versus strategic objectives and consider whether any strategic changes are required to manage emerging risks.
9. For assets held outside Brunel:
  - a) Implement investment management arrangements in line with strategic policy.
  - b) Monitor investment managers' investment performance and make decision to terminate mandates on performance grounds.
10. Monitor the investment performance of the portfolios managed by BPP Ltd and report to Committee on investment matters with specific reference to strategy delivery.
11. Delegate specific decisions to Officers as appropriate.

### **2.9.3 Composition**

The Panel shall comprise a maximum of 6 voting Members of the Avon Pension Fund Committee, of which 3 shall be Bath and North East Somerset Councillors and 3 shall be the independent members of the Committee. (The membership shall include the Chair of the Committee and /or the Vice- Chair).

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

Members shall be appointed to the Panel for a period of four years in line with the Avon Pension Fund Committee.

The Council will nominate the Chair of the Panel.

### **2.9.4 Panel Meetings**

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

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

### **2.9.5 Quorum**

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

### **2.9.6 Substitution**

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

### **2.9.7 Minutes**

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

## **2.10 BRUNEL OVERSIGHT BOARD REPRESENTATIVE**

### **2.10.1 Committee Scope**

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

### **2.10.2 Functions**

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

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

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

The main duties of the Board Representative are:

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

## **2.11 BRUNEL PENSION PARTNERSHIP WORKING GROUP**

### **2.11.1 Committee Scope**

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

### **2.11.2 Functions**

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

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

### **2.11.3 Composition**

This group will consist of:

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

#### **2.11.4 Quorum**

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

#### **2.11.5 Meeting Arrangements**

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

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

### **2.12 OFFICER DELEGATIONS AVON PENSION FUND**

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

1. Implementation and day to day monitoring of the administration, investment and funding strategies and related policies.
2. Implementing investments in emerging opportunities within strategic allocations, either to be managed outside Brunel or instruct allocation to Brunel portfolio.
3. Implementing investment management arrangements in line with the strategic policy as follows:



- a. For assets managed outside Brunel, this includes the setting of mandate parameters and the appointment of managers, in consultation with the Investment Panel.
- b. For assets managed within Brunel, deciding and instructing the allocation to each Brunel portfolio.
4. Implement the strategic risk management objectives of the Fund and take necessary action to ensure delivery of strategic outcomes. Ongoing consideration of these issues will be undertaken by the Funding and Risk Management Group (see section 6) who will report decisions and ongoing considerations to the Investment Panel.
5. Rebalancing the investment assets to target strategic allocations, when deemed prudent to do so, taking account of tactical allocations approved by the Investment Panel.
6. Representing the Fund on the Brunel Client Group to develop Brunel investment strategies and policies which effectively support the interests of the Fund.
7. Commissioning Elective Services from BPP Ltd and issuing instructions as permitted by the Brunel Service Agreement to BPP Ltd.
8. The appointment of specialist advisors to support the Committee and Officers in discharging their functions.
9. Determining policies that support the investment and funding strategies having taken expert advice.
10. In consultation with the Chair of the Committee, the Head of Pensions will approve the draft Statement of Accounts and Annual Report for audit.
11. Authorising expenditure from the Fund in accordance with the annual budget.
12. Admitting new admitted bodies into the Fund subject to them meeting Fund policy.
13. The Director of One West & Avon Pension Fund (or Executive Director - Resources (S151) in their absence) has authority to dismiss investment managers, advisors and 3<sup>rd</sup> party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
14. The Director of One West & Avon Pension Fund & Avon Pension Fund (or Executive Director - Resources (S151) in their absence) has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount.
15. Under its wider delegated powers, the Director of One West & Avon Pension Fund & Avon Pension Fund (or Executive Director - Resources (S151) in their absence) has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.

16. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.
17. Decisions regarding the Local Impact Portfolio Framework are delegated to The Head of Pensions in conjunction with the working group. The Working Group will consist of at least 3 Panel members including the Chair of the Panel and 1 independent member, plus the Head of Pensions, Group Manager Investments and the Investments Manager. The formal decision is taken by the Head of Pensions as an Officer Decision Report via the democratic reporting processes within Bath and North East Somerset Council.

## **2.13 FUNDING AND RISK MANAGEMENT GROUP**

### **2.13.1 Committee Scope**

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

### **2.13.2 Functions**

In addition, it has specific delegated authority as follows:

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

### **2.13.3 Composition**

The Group will consist of the following:

From the Avon Pension Fund:

- Head of Pensions

- Group Manager, Funding, Investments and Risk
- Investment Manager
- Senior Investments Officer
- Other Fund Officers as required (for example Funding Manager, Governance & Risk Advisor)  
Advisors
- Investment Consultant or deputy
- Risk Consultant or deputy
- Scheme Actuary or deputy
- Investment Manager as required

### **2.13.3 Quorum**

FRMG shall be quorate if the following are in attendance:

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

### **2.13.4 Meeting Arrangements**

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

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

## **2.14 CHARITABLE TRUST BOARD**

### **2.14.1 Committee Scope**

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

### **2.14.2 Functions**

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

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

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

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

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

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

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

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

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

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

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

### 2.14.3 Composition

- Five Councillors  
(to include the Cabinet Member responsible for Neighbourhood Services and at least one Councillor who is not a Member of the controlling group but whose appointment is determined by the controlling group), and
- One independent person with suitable skills, experience or interests to be appointed by the Board from applicants who wish to be considered following advertisement of the role.

The Board will elect a Chair and Vice Chair.

### 2.14.4 Quorum

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

### 2.14.5 Substitution

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

### 2.14.6 Support Arrangements

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

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

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

### 2.15.1 Committee Scope

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

### 2.15.2 Functions

The Panel remit is:

- Health Scrutiny including Healthwatch and Community Safety
- Public Health
- Integrated Commissioning including, Mental Health & Substances, Children, Better Care Fund, Learning disability, Transformation
- Safeguarding Outcomes
- Care Outcomes including Corporate Parenting
- Inclusion (SEND)
- Prevention (CYP)
- Safeguarding Children & Young People
- Safeguarding of Adults & Quality Assurance including Data Protection & Complaints
- Service Development
- Health, Safety & Wellbeing
- Education Transformation including Virtual Schools, School Improvement and Music
- Delegated Committee for the statutory health scrutiny function under the Health & Social Care Act 2012
- Delegated Crime & Disorder Panel
- Delegated Curriculum Complaints Panel

In addition to General Terms of Reference:

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

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

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

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

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

### **Provisions of the Health Scrutiny Regulations**

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

Secretary of State for Health.

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

### **2.15.3 Composition**

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

### **2.15.4 Quorum**

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

### **2.15.5 Substitution**

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

## **2.16 CLIMATE EMERGENCY AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **2.16.1 Committee Scope**

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

### **2.16.2 Functions**

The Panel remit is:



- Tackling Climate Emergency<sup>1</sup>
- Natural Environment & Green Infrastructure
- Planning Policy, including Conservation and Enforcement
- Building Control & Public Protection including Health & Environment
- Housing, including Strategy, Enabling & Development, Standards & Improvement and Homelessness Policy
- WECA (Housing & Transport)
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Waste
- Development & Management
- Designated Flood Risk Management Panel

### **2.16.3 Composition**

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

### **2.16.4 Quorum**

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

### **2.16.5 Substitution**

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

## **2.17 CORPORATE AUDIT COMMITTEE**

*[Revised 5.7.23 by CAC, approved by Council 21.9.23]*

### **2.17.1 Committee Scope**

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

### **2.17.2 Functions**

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

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

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

- a) the Standards Committee of the Council with regard to matters of ethical governance;

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

### **2.17.3 Composition**

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

### **2.17.4 Quorum**

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

### **2.17.5 Substitution**

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

## **2.18 CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **2.18.1 Committee Scope**

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

### **2.18.2 Functions**

The Panel remit is:

- Democratic & Legal Services including Registration and Electoral Services

- Corporate Finance
- Procurement & Commissioning
- Pensions & Financial Administration
- Management Accounts
- Human Resources & Organisation Development
- Strategy, Engagement & Marketing Including Equalities
- Business Support, Programmes & Performance
- Digital & Customer Services
- Commercial Including Audit & Assurance<sup>2</sup>
- Property Investment including Estates
- Construction Maintenance & FM
- Heritage, including Tourism & Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA (Skills & Business)

### **2.18.3 Composition**

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

### **2.18.4 Quorum**

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

### **2.18.5 Substitution**

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

## **2.19 EMPLOYMENT COMMITTEE**

### **2.19.1 Committee Scope**

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

### **2.19.2 Functions**

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

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

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

To conduct investigatory hearings requiring Member level involvement under accepted national or Council schemes of conditions of service, including those relating to disciplinary, capability, grievance and redundancy matters for all staff, including teachers.

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

### **2.19.3 Composition**

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

### **2.19.4 Quorum**

3 Members.

### **2.19.5 Competency**

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

### **2.19.6 Substitution**

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

## **2.20 HEALTH & WELLBEING BOARD**

### **2.20.1 Background**

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

Health and Wellbeing Boards are committees of the local authority.

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

## 2.20.2 Vision

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

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

## 2.20.3 Functions

The Board must undertake the following statutory functions:

- Prepare and publish a Joint Health and Wellbeing Strategy (JHWS) for B&NES, setting the vision for desired population level outcomes, strategic direction and high-level priorities for system partners to operationalise, to meet needs identified in the Joint Strategic Needs Assessment (JSNA), referred to locally as the Strategic Evidence Base.
- Prepare and publish a JSNA (Joint Strategic Evidence Base) of current and future health, care and wellbeing needs of the population and ensure this informs the B&NES JHWS and the B&NES, Swindon and Wiltshire (BSW) Integrated Care Strategy.
- Encourage integrated working between health and social care commissioners, and the use of the Health and Care Act 2022 and the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS.
- Encourage closer working in planning, commissioning and delivery of services to improve the health and wellbeing of the population of B&NES and reduce health inequalities.
- Prepare and publish a Pharmaceutical Needs Assessment for pharmaceutical services in B&NES.
- Receive and respond to the draft/revised joint forward plan of the BSW Integrated Care Board.
- Be the accountable partnership for the Better Care Fund.

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

- Be visible and influential, championing the improvement of health and wellbeing and reduction in inequalities as important strategic issues. It will influence organisations and partnerships both within and external to the B&NES locality and wider Integrated Care System in reflecting this in their operational and commissioning plans.
- Develop strong links with and influence developments in wider services that impact on health and wellbeing including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health, wellbeing and inequalities, and ensure a focus on mental well-being in conjunction with good physical health.
- Ask partners to show how they embed and deliver meaningful action against the priorities in the Health and Wellbeing Strategy.
- Periodically refresh the Health and Wellbeing Strategy in line with evidence from the Joint Strategic Evidence Base.
- Monitor progress of implementation of the Health and Wellbeing Strategy, and ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- Ensure there are effective and sufficient mechanisms and resource to communicate, engage on and co-produce Health and Wellbeing Strategy priorities with local people and stakeholders, working closely with the Third Sector.
- Consider the Integrated Care Partnership's Integrated Care Strategy when preparing or revising its Health and Wellbeing Strategy; and be active participants in the development of the Integrated Care Strategy.
- Consider whether the ICB's joint forward plan (previously the CCG's commissioning plan) has given due regard to the Health and Wellbeing Strategy.
- Strengthen its attention on community resilience and on identifying and building on community assets.
- Work closely with the B&NES Healthwatch and Third Sector partners to ensure appropriate engagement, involvement and feedback with residents, patients and service users.
- Listen to issues brought to Board meetings through the public speaking standing agenda item.
- Encourage partners to consider sufficient resourcing, both fiscal and human, of the prevention and inequality agendas.
- Seek to secure collaboration in the system to reduce duplication and make best use of available resources.
- Receive a copy of the ICB's joint capital resource plan outlining planned capital resource use, so to help align local priorities and provide consistency with strategic aims and plans.

- Provide strategic oversight and direction to ensure that the approaches adopted for health and wellbeing services are aligned with the aspirations of local partners to operate in a sustainable manner and to address the climate emergency.
- Produce an annual report presented to Cabinet/full Council outlining achievements of the Board in respect of the improvement of health and wellbeing, a reduction of health inequalities for the population of B&NES and influencing Council priorities on the wider determinants of health.

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

#### **2.20.4 Scope**

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

The Health and Wellbeing Board may consider services beyond health and social care enabling the Board to look more broadly at factors affecting the health and wellbeing of the B&NES population.

#### **2.20.5 Accountability**

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

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

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

### **PROCEDURE**

#### **2.20.6 Membership**

The Membership of the Board is:

- B&NES Council x 7 (Cabinet Member for Adult Services, Cabinet Member for Children's Services, Chief Executive, Director of Adult Social Care, Director of Children & Education, Director of Public Health, Executive Director - Sustainable Communities)
- B&NES Swindon and Wiltshire Integrated Care Board x 2 (ICB Executive Place Director, nominated ICB Officer)



- Healthwatch B&NES x 1
- Avon and Somerset Police x 1
- Avon Fire and Rescue x 1
- Housing provider representative x 1
- Higher and further education representative x 3
- Health and social care provider and Third Sector representatives x 5 (acute care, community care, primary care, mental health service, and voluntary, community and social enterprise sector)
- NHS England x 1

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

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

In the event of a vote on a substantive matter, the quorum for the meeting will be:

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

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

### **2.20.7 Wider engagement**

By working together the Health and Wellbeing Board will proactively embed good public and patient engagement within the day-to-day business of the Board through adhering to the following principles:

- Taking responsibility for good public engagement
- Clarity about purpose
- Harnessing a range of engagement methods
- Engaging with everyone
- Committed to cultural change
- Providing access to information

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

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

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

It is intended that one representative of each Political Group on the council, not currently represented on the board, be invited to formal Board meetings in an observer capacity.

### **2.20.8 Business management**

The Board is a statutory committee of the Council and will be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972.

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

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

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

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

### **2.21 INDEPENDENT PERSON PANEL**

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

The Independent Panel will:

- a) hear, consider, ask questions and comment in respect of Statutory Officer discipline that could lead to dismissal; and

- b) make a report and recommendation to Full Council in accordance with the Council's policies and Employment Procedure Rules

The quorum is 2 Independent Persons (minimum).

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

- a) The Employment Procedure Rules and Council Procedure Rules will apply to this Panel.
- b) The Independent Person Panel may meet concurrently with the Restructuring Implementation Committee where a hearing or meeting could result in a recommendation to Council for dismissal of a Statutory Officer; or meet separately.
- c) All of the Council's Independent Persons appointed pursuant to section 28 (7) Localism Act 2011 shall be invited to attend and, if at the relevant time there are fewer than two such persons who are able to attend, then the Independent Persons appointed by another neighbouring Council shall be invited to attend.
- d) The Panel shall be appointed from those Independent Persons who have accepted an invitation to be considered for appointment in the following priority order:
  - An Independent Person who has been appointed by the Council and who is a local government elector in the Council's area;
  - Any other Independent Person who has been appointed by the Council;
  - An Independent Person who has been appointed by another local authority or local authorities.
- e) Independent Persons must have undertaken appropriate training.
- f) The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer.

## **2.22 INDEPENDENT REMUNERATION PANEL**

### **2.22.1 Preamble:**

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

### **2.22.2 Objects:**

- 1) To make recommendations to the Council on the appropriate form and level of remunerations (as required) for
  - all Councillors (i.e. the basic allowance);
  - special responsibility allowances;
  - childcare and dependent carer's allowances for Councillors;
  - travel and subsistence allowances;
  - conference and meetings allowances.
  
- 2) In providing such advice, the Panel will have regard to:
  - the roles which Councillors are expected to fulfil and the differing roles and responsibilities of particular Councillors;
  - the current method of local administration;
  - practice amongst other local authorities in the UK;
  - the current statutory framework for the remuneration of Councillors and the scope which the Council has to establish and vary its own arrangements, and any commentary on that (from the Audit Commission, Local Government Association, Local Government Management Board and other interested parties).
  - the previous recommendations and decisions taken by the Council in respect of the last review.
  
- 3) To make recommendations to the Avon Pension Fund (if requested) on the level of remuneration of the Chair and Members.
  
- 4) To make recommendations to the Council (if requested) on any other issues.
  
- 5) To make recommendations to any parish council (if requested) on allowances schemes.

### **2.22.3 Frequency of Meetings**

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

### **2.22.5 Membership and chairing**

The Panel will comprise 4 independent members and the Chair of the Panel will be appointed by the Panel.

### **2.22.6 Remit of the Panel**

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

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

### **2.22.7 Terms of Office**

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

### **2.22.8 Indemnity**

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

## **2.23 LICENSING COMMITTEE**

### **2.23.1 Committee Scope**

The Licensing Committee is a statutory committee of the Council appointed to discharge the local authority's licensing functions, except the approval of

licensing policies, the setting up of the Committee and the resolution not to issue casino licences.

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

The setting up of a Licensing Committee shall be the responsibility of Full Council and its members shall operate in accordance with the [Good Practice guide](#) approved by Council.

### **2.23.2 Functions**

- 1) At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
- 2) To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
- 3) To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such enactments as may fall within the remit of the Committee.
- 4) To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
- 5) To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
- 6) Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority.

### **2.23.3 Composition**

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

#### **2.23.4 Quorum**

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

#### **2.23.5 Competency**

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

#### **2.23.6 Substitutions**

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

### **2.24 LICENSING SUB-COMMITTEE**

#### **2.24.1 Committee Scope**

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

#### **2.24.2 Functions**

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

#### **2.24.3 Composition**

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

#### **2.24.4 Quorum**

The quorum shall be three.

### **2.24.5 Substitutions**

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

A substitute will substitute for the entirety of the meeting.

## **2.25 PARISH LIAISON MEETING**

### **2.25.1 Committee Scope**

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

The [Parish Charter](#) is the framework within which the Parish Liaison meetings operate and support the implementation of the Charter's key principles of:

- Respecting and valuing each other
- Strengthening relationships
- Providing practical support
- Making the best of our skills and resources

### **2.25.2 Functions**

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

### **2.25.3 Composition**

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

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



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

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

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

#### **2.25.4 Meetings**

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

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

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

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

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

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

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

#### **2.25.5 Conduct at Meetings**

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

Attendees will:

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

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

### **2.25.6 Agenda Setting**

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

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

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

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

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

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

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

### **2.25.7 Review**

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

### **2.25.8 Definition of terms**

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

## **2.26 PLANNING COMMITTEE**

### **2.26.1 Committee Scope**

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

### **2.26.2 Functions**

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

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

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

The Committee has delegated authority to exercise all the Council's powers and duties in respect of:

- (1) Modification Orders, Reclassification Orders and Public Path Orders where the matters are contentious.
- (2) Commons Registration (including Town and Village Greens)

where the matters are contentious.

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

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

#### Limitation on delegation of functions

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

The [Planning scheme of delegation](#)

#### **2.26.3 Composition**

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

#### **2.26.4 Quorum**

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

#### **2.26.5 Competency**

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

### **2.26.5 Substitution**

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

A substitute will substitute for the entirety of the meeting.

### **2.26.6 Support arrangements**

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

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

## **2.27 RE-STRUCTURING IMPLEMENTATION COMMITTEE**

### **2.27.1 Committee Scope**

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

### **2.27.2 Functions**

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

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

To recommend to the Council the appointment or dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer in accordance with the Statutory Officers Disciplinary process including the power to suspend a statutory officer and appoint external advisors as appropriate.

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

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

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

### **2.27.3 Composition**

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

## **2.28 STANDARDS COMMITTEE**

### **2.28.1 Committee Scope**

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

Oversee the effectiveness of the Council's Constitutional arrangements from an ethical perspective and make recommendations to the Council on any desirable or necessary changes.

Recommend to the Council Codes of Conduct and Practice or Protocols for Members and/or employees of the Council, including planning issues and Arrangements for dealing with complaints.

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

### **2.28.2 Functions**

Consider and determine any allegations of misconduct against Members of the Council in accordance with the Codes and the Arrangements for dealing with complaints against Councillors

Grant dispensations to Councillors; Parish Councillors; co-opted members and church and parent governor representatives relating to disclosable pecuniary interests as set out in the Localism Act 2011.

Consider

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

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

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

Make representations to the Government, Local Government Association and other external bodies on matters relating to the general principles of conduct for Members and employees of the Council.

Make arrangements for training to Councillors; Parish Councillors; co-opted members and employees in connection with any matter within the terms of reference of the Committee.

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

Recommend to the Council from time to time as necessary the appointment of Independent Members to the Committee following open advertisement, short listing and interview.

### **2.28.3 Composition**

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

### **2.28.4 Quorum**

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

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

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

### **2.28.5 Substitution**

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



## POLITICAL PROPORTIONALITY TABLE – JULY 2023 – 59 COUNCILLORS

(Agreed at Council 20.7.23)

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

\* Conservative Group offering one seat to the Labour Group

\*\* Independent Group offering their seat to the Green Group

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

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

## **MEMBER ADVOCATES – ANNUAL ACTIVITY REPORT 2023-24**

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

Over the last year my activities have included:

- Attending Climate and Ecological Emergency Team Meetings with officers and Cabinet leads.
- Taking part in policy development meetings including on the development of local nature strategies and locations including Entry Hill Open Space
- Engaged with officers about resourcing in the Parks team in connection with Be Our Best and Council budget discussions - seeking to retain current staffing levels in the parks team.
- Met with Rivers Trust, Wessex water jointly with Member Advocate for Rivers (Cllr Andy Wait).
- Engaged with members of the Bath Allotments Association on space for local growing and sustainable growing practices. Ensured that their feedback also informed the working group on sustainable growing.
- As a ward councillor, set up the Greening Moorlands network to bring together local initiatives focused on enhancing biodiversity.

### **Cllr Fiona Gourley – Member Advocate for Rural Communities**

#### **1) Public Transport, Buses & Westlink**

- Worked closely with Sarah Warren, B&NES Bus team, WECA, Somerset Bus Partnership, First Bus, Wiltshire CC, and B&NES parishes to campaign to restore and/or improve rural bus and to enhance Westlink service to serve communities better.
- Aimed to represent all rural residents across B&NES who suffer from lack of public transport, not just those from my own ward, and to work cross-party with other councillors to lobby WECA who hold the funds and are the bus authority.
- Raised issue of impact of lack of rural buses on residents to B&NES Council including speaking at Council, and in local media releases and letters.
- Met with bus campaigners and produced a proposal for a network of buses across NES, with suggestions for saving existing routes, restoring others, improving services including Westlink. Presented this to the WECA Mayor and WECA officers in July 2023.
- Gathered cross-party petition with 1300+ signatures, organised demonstration to Local Authority & WECA leaders in October 2023 and encouraged residents to lobby WECA to ask for more support for rural buses. Regularly updated signatories about progress on bus routes and public transport.

- Campaigned to save 94 bus by securing funding from WECA/B&NES to match Wiltshire CC for Freshford & Monkton residents. Encouraged parish councils and residents to join together to run “use it or lose it” campaign.
- Worked with Chew Valley councillors and bus transition group to support their campaign for better public transport including more Westlink services and funding for their Westlocal service.
- Campaigned with Timsbury and Tunley parish councils and residents to include their villages on route of Paulton 2V Westlocal community bus. Now discussing with Paulton Councillors how to extend route to include Camerton and change timetable to get children to school on time.
- Raised concerns of Hinton, Midford and Claverton residents with their D2, D2x & D1 buses with First Bus. Encouraging parish councils and residents to join together to run “use it or lose it” campaign once issues with timetable and capacity of buses are resolved.
- Liaised with Keynsham councillors and residents to lobby WECA to improve bus services including diversion of 522 and establish /restore buses round estates.

## **2) Village Agents**

- Wrote statement about value of Village Agents which was read to Council prior to my election.
- Advocated for Village Agents scheme to Cabinet during budget process.
- Promoted Villages agents in Focus articles which were shared with other NES Councillors
- Regularly mention the role of Village Agents when meeting residents who might benefit from their service and at Parish Council meetings.

## **Councillor Kevin Guy – Member Advocate for Armed Forces and Veterans**

As a former member of the Royal Navy, it is an extreme honour to be the Council’s advocate for the Armed Forces and Veterans. During the past two years I have met hundreds of veterans and helped with some specific case work around homelessness of a veteran in the B&NES area. This a serious issue that I have raised at a national level and hopefully central government will ensure more resources are focused on the alarming numbers of ex-military homeless people.

On a positive note, after a number of meetings with the Submariners Group Bath, I’m proud to announce that we now have on public display the “Dolphin Bell” in the Guildhall. This magnificent historical artifact was officially installed at the Guildhall on 28th Feb 2023. It can be seen next to the replica of HMS Somerset on the first floor.

I have also officially attended the following events in my capacity as Leader of the Council and advocate.

Remembrance Sunday

Sunday 13/11/22 RVP and Bath Abbey Service

Sunday 12/11/23 RVP and Bath Abbey Service

Armed Forces Day

Monday 20th June 22 flag raising service

Monday 19th June 23 flag raising service

Armed Forces Covenant Meeting with Bertie Williams Armed Forces Champion – Horstman Group

Monday 2nd Oct 2023

### **Councillor Alan Hale – Member Advocate for Safer Roads**

Despite advice given last year re a perceived dangerous crossroads junction near Queen Charlton the situation has not yet changed presumably Highways have possibly not looked into the issue.

From time to time, I receive questions from other councillors.

Charlton Road in Keynsham continues to suffer both excess speed and HGVs breaching the weight limit and is now de facto the missing link of the Avon Ring Road. I have been in correspondence with the police but with little success. It is a matter that really needs a serious consideration from Highways Officers, and I stand ready to assist them in any way I can.

I have continued to work cross party with the other Keynsham councillors to resolve the appalling catalogue of casualties caused by the cycle lane configuration in Keynsham High Street. Last year a Freedom of Information request revealed that in just over a year there had been 59 casualties in High Street due to the cycle lane causing trips and falls resulting in broken bones, lost teeth, serious cuts, bruises, dislocations and facial injuries. Sadly, another year has passed and such casualties have continued. A cheap remedy has recently been put in place, albeit not aesthetically pleasing, we wait to see whether trips and falls continue.

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

## **Councillor Ian Halsall – Member Advocate for Engagement with Students**

I have regularly attended the Student Community Partnership (SCP) Board where we have discussed matters around student experience, housing (the cost of accommodation and living standards; working with B&NES teams from Waste Management and Housing and for the first time representatives from a local letting agent). We have also discussed matters pertaining to student welfare and safety and how the new residents parking zone 28 has affected the licenced Houses in Multiple Occupation (HMO) properties within Oldfield Park and Westmoreland and the knock-on effect in adjacent wards.

Student numbers continue to rise, and we are now finding more people living outside the traditional inner wards of southern Bath which has significantly widened the area that the SCP now visits to inform and advise students and full-time residents and monitor any issues that may arise relating to poor waste management or anti-social activities for example.

Together with Cllr Matt McCabe, we have represented the Council at the SCP's Housing Working Group where we have discussed matters of planning policy in respect of Purpose Built Student Accommodation (PBSA's), HMO's and how the impact of student growth and associated developments across the district and on campus could potentially deliver planning gain to all residents (Section 106 / Community Infrastructure Levy (CIL)). I keep an interest in the other on the other working groups; Green, Personal Safety and River Safety and attend when time allows.

As well as the Council, the SCP also includes Bath College and Norland College as well as the two Universities and their Students' Unions.

I liaise regularly with the SCP manager and their team, who are based at the University of Bath site at Dartmouth Avenue. This year the SCP completed their successful "Moving-in Campaign" as new students were welcomed to the city and given advice on waste management, security and integrating with their neighbours. The Leader of the Council also wrote a "Welcome to Bath" letter at the beginning of the academic year advising students about what the Council does and promoting its free cultural attractions. The "Moving-out Campaign" is now underway with teams visiting hundreds of homes across the entire city as students prepare to leave at the end of the academic year. Several British Heart Foundation donation bins have recently been placed in areas of known higher concentrations of student homes. In July last year these yielded 2985 bags, equating to almost £42k in revenue for the charity and keeping 24 tonnes of textiles saved from landfill.

The two wardens continue to investigate any reports from permanent residents significantly allaying any issues before they become too problematic and significantly reducing the number of complaints made directly to the Council and hopefully Councillors. Whilst complaints have continued to grow year on year as student

numbers have grown, this recognises the success of the SCP and the fact that there is now much greater awareness. Residents that I have spoken to on the doorstep have expressed how satisfied they are that “town and gown” pressures that can sometimes arise are being successfully addressed.

We have also begun to ascertain how students can better engage in local democracy, investigating auto-enrolment in partnership with the Universities and how Electoral Services could potentially make contact with individual students especially in PBSA’s in order to invite them to register to vote. I would like to encourage the Council to set up a stand during Freshers’ Week to promote its services and encourage students to exercise their right to vote.

The SCP has successfully secured further funding from CIL into the summer of 2025, but work is ongoing to seek to secure a long-term financial funding strategy in conjunction with Cllr Paul May for the SCP including for the Community Wardens, the Universities of which contribute 50%.

### **Councillor Liz Hardman – Member Advocate for Looked After Children**

- Championing children in our care makes me proud. I’m governor at their virtual school, with good progress and attendance, and no permanent exclusions for two years.
- In January, Bath / Keynsham libraries displayed photography by Care Experienced young people. I tried to extend this to Midsomer Norton.
- We won free bus passes for Care Experienced people (18-21) from WECA.
- I proudly seconded the Council motion to make Care Experience a protected characteristic. My Panel’s reviewing progress. One teenager told me, ‘This makes life fairer for us.’

### **Councillor Saskia Heijltjes – Member Advocate for Active Travel – Bath**

- Proposed motion on Vision Zero, which was unanimously passed in full council in November 2023.
- Met up regularly with Bath Green Schools parents group to discuss active travel and School Streets.
- Raised issue with trip hazards due to height of photocell detector posts at city centre security work - these were replaced with 1000mm height posts.

- Met with officers to discuss a range of active travel projects including working with major employers, design of continuous crossings and the Active Travel Masterplan.
- Raised issues around diversions for city centre security works, in particular access issues for disabled cyclists and lack of signage.
- Raised issue with river towpath closure and diversion issues in October 2023 and met with officers on site.
- Invited talk at opening plenary of Low Traffic Future event in Bristol on 11 November 2023.
- Raised issue of EV charging infrastructure potentially impacting on pavement space for pedestrians.
- Requested Bath BID to relocate planter in city centre cycle parking area to allow access for non-standard cycles.
- Advised on cargo bike offering in council's e-bike loan scheme.
- Worked with officer to explore taking part in University of Westminster barriers removal research project, unfortunately we weren't able to identify an eligible route.
- Raised issue of lack of communications around Two Tunnels closures - since then it has been included in weekly council e-comms.
- Requested adjustment of timing for traffic lights at Beckford Rd/Bathwick Street junction to allow cyclists more time to cross.
- Advised officers regarding best diversion for North Parade closure, scheduled for May 2024.
- Met with Cabinet Member for Children's Services to discuss School Streets.
- Suggested a task group on School Streets for Climate Emergency and Sustainability and Children's, Adults, Health and Wellbeing Policy Development and Scrutiny Panels.
- Requested more cycle storage at Bath leisure centre - installed in April 2024.

### **Councillor John Leach – Member Advocate for Climate Resilience**

This is a new area of activity for B&NES. In addition to my self-education and research, I have participated in events organised by WECA; Climate Resilience is, in many cases, a matter best dealt with regionally rather than locally. WECA and



national services such as The Met Office are actively developing practices and tools that will be very helpful for B&NES as it develops its specific plans.

I have contributed to the Local Plan Options consultation. The Local Plan will govern buildings and developments that will be expected to endure well into the next century and by then the climate those developments will be faced with is certain to be very much harsher than the moderate climate we have enjoyed in the past. It is essential the Local Plan ensures that all new developments can withstand and continue to function fully in the climate we should be anticipating decades from now.

## **Councillor Ruth Malloy – Member Advocate for Great Spa Towns of Europe and Twinning**

### **The Great Spa Towns of Europe**

During this administrative year, the third General Assembly (GA) of the Great Spa Towns of Europe Association (GSTE) took place in Montecatini Terme (Italy) in October 2023. The annual internal audit in Baden-Baden (Germany) was in February 2024, followed by the fourth GSTE GA in Bad Kissingen (Germany) in April 2024. Very successful Site Managers' meetings & Urban Planning workshops also took place in Montecatini Terme and Bad Kissingen. For more detailed information about these two General Assemblies, please visit the GSTE website [www.greatspatownsofeurope.eu](http://www.greatspatownsofeurope.eu) and then go to - The Great Spa Towns - Press Room - Press Releases.

The Joint City of Bath & GSTE World Heritage Sites Management Plan for the next 6 years is a work in progress, with a stakeholder workshop scheduled for 20th May. The new GSTE Secretary General Chiara Ronchini, in post since February 2023, is closely involved in this process.

Tony Crouch, former City of Bath World Heritage Officer, is now the GSTE Site Manager for Bath and Adrian Neilson is the City of Bath Principal World Heritage Officer, both working in their new roles since autumn 2023.

Professor Barry Gilbertson, former Chair of the City of Bath World Heritage Site Advisory Board, retired at the end of April after 7 years of voluntary service, and is succeeded in the role by Marion Harney, Professor of Building and Landscape Conservation at the University of Bath.

The Bath World Heritage Enhancement Fund continues its support of local conservation work, overseen by the Bath WHS Advisory Board and coordinated by the Bath Preservation Trust. It is now principally funded via the Bath Neighbourhood CIL Fund, rather than directly by B&NES Council as previously; the Bath Preservation Trust also contributes financially.

## **Twining**

### **Bath/Aix-en-Provence Twining Association (BAenPTA)**

As usual, there has been a full programme of events, one per month, often taking place at the BRLSI. A particular highlight was a citizens' trip to Aix-en-Provence in September 2023 to visit several beautiful gardens and art installations in and around the town.

### **Bath/Alkmaar Twining Association (BATA)**

In October 2023 four committee members were invited to Alkmaar for a seminar about City-to-City partnerships, which brought together delegates from Bath, Bergama, Darmstadt, Tata and Troyes. It was an enriching experience to hear how the different towns are facing similar challenges, and their approaches to dealing with them. A 'Tree of Freedom' was planted by senior representatives of each town to commemorate the visit. In February 2024 there was a special BATA-sponsored showing of the film *Occupied City* at the Little Theatre Cinema, and efforts to link up Bath and Alkmaar community growers (among others) continue. The 'Alkmaar Cafés' are a popular monthly social event, to which all are welcome!

### **Bath/Braunschweig Twining Association (BBTA)**

There has been a full programme, including the Münsterchor's visit to Bath in October, when they sang in many of our churches. Bridge exchanges have continued, both online and in-person in Braunschweig, and an online book group with our counterpart twining association in Braunschweig. There was a civic visit to Braunschweig by the Mayor of Bath in August 2023 for the official opening of the Bath Garten, followed by a recent civic visit to Bath by the Lord Mayor of Braunschweig, who was accompanied by a delegation of ten (most of whom were self-funding), in April 2024.

The BBTA has been working with the British German Association to explore how we can make twining more appealing, especially to younger people. This is also one of the key aims of the European Local Partnerships Working Group (affiliated to the European Movement), which the BAenPTA, BATA and BBTA are all involved in. BAenPTA Chair Marian McNeir was instrumental in setting it up.

The BATA, BBTA and BAenPTA once again took turns, over the space of a week, running a Christmas Market chalet at the side of the Guildhall. It was a great opportunity to promote our twining links, as well as sell typical products from the Netherlands, Germany and France.

### **Bath/Kaposvár Twining Association (BKTA)**

There was a memorial service for longstanding member Valerie Inwood in February 2024, which many current and former BKTA members attended, including Alderman

Peter Metcalfe. Sadly, very little progress has been made on reconvening the BKTA, but I'm hopeful this will happen in the near future.

### **Bath/Beppu Friendship Association (BBFA)**

There was a civic visit to Bath by the Mayor of Beppu, Japan in August 2023 (part of a much larger European tour), followed by a special civic visit to Beppu by the Mayor of Bath in April 2024, to celebrate the 100th anniversary of Beppu municipality.

The Twinning Forum usually meets two or three times a year, but not on a regular basis. I'd like to suggest that the Twinning Forum convenes perhaps only twice a year, but on dates that are fixed well in advance, to aid maximum attendance of all participants. I'd also like to invite Cllr. Kevin Guy to attend these meetings to tell us how the Bath-Oleksandriya Friendship partnership is developing.

For further information about the Twinning/Friendship Associations, please visit [www.mayorofbath.co.uk/twinning-associations](http://www.mayorofbath.co.uk/twinning-associations) and [www.bathnes.gov.uk/services/tourism-and-heritage/twinning](http://www.bathnes.gov.uk/services/tourism-and-heritage/twinning). Please promote our international links and encourage your residents to connect with their counterparts (groups and individuals) in our twin cities!

### **Councillor Sarah Moore – Member Advocate for Accessibility**

This year I have met with several groups and residents to discuss everyday issues they experience across our area. I am currently compiling a member's checklist/guidance sheet to help them identify problems or improvements in their individual wards to help with making our whole area more accessible for all. I have continued to promote the importance of accessibility issues directly with Cabinet members and officers, as well as through the Equalities Advisory Group.

### **Councillor Michelle O'Doherty – Member Advocate for Homeless People**

For the past 12 months, I have helped where I can with a local soup run group, where I speak to some of the most vulnerable members of our society, and I have been able to help advocate for individuals when accessing services to help them. The landscape for this group remains very worrying, with numbers of those at risk of homelessness increasing by 40% over the past year in BANES. The causes of this are largely down to an increase in Section 21 (no fault) evictions in recent years, plus the added pressure of the cost-of-living crisis, meaning that numbers needing temporary accommodation continues to rise each year, which comes at a huge cost: emotionally for those who need to use it, and financial for the local authority.

A new temporary accommodation unit has opened up this year in Oldfield Park, which can house up to 11 households which will help to relieve some of the pressure

on finances as it will mean fewer people being accommodated in hotels (£30pn v £70pn).

I asked for a report on homeless health to come to the Children, Adults, Health & Wellbeing PDS panel, which highlighted the complex health issues which affect this very vulnerable group of people. I was also able to advocate for this group with the Cabinet members for Resources and for the Built Environment about how trying to protect services for the homeless was important in terms of the Council's budget. I know that services providers are working hard with the Council to ensure delivery of the best services at the best value to ensure that support does not fall of a cliff-edge. With rising numbers needing our help, retaining as much support will be ever more vital, and I will continue to challenge for keeping as much as a non-statutory preventative support as possible.

Homelessness is an incredibly complex area, and it's difficult to do justice to it in a short report such as this, but I would be very happy to talk to any Councillor about what they can do to help.

### **Councillor Shaun Stephenson-McGall – Member Advocate for Active Travel – North East Somerset & LGBTQ+ issues**

#### **Active Travel – North East Somerset**

I've been working with my colleague, Cllr Saskia Heijltjes (Lambridge Ward, Green) and Member Advocate for Active Travel (Bath) to be a critical friend of the Administration to move quicker and further on Active Travel across North East Somerset and Bath.

We have had various meetings with Cllr Sarah Warren and various B&NES Officers on this topic. I've attended various webinars on this and related topics by organisations like Livings Streets, WeArePossible, and others. I've had regular meetings and email exchanges with representatives of Walk Ride Bath and other active travel advocates. I have requested and received updates on various projects including the LCWIP, Upper Bristol Road, Beckford Road, and of course the Active Travel Master Plan.

Alongside this role, I am the B&NES Council representative on the Joint Local Access Forum where I'm working with others to improve Public Rights of Ways across B&NES, Bristol, and South Gloucestershire.

#### **LGBTQ+ issues**

This year I attended the LGA LGBTQ+ Cllrs Weekend at the University of Warwick where we explore some of the critical challenges facing LGBTQ+ elected members given the societal pressures facing LGBTQ+ communities. I participated in very

useful discussions around issues for consideration as a LGBTQ+ elected member including:

- Importance of visibility and role modelling
- How to support LGBTQ+
- Acceptance by colleagues
- Being comfortable in showing their true self
- Dealing with abuse of social media

I met with the other Equalities Champions to input into the Councils annual Communications Plan around Equalities.

I've have had meetings together with B&NES Officers with the organisers of Bath Pride which is planned for Sunday 18<sup>th</sup> August later this year.

I have been liaising with the Director of Public Health to ensure B&NES Council contributes to the South West network of local authority sexual health public health team on a response on the state of HIV & Sexual Health services in the UK to the recent request by the APPG on HIV, AIDS & Sexual Health. Associated work is ongoing with Officers around the general health needs of this community including work to reduce the higher late diagnosis of HIV rates we have in B&NES.

Recently I have also initiated discussions with Officers around the housing needs of the LBGT+ community within B&NES.

### **Councillor Sam Ross - Member Advocate for Rural Housing & Community Buildings**

#### **Rural Housing**

Affordable housing is an ongoing challenge. Homes are being built out of the reach of people in terms of affordability, forcing people out of their local communities. In rural areas, this is exacerbated by movement out of urban areas, creating rural commuter belts and raising prices further. In addition, across the country, 1 million people are on council house waiting lists and the demographic is changing to more young professionals and families.

After speaking with key officers, I can report that there is an ongoing programme of work in the council to work with parishes looking to meet housing needs within their community. There are also several projects across the district in varying stages of progress, including, Clutton, Corston, Radstock and Timsbury.

Key challenges are:

- Getting buy-in from local parish councils to start the process – they are required to drive the process, acknowledge the local need, carry out community surveys and create/update Neighbourhood Plans alongside the new Local Plan.
- Acquiring land - rural exception sites are needed outside housing boundaries to ring-fence homes for local people. In addition, Community Land Trusts are required to keep homes available for local people in perpetuity.
- Managing objections within the community – keeping parish councillors on board through negative encounters.
- Providing different types of homes for different life stages – affordable housing providers require a mixed and balanced community.

Notable points:

- Affordable housing and social housing are being built to higher standards, and energy efficiency than most market-rate homes within B&NES, which is to be supported and commended.
- The West of England Rural Network (WERN) is appointing a Rural Housing Enabler, who will work with housing officers, policy officers, parish councils, affordable housing providers, landowners, cabinet members etc. to make more progress.
- There was a request from officers to get all interested parties together more often to discuss the way forward and I will endeavour to do this, as advocate, in the coming year.

## **Community Buildings**

Community buildings are all a vital part of rural life including, shops, pubs, and village halls. The existence (or lack thereof) of these buildings is often high on the list for people considering moving to a particular area.

Through the LDF Steering Group, and talking with officers, I have suggested that more than just schools should be considered when providing large-scale housing development. Improvements to existing infrastructure and the development of new buildings are equally important and need to be included in S106 funding agreements, even for moderate or small developments, which are more common in rural areas.

### **Councillor George Tomlin – Member Advocate for Social Housing Tenants**

- Engaged with the Cabinet Member and Cabinet Project Lead over the role B&NES can play in promoting higher standards and a greater voice for social housing tenants in our area.
- Met with representatives from several housing associations who operate in our authority to push for better treatment of their tenants.
- Supported the newly launched Social Housing Damp and Mould charter and lobbied those registered providers operating in B&NES who are yet to sign up to do so.
- However, there is much more to be done to advocate for social housing tenants, and to push for more accountability for the service provided by registered providers in B&NES.

### **Councillor Andy Wait – Member Advocate for Rivers and Waterways**

In my first year I have learned about the complexities of the organisations with responsibilities for maintaining our rivers and indeed the complexities of the river systems themselves.

Our rivers are under stress from years of neglect and pollution. They are in a very poor state. Improving them will require cooperation between several agencies and vast amounts of cash.

Some of these organisations are underfunded like the Environment Agency whilst others, for example, the water companies see rivers as a dumping ground for their mismanagement.

The solution is firm Government legislation, generous funding and reorganisation of those nationally and locally responsible for safeguarding our rivers.

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<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Council</b>	
MEETING DATE:	<b>16<sup>th</sup> May 2024</b>	
TITLE:	<b>Constitution: Establishment of Constitution Working Group and minor updates for noting</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 - Draft TOR of Constitution Working group</p> <p>Appendix 2 – Minor amendments made by Monitoring Officer</p>		
<p><b>Link to the Constitution;</b>  <a href="https://democracy.bathnes.gov.uk/documents/s79846/Constitution.pdf">https://democracy.bathnes.gov.uk/documents/s79846/Constitution.pdf</a></p>		

## 1 THE ISSUE

- 1.1 At the time of adoption of the revised Constitution at Council in July 2022, Council noted that further rationalisation work would need to be done on the Financial Regulations and Contract Standing orders. This report invites establishment of the Constitution Working Group (CWG) to consider those sections and pick up any further items included in scope.
- 1.2 Various minor amendments have been made by the Monitoring Officer as part of his delegated authority to make minor revisions (Constitution rule 1.13) and these are reported here for noting.

## 2 RECOMMENDATION

**The Council is asked to;**

- 2.1 Agree the Terms of Reference and scope of the Constitution Working group at Appendix 1 and invite each political group to put forward their nomination(s) in due course, with the intention of bringing proposed changes to November 2024 Council;
- 2.2 Note the minor amendments made by the Monitoring Officer, as part of his delegated authority, as set out in Appendix 2.

### **3 THE REPORT**

- 3.1 Finance officers are planning to produce revised Financial Regulations for the Constitution Working Group to consider and report to the November Council. Dependent upon the secondary regulations to support the Procurement Act 2023 being laid in parliament, Procurement officers are also hoping to produce revised Contract Standing Orders for the CWG to consider and report to the same Council meeting.
- 3.2 It is anticipated that the CWG will meet in September/October 2024 to consider proposals in time for them to be reported to November Council. At this stage, it is not possible to set out the frequency of meetings, as that will depend on the CWG, and whether further items are added for their review.

### **4 STATUTORY CONSIDERATIONS**

- 4.1 A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended (Localism Act 2011).

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

- 5.1 The work undertaken in preparing this report is part of the normal role of the staff involved.

### **6 RISK MANAGEMENT**

- 6.1 The risks of not agreeing necessary changes may lead to compromised or ineffective decision making.

### **7 EQUALITIES**

- 7.1 None.

### **8 CLIMATE CHANGE**

- 8.1 None.

### **9 OTHER OPTIONS CONSIDERED**

- 9.1 None.

### **10 CONSULTATION**

- 10.1 Group Leaders, Monitoring Officer, Chief Executive, S.151 & Policy Development & Scrutiny Officer have been consulted in the drafting of this report.

<b>Contact person</b>	Michael Hewitt, Monitoring Officer tel: 01225 395125
<b>Background papers</b>	Constitution
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# CONSTITUTION WORKING GROUP

## Draft Terms of Reference

### 1. Purpose

The Constitution Working Group has been established by Council to refresh the Constitution and ensure that it is fit for purpose. It will undertake this role by:

- a) Considering any changes proposed by Members & Officers that are within scope (Schedule 1), ensure that they are fit for purpose and put forward appropriate changes;
- b) Recommending proposed changes to Council for approval.

### 2. Membership

The Constitution Working Group shall comprise eight members and will not be politically balanced;

#### Seat allocation:

Liberal Democrat group	4 seats (Chairing rights)
Labour group	1 seat
Independent group	1 seat
Conservative group	1 seat
Green group	1 seat

### 3. Vice Chair

The Vice Chair of the Constitution Working Group will be appointed at the first meeting of the group.

### 4. Voting

Any vote will be subject to a simple majority. In simple majority voting the Chairman will have a casting vote.

### 5. Quorum

The quorum of a meeting of the Constitution Working Group will be three.

### 6. Frequency of Meetings

The Constitution Working Group will meet as and when required. All meetings will be held in private and dates and times of meetings will be agreed by the Working Group. Provided all members of the Working Group are in agreement minor changes to the Constitution can be agreed via e-mail without the need to hold a formal meeting.

**7. Minutes of Constitution Working Group Meetings**

The Working Group shall agree the minutes at the next suitable meeting.

**8. Administration of the Constitution Working Group**

Agendas will be sent out five clear working days before the meeting and minutes will be provided seven clear working days after the meeting.

## **Schedule 1**

### **Scope**

#### **Areas In Scope**

The following are matters in scope of the refresh:

- Contract Standing Orders
- Financial regulations
- Any other amendments deemed appropriate by the Group
- Any other changes to the Constitution to correct errors and omissions.

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**NOTE OF MINOR AMENDMENTS MADE BY THE MONITORING OFFICER**

*[These are set out in the order they appear in the Constitution.]*

**A. Health Scrutiny regulations – section 2.15.2**

From January 2024, the Council's health scrutiny power of referral to the Secretary of State on substantial development/variations was removed. Up until this point, this power featured in the Constitution under 2.15.2 'Provisions of the Health Scrutiny Regulations' bullet point 4 (see below);

*“NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.”*

The Monitoring Officer approved amended wording so this section now reads;

*“NHS bodies must consult the designated health scrutiny function of the council about proposals for substantial development or variation of NHS services in the area. Health overview and scrutiny committees and other interested parties can write to request (via a call-in request form) that the Secretary of State consider calling in a proposal if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals. DHSC expects requests only to be used in exceptional situations where local resolution has not been reached.”*

**B. Receiving reports of committees at Council meetings – rule 3.1.6**

An addition was made to rule 3.1.6 “Business at Ordinary Meetings” to receive reports of committees. The old Constitution covered reports from Cabinet, Scrutiny and Committee. Rules have been brought into the new Constitution for Cabinet and Scrutiny but not expressly for committee reports so this enables such a referral.

**C. Dates and times of meetings – rule 3.1.10**

Clarification was needed to rule 3.1.10 regarding dates and times of meetings and who is to be consulted regarding postponing or cancelling a meeting. This makes existing arrangements clearer and is not a change in process. The additional wording is shown underlined and bold below;

***The time and place of all Member meetings will be determined by the Monitoring Officer and notified in the summons. The Chief Executive, in consultation with Political Group Leaders, is responsible for determining whether a programmed***

**meeting of the full Council should be postponed or cancelled. For committees and panels, this decision is taken in consultation with the Chair.**

#### **D. Order of items at Council meetings – rule 3.1.23**

The order of items at Ordinary Council meetings is set out at rule 3.1.6 and point (vii) states that items from Councillors (statements etc) will be taken “at the end of the published order of business”. This is the rule currently operated in practice. When the new Constitution was produced, previously separate speaking rules for public and councillors were combined into one rule for speaking arrangements at Council, panels and committees, but this has meant that an anomaly was created as the public have the option to choose to speak immediately before the item is debated, whereas this is not the case for Councillors, at Council meetings. A small clarification was therefore made to the public speaking rule 3.1.23 to make this clearer, as set out below;

*[For Councillor items to Council, these are taken at the end of the agenda in accordance with rule 3.1.6.]*

#### **E. Electronic voting – rule 3.1.37**

Now that the Chamber microphone/AV system offers the option of electronic voting, a small addition and amendment was needed to rule 3.1.37 to cover this, as set out in the underlined, bold section below;

*“The Chair shall ensure that that the proposal to be voted on is clear. Voting will proceed by a show of hands **or by means of an electronic voting system** – first those voting “for” the proposal and then those voting “against” the proposal. ~~This will be followed by a show of hands from those who are abstaining from voting~~ **and then the abstentions.**”*

#### **F. Adding items to a PDS agenda – rule 3.3.11**

An addition was needed to cover the rights of any member to request an item be added to a Policy Development & Scrutiny Panel agenda. This is a statutory requirement (S.21A LGA 2000) and the text is imported from the old Constitution. This was an oversight created when drafting the new version. The new text is included below and was added after 3.3.11.

##### **“ITEMS ON THE AGENDA**

*Any member of the Council may submit to the Statutory Scrutiny Officer a relevant item for the agenda of the next available meeting of a Policy Development and Scrutiny Panel. Written notice of every item, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member’s name (unless the item is to stand in the name of the Member only), must be delivered to the Statutory Scrutiny Officer (on behalf of*

*the Chief Executive) not later than 7 clear working days before the date of the meeting.*

*The Chair following consultation with the Vice Chair of the relevant Panel will determine whether or not to include the item on the agenda and their decision shall be final.*

*In considering this matter, the Chair will take into account the views of the Statutory Scrutiny Officer (on behalf of the Chief Executive) who shall also give advice about the implications of the request on the delivery of the Overview and Scrutiny work programme.*

*If the item is accepted, the member will have the right to attend and, at the discretion of the Chair, to speak on the matter.*

*The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.”*

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