

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

### **2.7.1 Committee Scope**

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

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

Appointed by: The Charitable Trust Board

### **2.7.2 Functions**

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

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

To approve the use of any reserves.

To agree the Trust's annual accounts.

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

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

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

### **2.7.3 Composition**

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

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

### **2.7.4 Quorum**

3 voting Members.

### **2.7.5 Substitution**

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

## **2.8 AVON PENSION FUND COMMITTEE**

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

### **2.8.1 Committee Scope**

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

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

### **2.8.2 Functions and Duties**

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

The key duties in discharging this role are:

1. Having taken appropriate advice determining the following:
  - a. the investment strategy and strategic asset allocation
  - b. the administration strategy
  - c. the funding strategy.
2. Monitoring the performance of the investment strategy, scheme administration, and external advisors.

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

### **2.8.3 Delegations**

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

### **2.8.4 Composition**

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

### **2.8.5 Meetings**

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

### **2.8.6 Quorum**

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

### **2.8.7 Substitution**

Named substitutes to the Committee are allowed.

## **2.9 AVON PENSION FUND INVESTMENT PANEL**

### **2.9.1 Committee Scope**

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

### **2.9.2 Functions**

The Investment Panel will:

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

And have delegated authority for:

4. Monitoring the transition of assets to the Brunel portfolios and allocate assets to the relevant portfolio offered by Brunel
5. Approve and monitor tactical positions within strategic allocation ranges.
6. Approve allocations to emerging opportunities within the strategic allocations.

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

### **2.9.3 Composition**

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

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

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

The Council will nominate the Chair of the Panel.

### **2.9.4 Panel Meetings**

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

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

### **2.9.5 Quorum**

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

### **2.9.6 Substitution**

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

### **2.9.7 Minutes**

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

## **2.10 BRUNEL OVERSIGHT BOARD REPRESENTATIVE**

### **2.10.1 Committee Scope**

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

### **2.10.2 Functions**

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

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

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

The main duties of the Board Representative are:

1. To represent the Committee and Shareholder on the Brunel Oversight Board.
2. To ensure that the Committee's views are communicated to the Board and BPP Ltd.
3. To ensure the Fund's and shareholder's interests are protected within Brunel in line with the legal framework within which Brunel operates.

4. To report back to the Committee and Shareholder all relevant issues discussed by the Board and recommendations to the Brunel Client Group and/or the Shareholders.
5. To seek the consensus view of the Committee for Shareholder and Board matters where necessary.
6. To raise issues with the Board at the request of Committee Members, the shareholder representative or Head of Pensions.

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

### **2.11.1 Committee Scope**

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

### **2.11.2 Functions**

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

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

### **2.11.3 Composition**

This group will consist of:

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

#### **2.11.4 Quorum**

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

#### **2.11.5 Meeting Arrangements**

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

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

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

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

1. Implementation and day to day monitoring of the administration, investment and funding strategies and related policies.
2. Implementing investments in emerging opportunities within strategic allocations, either to be managed outside Brunel or instruct allocation to Brunel portfolio.
3. Implementing investment management arrangements in line with the strategic policy as follows:
  - a. For assets managed outside Brunel, this includes the setting of mandate parameters and the appointment of managers, in consultation with the Investment Panel.
  - b. For assets managed within Brunel, deciding and instructing the allocation to each Brunel portfolio.
4. Implement the strategic risk management objectives of the Fund and take necessary action to ensure delivery of strategic outcomes. Ongoing consideration of these issues will be undertaken by the Funding and Risk Management Group (see section 6) who will report decisions and ongoing considerations to the Investment Panel.
5. Rebalancing the investment assets to target strategic allocations, when deemed prudent to do so, taking account of tactical allocations approved by the Investment Panel.



6. Representing the Fund on the Brunel Client Group to develop Brunel investment strategies and policies which effectively support the interests of the Fund.
7. Commissioning Elective Services from BPP Ltd and issuing instructions as permitted by the Brunel Service Agreement to BPP Ltd.
8. The appointment of specialist advisors to support the Committee and Officers in discharging their functions.
9. Determining policies that support the investment and funding strategies having taken expert advice.
10. In consultation with the Chair of the Committee, the Head of Pensions will approve the draft Statement of Accounts and Annual Report for audit.
11. Authorising expenditure from the Fund in accordance with the annual budget.
12. Admitting new admitted bodies into the Fund subject to them meeting Fund policy.
13. The Director – One West (or Section 151 Officer in their absence) has authority to dismiss investment managers, advisors and 3<sup>rd</sup> party providers if urgent action is required (does not refer to performance failures but to their inability to fulfil their contractual obligations or a material failing of the company).
14. The Director – One West (or Section 151 Officer in their absence) has authority to suspend policy (in consultation with the Chairs of Committee and Panel) in times of extreme market volatility where protection of capital is paramount.
15. Under its wider delegated powers, the Director – One West (or Section 151 Officer in their absence) has delegated authority to effectively manage the liabilities of the Fund including the recovery of debt.
16. Exercising the discretions specified in the Local Government Pension Scheme Regulations in connection with deciding entitlement to pension benefits or the award or distribution thereof.

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

### **2.13.1 Committee Scope**

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

### **2.13.2 Functions**

In addition, it has specific delegated authority as follows:

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

### **2.13.3 Composition**

The Group will consist of the following:

From the Avon Pension Fund:

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

Advisors

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

- Investment Manager as required

### **2.13.3 Quorum**

FRMG shall be quorate if the following are in attendance:

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

### **2.13.4 Meeting Arrangements**

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

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

## **2.14 CHARITABLE TRUST BOARD**

### **2.14.1 Committee Scope**

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

### **2.14.2 Functions**

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

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

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

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

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

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

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

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

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

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

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

### **2.14.3 Composition**

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

controlling group but whose appointment is determined by the controlling group), and

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

The Board will elect a Chair and Vice Chair.

#### **2.14.4 Quorum**

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

#### **2.14.5 Substitution**

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

#### **2.14.6 Support Arrangements**

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

<b>Schedule 1 Charitable Trust for which the Council is sole trustee</b>	<b>Schedule 2 Charitable Trusts for which the 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. The designated health scrutiny function can refer a matter to the Secretary of State for Health, if the local authority is not satisfied of the merits for change or if it considers there has been inadequate consultation on the proposals.
- Councils can set up joint health scrutiny committees with one or more other councils. Councils can delegate aspects of this role to another council's overview and scrutiny body. Joint Health Scrutiny Committees also have the power to directly refer a matter to the Secretary of State for Health.
- County councils can co-opt neighbouring authority council members onto their scrutiny committees dealing with health scrutiny, either for an indefinite time or for a particular project.
- Following any health overview & scrutiny topic undertaken, the Committee will make a report with recommendations to NHS bodies and B&NES Council. Such reports will also be copied to key stakeholders including local MPs, Healthwatch, Clinical Commissioning Groups and/or the NHS Commissioning Board.

### **2.15.3 Composition**

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

#### **2.15.4 Quorum**

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

#### **2.15.5 Substitution**

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

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

#### **2.16.1 Committee Scope**

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

#### **2.16.2 Functions**

The Panel remit is:

- Tackling Climate 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
- Development & Management
- Designated Flood Risk Management Panel

#### **2.16.3 Composition**

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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.



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

#### **2.16.4 Quorum**

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

#### **2.16.5 Substitution**

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

### **2.17 CORPORATE AUDIT COMMITTEE**

#### **2.17.1 Committee Scope**

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

#### **2.17.2 Functions**

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To review and note on behalf of the Council the audited accounts of Council owned companies, in accordance with Council company governance arrangements, statutory requirements and guidance.
3. To approve the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year.
4. To approve the Internal Audit Plan within the budget agreed by the Council and to monitor its delivery and effectiveness (including the implementation of audit recommendations).
5. To consider, prior to signature by the Leader of the Council and Chief Executive, the Annual Governance Statement (including the list of significant issues for action in the ensuing year), as prepared in accordance with the statutory requirements and guidance; and to monitor progress on the significant issues and actions identified in the Statement.
6. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
7. To review periodically the Council's key financial governance procedures, i.e. Financial Regulations, Contract Standing Orders, Anti-

Fraud & Corruption Policy and to recommend any necessary amendments.

8. To consider the annual Audit & Inspection Letter from the External Auditor and to monitor progress on accepted recommendations.
9. To monitor and promote good corporate governance within the Council and in its dealings with partner bodies and contractors, including review of the [Council's Code of Corporate Governance](#) and in any such other ways as the Committee may consider expedient (within the budget agreed by the Council).
10. To consider and make recommendations of any other matters relating to corporate governance which are properly referred to the Committee or which come to its attention e.g. the procurement of External Audit Services, monitoring the governance of Council owned companies.
11. To make an annual report to Council on the work [and findings] of the Committee, including (if necessary) any measures necessary to improve the effectiveness of the Committee.

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

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

### **2.17.3 Composition**

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

### **2.17.4 Quorum**

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

### **2.17.5 Substitution**

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

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

### **2.18.1 Committee Scope**

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

### **2.18.2 Functions**

The Panel remit is:

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

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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

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

#### **2.18.5 Substitution**

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

### **2.19 EMPLOYMENT COMMITTEE**

#### **2.19.1 Committee Scope**

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

#### **2.19.2 Functions**

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

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

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

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

#### **2.19.3 Composition**

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

#### **2.19.4 Quorum**

3 Members.

#### **2.19.5 Competency**

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

### **2.19.6 Substitution**

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

## **2.20 HEALTH & WELLBEING BOARD**

### **2.20.1 Background**

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

Health and Wellbeing Boards are committees of the local authority.

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

### **2.20.2 Vision**

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

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

### **2.20.3 Functions**

The Board must undertake the following statutory functions:

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

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

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

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

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

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

#### **2.20.4 Scope**

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

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

#### **2.20.5 Accountability**

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

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

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

## **PROCEDURE**

### **2.20.6 Membership**

The Membership of the Board is:

- B&NES Council x 7 (Cabinet Member for Adult Services, Cabinet Member for Children's Services, Chief Executive, Director of Adult Social Care, Director – Children and Young People, Director of Public Health, Director of Sustainable Communities)
- B&NES Swindon and Wiltshire Integrated Care Board x 2 (ICB Place Director, nominated ICB Executive Officer)
- Healthwatch B&NES x 1
- Avon and Somerset Police x 1
- Avon Fire and Rescue x 1
- Housing provider representative x 1
- Higher and further education representative x 3
- Health and social care provider and Third Sector representatives x 5 (acute care, community care, primary care, mental health service, and voluntary, community and social enterprise sector)
- NHS England x 1

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

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

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

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



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

### **2.20.7 Wider engagement**

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

- Taking responsibility for good public engagement
- Clarity about purpose
- Harnessing a range of engagement methods
- Engaging with everyone
- Committed to cultural change
- Providing access to information
- In partnership with Healthwatch B&NES and 3SG
- Feeding back engagement results
- Evaluating engagement

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

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

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

### **2.20.8 Business management**

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

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

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

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

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

## **2.21 INDEPENDENT PERSON PANEL**

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

The Independent Panel will:

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

The quorum is 2 Independent Persons (minimum).

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

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

appointment in the following priority order:

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

## **2.22 INDEPENDENT REMUNERATION PANEL**

### **2.22.1 Preamble:**

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

### **2.22.2 Objects:**

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

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

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

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

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

### **2.22.3 Frequency of Meetings**

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

### **2.22.5 Membership and chairing**

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

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

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

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

### **2.22.7 Terms of Office**

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

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

#### **2.22.8 Indemnity**

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

### **2.23 LICENSING COMMITTEE**

#### **2.23.1 Committee Scope**

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

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

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

#### **2.23.2 Functions**

- 1) At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
- 2) To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the

resolution not to issue casino licences (these being functions of the Council).

- 3) To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such enactments as may fall within the remit of the Committee.
- 4) To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
- 5) To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
- 6) Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority.

### **2.23.3 Composition**

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

### **2.23.4 Quorum**

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

### **2.23.5 Competency**

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

### **2.23.6 Substitutions**

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

## **2.24 LICENSING SUB-COMMITTEE**

### **2.24.1 Committee Scope**

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

### **2.24.2 Functions**

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

### **2.24.3 Composition**

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

### **2.24.4 Quorum**

The quorum shall be three.

### **2.24.5 Substitutions**

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

A substitute will substitute for the entirety of the meeting.

## **2.25 PARISH LIAISON MEETING**

### **2.25.1 Committee Scope**

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

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

- Respecting and valuing each other

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

### **2.25.2 Functions**

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

### **2.25.3 Composition**

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

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

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

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

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

### **2.25.4 Meetings**

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

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

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

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

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



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

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

### **2.25.5 Conduct at Meetings**

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

Attendees will:

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

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

### **2.25.6 Agenda Setting**

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

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

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

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

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

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

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

#### **2.25.7 Review**

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

#### **2.25.8 Definition of terms**

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

### **2.26 PLANNING COMMITTEE**

#### **2.26.1 Committee Scope**

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

## 2.26.2 Functions

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

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

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

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

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

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

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

### Limitation on delegation of functions

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

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

The [Planning scheme of delegation](#)

### **2.26.3 Composition**

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

### **2.26.4 Quorum**

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

### **2.26.5 Competency**

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

### **2.26.5 Substitution**

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

A substitute will substitute for the entirety of the meeting.

### **2.26.6 Support arrangements**

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

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

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

### **2.27.1 Committee Scope**

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

### **2.27.2 Functions**

To decide on numbers of 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](#).