

# TERMS OF REFERENCE

Appendix 1

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## TERMS OF REFERENCE

### 1 Avon Pension Fund Committee

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 gradually become responsible for implementing the Fund's Investment Strategy. The Fund's assets will transfer to portfolios offered by Brunel from April 2018 with most of the quoted assets transferring within 3 years. Once Avon's assets are within a Brunel portfolio, the appointment, monitoring and deselection of managers will be the responsibility of BPP Ltd. The Terms of Reference reflects this transition.

#### **Function and Duties**

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

The key duties in discharging this role are:

1. Having taken appropriate advice determining the following:
  - a. the investment strategy and strategic asset allocation
  - b. the administration strategy
  - c. the funding strategy.
2. Monitoring the performance of the investment strategy, scheme administration, and external advisors.
3. Ensuring that the investment strategy can be delivered by the portfolios offered by BPP Ltd. If not, agree alternative arrangements. In relation to Brunel Pension Partnership:
  - a. Monitoring the performance of BPP Ltd in delivering investment services to the Fund. Make representations to the Brunel Oversight Board on matters of concern regarding the service provided by BPP Ltd and the performance of its portfolios.
  - b. Monitoring the governance of Brunel Pension Partnership and making recommendations to the Brunel Oversight Board. Terminating the Service Agreement with BPP Ltd.

4. Approving and monitoring compliance of statutory statements and policies required under the Local Government Pension Scheme Regulations.
5. Approving the annual budget and 3 year Service Plan and resource requirements to deliver the work plan.
6. Approving variances to budget within a financial year.
7. Approving the annual budget for the Pension Board subject to the approval of Pension Board's work plan.
8. Commissioning actuarial valuations in accordance with the provisions of the Local Government Pension Scheme Regulations.
9. Making representations to government and responding to consultations as appropriate concerning any proposed changes to the Local Government Pension Scheme.
10. Nominating a representative (and named substitute) from the Committee to represent the Committee on the Oversight Board for Brunel Pension Partnership.

### **Delegations**

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

### **Membership of the Committee**

Voting members (14)	5 elected members from B&NES (subject to the rules of political proportionality of the Council) 3 independent members 1 elected member nominated from each of Bristol City Council, North Somerset Council and South Gloucestershire Council 1 nominated from the Higher and Further education bodies 1 nominated from the Academy bodies 1 nominated by the trades unions
Non-voting members (3)	1 nominated from the Parish Councils Up to 2 nominated from different Trades Unions

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

### **Meetings**

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

### **Quorum**

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

## **Substitution**

Named substitutes to the Committee are allowed.

## **2 Investment Panel**

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.

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 Risk Management strategies, monitor the implementation of the structures, consider strategies for restructuring, and monitor collateral requirements.
9. For assets held outside Brunel:
  - o Implement investment management arrangements in line with strategic policy.
  - o 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.

## **Panel Membership**

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. The membership shall include the Chairman of the Committee and /or the Vice-Chair and 4 other Members (or 5 if the Chair or Vice-Chairperson is not a member of the Panel).

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 term of one year.

The Council will nominate the Chair of the Panel.

### **Panel Meetings**

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

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

### **Panel Quorum**

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

### **Panel Substitution**

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

### **Panel Minutes**

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

## **3 Brunel Oversight Board Representative**

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.

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

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

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

The main duties of the Board Representative are:

1. To represent the Committee and Shareholder on the Brunel Oversight Board.
2. To ensure that the Committee’s views are communicated to the Board and BPP Ltd.

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

#### **4 Brunel Pension Partnership Working Group**

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.

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) Investments Manager

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.

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.

The responsibilities of the working group are as follows:

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.

#### **Officer Delegations**

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

1. Implementation and day to day monitoring of the administration, investment and funding strategies and related policies.
2. Implementing investments in emerging opportunities within strategic allocations, either to be managed outside Brunel or instruct allocation to Brunel portfolio.
3. Implementing investment management arrangements in line with the strategic policy as follows:
  - a. For assets managed outside Brunel, this includes the setting of mandate parameters and the appointment of managers, in consultation with the Investment Panel.
  - b. For assets managed within Brunel, deciding and instructing the allocation to each Brunel portfolio.
4. Restructuring the risk management strategies as required where sensitive to market prices or technical in nature, having taken expert advice.
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 Section 151 Officer 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 Section 151 Officer 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 Section 151 Officer 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.

***Approved by Avon Pension Fund Committee 26 June 2020***

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## **5 Local Pension Board for Avon Pension Fund**

### **Function and role**

The regulations state that the role of the local Pension Board (the “Board”) is to assist the administering authority.

- a) to secure compliance with:
  - i. The LGPS (Amendment) (Governance) Regulations 2014 (the “regulations”)
  - ii. Any other legislation relating to the governance and administration of the Scheme
  - iii. Requirements imposed by the Pensions Regulator in relation to the Scheme; and
- b) to ensure the effective and efficient governance and administration of the Scheme.

The Board has an advisory role in assisting the Administering Authority by making recommendations about compliance, process and governance. The Board does not have a decision making role with regard to strategy or policy nor will it ratify or challenge decisions made by the administering authority. Its role is to have oversight of the governance process for making decisions and agreeing policy and assisting the Avon Pension Fund Committee in improving its governance and administrative arrangements.

The Board will exercise its responsibilities in the following areas:

1. Through monitoring and progress reporting to the Committee including making recommendations on the following activities;
  - a. Implementation of the Pensions Administration Strategy
  - b. Implementation of the Communications policy including the emerging digital strategy.
  - c. Monitoring compliance with the relevant legislation and Codes of Practice as set out by The Pensions Regulator;

- d. Reviewing all new and emerging regulatory issues and themes and identifying material implications for the Fund
2. That governance arrangements and controls are in place to;
  - a. Ensure strategies policies and processes are in place to deliver the objectives of the Avon Pension Fund Committee
  - b. Policies and processes are in place to achieve Employer and Fund compliance with their obligations under the Scheme and regulations
  - c. Monitor the administration performance, including implementation of compliance and improvement projects
  - d. Review Internal and External audit reports and other external inspection reports
  - e. Recommending improvement actions on the above to Pensions Committee where necessary.
3. From time to time the administering authority may consult the Board or ask assistance on specific issues.
4. The Pension Board in undertaking its duties may make recommendations to the Avon Pension Fund Committee aimed at improving the effective governance and administration the scheme

The costs of the Board will be met by the Avon Pension Fund (as set out in the regulations) subject to approval of their annual workplan and budget. This may enable the Board to commission independent advice as appropriate. It is important that the Board maintains its independence from the Avon Pension Fund Committee's decision-making process in order to effectively scrutinise the decision-making process.

### **Board Membership**

There will be up to seven Board members comprising three member representatives, three employer representatives and an Independent Chairperson.

Member representatives can be drawn from the membership and are not restricted to Trades Union representatives. Employer representatives should be representative of the employers within the scheme.

No officer or councillor of the administering authority who is responsible for the discharge of any function under the LGPS regulations can be a member of the Board.

In respect of the Chairperson the term independent means having no current employment, contractual, financial or other material interest in either the Council or any scheme employer in the Avon Pension Fund. The Chairperson can delegate to another Board member if unable to attend a meeting.

The Service Director – One West will represent the Administering Authority as an independent support to the Board and oversee the operation of the Board to ensure it is achieving its terms of reference. They can make recommendations on any changes to Board membership or the terms of reference of the board to Council on an annual basis.



### **Appointment process**

The Avon Pension Fund will facilitate the nominations process for all Board members; the appointment process will be undertaken by the Service Director – One West. The appointment of the Chair will be following an advertised competitive process, which shall be subject to the Board's approval of the successful candidate.

The selection process for employer and employee reps will take into account their capacity to fulfil the role as set out in the Role and Person Specification.

### **Role of advisors**

The Board may appoint professional advisors as appropriate to their work plan. The cost will be met within the budget approved by the administering authority.

### **Role of officers**

Democratic Services will be responsible for providing secretariat services to the Board. The Service Director – One West will ensure appropriate officer support is provided to the Board. Avon Pension Fund officers will be required to provide information to the Board for the Board to fulfil its task.

### **Frequency of meetings**

Meeting frequency will be dictated by the work plan of the Board and formal meetings will be held in public, though the public may be excluded from individual items of business in accordance with the usual exemption procedures.

### **Voting rights**

The objective is to reach consensus on all issues; however, each employer and employee rep has one vote. The Under Regulation 106 (7) of the LGPS Regulations 2013 the Independent Chairperson is explicitly excluded from having the right to vote.

### **Board Quorum**

The quorum of the Board shall comprise three members who shall include at least one member and one employer representative.

### **Substitutes and Sub-Committees**

Substitutes will not be permitted as they would have to be nominated as part of the appointment process. Sub-committees will not be permitted.

### **Board work plan and Budget**

The Board will agree its work plan annually and the budget required to deliver it. As the expenses of the Board are to be met by the Avon Pension Fund the Board's

workplan and budget, having taken advice from the Service Director – One West, will be submitted to the Avon Pension Fund Committee for approval annually. The Board will be required to operate within the approved budget and approved budget purposes. It is envisaged that the Board will review aspects of the pension fund over time rather than react to the regular monitoring cycle of the pension committee.

### **Access to Board papers**

The agenda papers will be circulated in line with normal council democratic processes and minutes of meetings will be recorded and published in the same way.

### **Term of office**

All appointments will be for a four year term with the maximum term of Board membership limited to two terms. All new appointments will be subject to a review of performance after 12 months to assess any additional training requirements.

### **Code of Conduct**

Board members are required to adhere to the Council's Code of Conduct

### **Declarations of Interest and Conflicts of interest**

Board members are required to adhere to the Council's policy for declarations of interests. Members must provide information that the administering authority may reasonably require from time to time.

The Board is required to act within its Terms of Reference. The Board should ensure that in addition to the Council Policy it has its own policy for managing conflicts of interest in line with any further stipulations from the Pensions Regulator and members must abide by this policy.

### **Removal from Board**

A Board member can be removed from the Board in the following circumstances (but not limited to):

- Competency issues;
- Poor attendance record;
- If a member does not undertake training as requested by the administering authority to meet their statutory duties;
- If a member is in breach of Council's Code of Conduct / Declarations policy i.e. If a member has a conflict of interest that cannot be managed in accordance with the Board's conflicts policy;
- If a representative member ceases to represent his constituency e.g. leaves the employer so no longer has the capacity to represent the Fund's employers. If there is an unsatisfactory annual review of individual members

If there is a vote of no confidence in the Chairperson by the Board then the Administering Authority will conduct a process to appoint another Chairperson

The Service Director – One West will consult with the Monitoring Officer to determine the correct process prior to any removal from the Board.

### **Expenses**

The pension fund will meet reasonable meeting expenses, reasonable training expenses relevant to discharging the role and independent advice required to support work agenda (including legal, technical and other professional advice).

### **Allowances**

An annual allowance will be paid to the Independent Chairperson.

### **Knowledge and understanding**

The Board are required to agree and maintain a policy and framework to address the knowledge and understanding requirements, as set out in various legislation and the Pension Regulator's Code of Practice, that apply to its members. The knowledge and understanding requirement applies to each Board member individually rather than to the members as a collective group. The policy and framework will be considered in light of the role of the Board; however, Board members will need to understand the duties and obligations of the administering authority in order to be able to assist it.

Board members will be required to undertake training to ensure they acquire the appropriate level of knowledge and understanding and keep a record of the learning activities of individual members and of the Board as a whole.

### **Reporting**

The Board will publish an annual report to Council outlining the work it has carried out to fulfil its terms of reference including any recommendations on process or governance. This should be available via the Avon Pension Fund website to members and employers.

Direct reporting line if the Board has material concerns – Service Director – One West

The Board minutes will be circulated to administering authority and the Pension committee.

The Board is required to report breaches of law or material (and not actioned) breaches of the Code of Practice to the Pensions Regulator.

Where any breach of duty is committed or alleged to have been committed by the Administering Authority (the Pensions Committee) the Board shall:

1. Discuss the breach or alleged breach that is identified with Pension Committee Chair and the proposed actions to be taken by the Board
2. Enable the Chair of the Committee to review the issue and report back the Board on the breach
3. The Board will determine action and if sufficiently material will report the breach to the Pensions Regulator or the Scheme Advisory Board as set out in the regulations.

### **Data protection and Freedom of Information**

For legal purposes the Board is considered a committee of and part of the administering authority legal entity. Therefore, the Board must comply with the Council's Data Protection and Freedom of Information policies.

## 6 - Terms of reference - Charitable Trust Board

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

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 will comprise:

- Five councillors  
(to include the Cabinet member responsible for Community 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. Decisions will be by a majority of the councillors present. Quorum will be three councillors.

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 non-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

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

## **7 Alice Park Trust Sub Committee**

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 each year 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

Membership:

- 3 Councillors from the membership of the Charitable Trust Board (excluding the Cabinet member)
- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

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

Lead Officer	Head of Parks & Green Spaces
Deputy Officers	Team Leader Parks & Green Spaces Project Manager, Parks.

Decision Making Powers:

1. 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.
2. To agree the Trust's annual budget and business plan.
3. To approve the use of any reserves.
4. To agree the Trust's annual accounts.
5. To receive and respond to the audit findings relating to the annual accounts.
6. To receive reports on the effective day to day management and financial performance of the Trust.
7. To allow interested parties to give their view on the performance and direction of the Trust.

## **8 Corporate Audit Committee**

### **Powers and Duties**

The Council has delegated to this Committee its powers and duties relating to the following matters:

The Council delegates to the Corporate Audit Committee the following responsibilities:

1. To approve on behalf of the Council its Annual Accounts, as prepared in accordance with the statutory requirements and guidance.
2. To approve the External Auditors' Audit Plan and to monitor its delivery and effectiveness during the year.
3. 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).
4. 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.
5. To review periodically the Council's risk management arrangements, make recommendations and monitor progress on improvements.
6. 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.
7. To consider the annual Audit & Inspection Letter from the External Auditor and to monitor progress on accepted recommendations.
8. 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).
9. 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.
10. 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 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

### **Membership**

The membership of the Committee shall be 5 Councillors (3 Liberal Democrat, 1 Conservative, 1 Independent Group) plus one independent voting co-opted Member.

Chairing nomination rights are allocated to the Liberal Democrat Group.

### **Frequency of Meetings**

The Committee will hold 4 meetings each Council year in the months of June/July, September/October, December/January and March/April. Additional meetings may be arranged to deal with the volume of business if required.

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## **9 Employment 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.

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

### **The Committee's Span of Responsibility**

All matters relating to the role of the Council as an employer except those reserved to the Restructuring Implementation Committee.

All appeals or investigatory hearings requiring Member consideration including those relating to disciplinary, capability, grievance, and redundancy matters for all staff, including teachers.

### **Membership**

The Committee when meeting to consider ordinary business, or as a hearing, will comprise 3 Members in the political proportion - 2 Liberal Democrat Members and 1 Conservative Member, chaired by a Liberal Democrat Member.



# **10 Bath and North East Somerset Health and Wellbeing Board**

*[A full review of these is expected during the next 12 months]*

## **1. Statement of purpose**

- 1.1 By working together the Board aspires to provide strategic leadership to reduce health inequalities and improve health and wellbeing in Bath and North East Somerset.
- 1.2 To achieve these aims the Board will work collaboratively with partners to join up commissioning and provision across the NHS, social care, public health and other areas related to health and wellbeing (where appropriate).

## **2 Roles and responsibilities**

### **2.1 The Board will be responsible for:**

- developing a strong, place based vision for health and wellbeing
- overseeing the development of local needs assessments, including joint strategic needs assessment (JSNA) and pharmacy needs assessment (PNA)
- leading the development and delivery of the joint health and wellbeing strategy (JHWS)
- considering whether the Clinical Commissioning Groups' (CCG) commissioning plan has given due regard to the JHWS
- ensuring local placed-based health and social care commissioning plans have adequate regard to the JHWS
- The Improved Better Care Fund for B&NES including sign off and ongoing oversight.

### **2.2 The Board will seek to:**

- influence the strategic planning and service delivery of the NHS and Council in B&NES through the promotion of the JSNA, PNA and JHWS
- promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of the JHWS
- work with and influence services including planning, transport, housing, environment, economic development, education and community safety in order to address the wider determinants of health and wellbeing
- work collaboratively across our local partnership framework
- strategically performance manage key activity against the key priorities of the JHWS

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

### **3. Scope**

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

3.2 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.

### **4. Accountability**

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

4.2 The Board is responsible for working with the Children and Young People's Sub Group to deliver strategic commitments and outcomes, in line with the JHWS.

4.3 Accountability for safeguarding lies with the Local Safeguarding Adults Board and Local Safeguarding Children's Board.

4.4 The Safeguarding Children Board, the Safeguarding Adult Board and the Children and Young People's Sub Group will report to the Board on relevant performance outcomes against the JHWS priorities, through a regular performance reporting process.

### **5. Membership**

5.1 Membership of the Board is:

- B&NES Council x 6 (Cabinet Member for Adult Social Care and Health, Cabinet Member for Children's Services, Chief Executive, Strategic Director for People and Communities, Director of Integrated Health and Care Commissioning, Director of Public Health)
- Clinical Commissioning Group x 2 (CCG Clinical Chair, CCG Chief 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 representatives x 4 (acute care, community care, primary care and voluntary, community and social enterprise sector)

- NHS England x 1
- 5.2 The Board will be co-chaired by the Council's Cabinet Member for Adult Social Care and Health and the Chair of the Clinical Commissioning Group. Chairing of each meeting will alternate between the two co-chairs and matters of agenda planning will be considered jointly. Co-chairs will also be able to provide cover and support to each other in the absence of one of them.
- 5.3 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 CCG
  - 1 member of Healthwatch B&NES
  - 1 health and social care provider representative
  - 1 member of Avon and Somerset Police, Avon Fire and Rescue, Higher and Further Education representative or Housing representative
- 5.4 Board members may nominate a named substitute from an appropriate member of their organisation or service.

## **6. *Wider engagement***

- 6.1 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
  - Feeding back engagement results
  - With Healthwatch B&NES
  - Evaluating engagement
- 6.2 The Board will seek to engage all stakeholders (including key health and social care providers) on the JHWS and commissioning plans.

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

6.3 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.

## **7. *Business management***

7.1 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.

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

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

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

7.5 The Board will meet at least 5 times per year.

7.6 The Board may establish sub-groups to lead on issues such as children and young people, JSNA, joint commissioning and health inequalities.

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## **11 Licensing Committee**

### **Status of the Committee**

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

### **Membership of the Committee**

The Committee shall comprise 11 elected members of the authority in the political group proportion (6 Lib Dem: 3 Con: 1 Ind: 1 Lab), or such other proportion agreed by the Council from time to time.

The Committee shall be chaired by a nominee of the Liberal Democrat Group.

The Head of Legal and Democratic Services and Monitoring Officer shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

### **The Council's objectives on Licensing**

In exercising its functions the Committee must have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

In addition, the Committee will have regard to the statutory licensing objectives under the Gambling Act 2005, i.e.

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition, the Committee will, where applicable, have regard to –

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

The Committee will also have regard to the Council's Core Strategy three principles:-

- Preparing for the Future
- Delivering for Local Residents
- Focusing on Prevention

## **Powers and Duties of the Committee**

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 other enactments as may fall within the remit of the Committee:

*Animal Boarding Establishments Act 1963*  
*Animal Welfare Act 2006*  
*Breeding of Dogs Act 1973*  
*Breeding of Dogs Act 1991*  
*Caravan Sites and Control of Development Act 1960*  
*Charities Act 2006*  
*Dangerous Wild Animals Act 1976*  
*Environmental Protection Act 1990*  
*Fireworks Act 2003*  
*Food Act 1984*  
*Food Safety Act 1990*  
*Gambling Act 2005*  
*Game Act 1831*  
*Guard Dogs Act 1975*  
*Highways Act 1980 Part VIIA*  
*House to House Collections Act 1939*  
*Hypnotism Act 1952*  
*Licensing Act 2003*  
*Local Government (Miscellaneous Provisions) Act 1976*  
*Mobile Homes Act 2013*  
*Local Government (Miscellaneous Provisions) Act 1982*  
*Performing Animals (Regulation) Act 1925*  
*Pet Animals Act 1951*  
*Pet Animals 1951 (Amendment) Act 1983*

*Petroleum (Regulation) Acts 1928 & 1936*  
*Poisons Act 1972*  
*Police Factories, etc. (Miscellaneous Provisions) Act 1916*  
*Public Health (Control of Disease) Act 1984*  
*Public Health Acts Amendment Act 1907*  
*Riding Establishments Act 1964*  
*Riding Establishments Act 1970*  
*Scrap Metal Dealers Act 2013*  
*Theatres Act 1968*  
*Town Police Clauses Act 1847*  
*Town Police Clauses Act 1889*  
*Transport Act 1981*  
*Vehicles (Crime) Act 2001*  
*Violent Crime Reduction Act 2006*  
*Zoo Licensing Act 1981*

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

### **How the Committee will operate, including Substitution and Delegated Powers**

The Committee will meet in full to consider any matters on which it is asked or required to submit a recommendation to the Council.

Substitutions will be permitted at meetings of the Licensing Committee from among other members of the Council, in accordance with non-Executive Committee Procedure Rule 11, as set out in the Constitution.

The Committee has delegated to the Sub-Committee and Officers the power to determine applications in the circumstances set out in the tables below.

The Committee has appointed a Sub-Committee to act as a hearing Panel as follows:

- Licensing (Regulatory) Sub-Committee [3 Members – 2 Lib Dem, 1 Conservative] – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above.

(Chairing nomination rights for the Sub-Committee are allocated to the Liberal Democrat Group).

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

*[The Licensing Committee delegation scheme can be viewed in Part 3 of the Constitution.]*

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## **12 PARISH LIAISON**

### **1. Purpose**

1.1. 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.

1.2. 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

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

## **2. Membership**

2.1. 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.

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

2.3. 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.

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

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

## **3. Meetings**

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

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

3.3. 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.

3.4. 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.

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

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



3.7. 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.

#### **4. Conduct at Meetings**

4.1. 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.

4.2. Attendees will:

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

4.3. 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.

#### **5. Agenda Setting**

5.1. 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.

5.2. 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

5.3. 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

5.4. 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.

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

## 6. Review

6.1. 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.

## Definition of terms

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

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## 13 PLANNING COMMITTEE

### Functions

1. The Committee will exercise all the Council's powers and duties in respect of planning. The Committee is also granted delegated authority to exercise the Council's powers and duties in respect of public rights of way and commons registration to the extent set out below. All of the Committee's decisions are subject to the applicable schemes of delegation in the Constitution, depending on the specific decision being taken. In addition, decisions of the Committee on planning matters are subject to provisions of Section 8 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 and the National Planning Policy Framework.
2. The Committee is granted delegated authority to establish working practices and protocols for operation on a District-wide basis.
3. The Committee is granted 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.*

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

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

Limitation on delegation

8. 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.

Frequency

Monthly

Membership

10 Members in the political proportion– 6 Liberal Democrat, 2 Conservative, 1 Independent Member and 1 Labour Member; chaired by a Liberal Democrat Member.

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## 14 POLICY DEVELOPMENT AND SCRUTINY PANELS

### Role of Overview and Scrutiny<sup>1</sup> Panels

Overview and Scrutiny is the name in legislation given to the system of checks and balances implemented by the rest of the Councillors as they monitor the activity of the Cabinet and also assist them in developing policy. In Bath & North East Somerset Council, it is known as Policy Development and Scrutiny and is a key part of local government allowing citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.

The main decision making powers in Bath & North East Somerset Council lie with Councillors who sit on the Cabinet, intended to create clear leadership and accountability for service delivery. By contrast, Policy Development and Scrutiny is intended to review the work of the Cabinet and to enhance the performance of services. It is also designed to provide a forum through which policy review and development can be extensively examined before consideration and decision by the Cabinet and/or Full Council.

The proceedings of all overview and scrutiny bodies will be conducted in accordance with the Overview and Scrutiny Procedure Rules set out in this Constitution.

Policy Development and Scrutiny has two key roles:

#### Overview

- To assist the Council and the Cabinet in the development of new policy.
- To assist the Cabinet by giving comments on issues identified as "key decisions" prior to a decision being made.
- To assist the Cabinet by giving comments on service and budget plans at their draft stage and assisting in the development of its budget and policy framework.

#### Scrutiny

- Scrutinise performance management information to ensure that the Council is performing to agreed targets and to agreed action plans.
- Determine "call-ins" of decisions made but not yet implemented by the Cabinet.
- Scrutinise particular "key decisions" and other aspects of Cabinet activity to ensure compliance with agreed Council policies and plans.
- Evaluate the impact of Council and or Cabinet decisions and policies.

**Within their allocated remits, each Panel** has a broad-based responsibility for Policy Development and Scrutiny in its particular area of responsibility, including:-

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<sup>1</sup> Overview and Scrutiny is the legal and generic term for the function carried out by Policy Development and Scrutiny Panels

- carrying-out of in-depth reviews, as set out in their Policy Development and Scrutiny Work Plan
- reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions
- make recommendations to the Cabinet arising from the outcome of the scrutiny process
- undertaking scrutiny of particular Key Decisions and other aspects of Cabinet activity, including evaluating the impact of Council and Cabinet decisions and policies
- offering overview advice and reports of policy development issues
- dealing with any relevant Councillor Call for Action
- carries out its roles within the Council's petition scheme
- may send communications and reports directly to other Policy Development and Scrutiny Panels, Cabinet and Council, and provide them to any member of the Council, subject to provisions regarding confidential and exempt information;
- may invite persons to be co-opted non-voting members (excepting those statutory co-optees with voting rights);
- may invite participants to give evidence, either verbally or in writing, on any issue contained within their Policy Development and Scrutiny Work Plan, giving a minimum of two weeks notice unless mutually agreed otherwise
- may require officers of the Council and members of the Cabinet to attend to give evidence, subject to the provisions of the Policy Development and Scrutiny Procedural Rules
- may form discretionary joint bodies with other Councils for the purpose of enabling joint scrutiny of bodies/activities beyond the remit of Bath and North East Somerset, without delegation of any responsibilities or powers.
- conduct research, community and other consultation in the analysis of policy issues and development of possible options for the future, and implement mechanisms to encourage and enhance community participation in the development of policy options;
- liaise with other external organisations to ensure that the interests of local people are enhanced by collaborative working;

**Meeting Frequency:** Panels will determine their own frequency relevant to the requirements of the Overview and Scrutiny Work Plan, and within resources allocated to them.

# Panel Remits

## CORPORATE

### 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

Membership: 9 Members (6 LD, 2 Con, 1 Ind)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

## CLIMATE EMERGENCY & SUSTAINABILITY

- *Delegated Flood Risk Management Panel*

### Panel remit is –

- Tackling Climate Emergency<sup>3</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
- Heritage, Including Tourism, and Arts
- Growth & Enterprise including Regeneration, Employment & Skills, Business Growth, Bath Enterprise Area
- WECA
- Transport & Parking
- Highways & Traffic
- Neighbourhoods including Environmental Services
- Development & Management

Membership: 9 Members (6 LD, 1 Con, 1 Ind, 1 Lab)

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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

<sup>3</sup> Whilst this Panel will have primary responsibility for climate change issues, tackling the climate emergency will need consideration by all Panels.

[Chair is nominee of the Independent group. Vice Chair is nominee of the LD group.]

## **CHILDREN, ADULTS, HEALTH & WELLBEING**

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

### **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

Membership: 9 Members (6 LD, 2 Con, 1 Lab)

[Chair is nominee of the Conservative group. Vice Chair is nominee of the LD group.]

### 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 Health & Wellbeing Panel. Councillors on the Health & Wellbeing 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.



## **JOINT HEALTH SCRUTINY FUNCTION**

### **Working across Local Authority Boundaries**

Some health issues will be specific to the B&NES area whilst others (e.g. performance of large hospitals or regional health services with a wide catchment area) will extend beyond the B&NES local authority boundaries. Protocols for a Joint Health Scrutiny Committee for cross-boundary overview and scrutiny of health issues and institutions have been established with the other Councils in the former Avon area (as agreed at Council November 2003). In such cases, B&NES will adopt the following approach:

### **Membership**

The membership of each Joint Health Scrutiny Committee should be made up of not more than 3 Councillors from each Council participating in the review(s) being undertaken by that Committee.

The three B&NES Councillors participating in the Joint Health Scrutiny will be agreed by and appointed from the Committee designated as the Health & Wellbeing Panel, as and when it is agreed to participate in a Joint Health Scrutiny Committee.

### **Terms of Reference**

- 1) Where more than one local authority is consulted by a local NHS body in respect of any proposal that it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly.
- 2) Where more than one local authority has an interest in the planning, provision and operation of health services which cross-geographical boundaries, to review and scrutinise any such matters jointly.
- 3) To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions in connection with the consultation.
- 4) To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
- 5) To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
- 6) To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

**Health Services located within B&NES** *E.g. Royal United Hospital (RUH), Bath.*

B&NES Council will take the lead on any health overview & scrutiny activities based in its area and invite participation from neighbouring authorities that have an interest. Neighbouring authorities may provide a Member of their council for co-opted membership.

**Health Services located elsewhere but used by B&NES residents** *E.g. Bristol Royal Infirmary (BRI)*

B&NES Council would expect that a 'host' local authority would take the lead on a major issue within its area. In such cases, B&NES could seek to have representative(s) from the health overview and scrutiny Committee co-opted (on a reciprocal agreement, as above) to the host authority's own Health Overview & Scrutiny arrangements so that it may contribute and represent B&NES residents on the specific topic.

A Member of the B&NES Health & Wellbeing Panel attend such joint meetings, as are relevant, and report back to the rest of the health & wellbeing Panel.

## **15 Re-Structuring Implementation Committee**

### **The Committee's Span of Responsibility**

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

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.

All severance and flexible retirement cases (excluding compulsory redundancy) that are in excess of £100,000 on total costs including redundancy, pay in lieu of notice, holiday pay, pension costs are required to go to the Restructuring Implementation Committee for approval. This is for all employees, not just Chief Officers.

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

## **Membership**

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

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## **16 Education (School Appeals) Panels**

### **Function**

To hear and to determine appeals under the School Standards and Framework Act 1998, School Admissions (Appeal Arrangements) (England) regulations 2012, School Admissions Code 2012, Education Act 2002 as amended by Education Act 2011, School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and Education and Inspections Act 2006 relating to school admission, exclusion and reinstatement matters as applicable, within the general framework contained in the Code of Practice on Procedure produced by the local authority associations.

### **Membership**

No fixed membership - panels are constituted from independent persons in accordance with the provisions of the above legislation and Code of Practice. Councillors are not eligible to serve.

### **Timetable**

Meetings fixed as and when necessary.

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## **17 Standards Committee**

### **Terms of reference**

- (a) Promote and maintain high standards of conduct by Councillors; Parish Councillors; co-opted members and church and parent governor representatives
- (b) 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
- (c) 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
- (d) Monitor and review such Codes and Protocols and the Register of Members interests
- (e) 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

- (f) 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.
- (g) Consider i) any application for exemption from political restrictions in respect of a post, by the holder of that post, and ii) any application from any person for a direction requiring a post to be included in the list of politically restricted posts.
- (h) Consider any reports from the Council's Monitoring Officer regarding illegality, unlawfulness or maladministration and any report of the Local Government Ombudsman.
- (i) Consider and determine the Council's response to any internal or District Audit regulatory recommendations referred to the Committee by the Monitoring Officer.
- (j) 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;
- (k) 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.
- (l) Liaise with the District Auditor and the Local Government Ombudsman in connection with any matter within the committee's terms of reference;
- (m) 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.

### **Membership of the Standards Committee**

- 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 Person and Deputy Independent Person will be invited to attend the meeting and provide relevant comment.

### **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.

# WEST OF ENGLAND COMBINED AUTHORITY ARRANGEMENTS

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## **18 WECA Overview And Scrutiny Committee**

Terms of Reference of the West of England Combined Authority Overview and Scrutiny Committee are available on the WECA website;

<https://westofengland-ca.moderngov.co.uk/mgCommitteeDetails.aspx?ID=143>

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## **19 WECA Audit Committee**

Terms of Reference of the West of England Combined Authority Audit Committee are available on the WECA website;

<https://westofengland-ca.moderngov.co.uk/mgCommitteeDetails.aspx?ID=144>