



## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

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## 1. FULL COUNCIL FUNCTIONS

The Full Council has responsibility for adopting the budget and policy framework and approving housing land transfers.

- (a) The **policy framework** is made up of overarching plans and strategies as set out in Article 4.01. Additional corporate strategies may become part of the policy framework once adopted by Full Council.
- (b) The **budget** includes the allocation of financial resources to corporate priorities, services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing, investments, capital expenditure, determining the authority's minimum revenue provision and the setting of virement limits.
- (c) **Housing Land Transfer** means the approval of an application to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

### Functions of the Full Council

Only the Full Council can exercise the following functions:

- (a) Adopting or amending the constitution;
- (b) Approving or adopting the budget and policy framework and the statement of licensing policy;
- (c) Subject to the urgency procedure contained in the council's Access to Information Rules, making decisions about any matter in the discharge of an executive function which is covered in the budget and policy framework where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (d) Approving Housing Land Transfers;
- (e) Adopting standing orders including standing orders as to contracts;

- (f) Electing the Lord Mayor and Deputy Lord Mayor ;
- (g) Establishing committees and agreeing their terms of reference, size and the allocation of seats on committees to political groups unless the function (in so far as it relates to overview and scrutiny) has been delegated by the Full Council;
- (h) Adopting and revising a members' allowance scheme;
- (i) Changing the name of the area and conferring Freedom of the City, or the title of Honorary Alderman, Honorary Alderwoman or Honorary Recorder;
- (j) Confirming the appointment of the Head of Paid Service, Monitoring Officer, Section 151 Officer and Statutory Scrutiny Officer;
- (k) Making, amending, revoking or re-enacting or adopting byelaws and promoting or opposing the making of local legislation or private Bills;
- (l) Deciding not to issue a casino premises licence;
- (m) Making a request for single-member electoral areas (s. 14A(1) Local Government Act 1992);
- (n) Making proposals to change governance arrangements of the kind set out in sections 33A and 33B of the Local Government Act 2000 (“ the 2000 Act”); deciding whether the proposed change should be subject to a referendum (s.33E of the 2000 Act); and passing a resolution to make a change in governance arrangements (s.33F the 2000 Act);
- (o) Changing a scheme for elections (s. 32(1), 37(1) or 39(1) Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”));
- (p) All local choice functions which the council decides should be undertaken by itself;
- (q) All other matters which by law must be reserved to Full Council.

## **Local Choice Functions**

The Full Council has determined that the following function shall be exercised by Full Council:

## **Non-executive Functions**

The Full Council has decided that the following additional non-executive functions shall be exercised by Full Council:

- (a) Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983);
- (b) Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983);
- (c) Duty to divide constituency into polling districts (section 18A to 18E of, and Schedule A1 of the Representation of the People Act 1983);
- (d) Changing the name of an electoral area (s. 59 of the 2007 Act);
- (e) Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972);
- (f) Powers relating to overview and scrutiny committees (voting rights of co-opted members) (Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000);
- (g) Duty to comply with a direction given by the Secretary of State in connection with making a change to executive arrangements (s. 33K of the 2000 Act).

## **2. NON EXECUTIVE FUNCTIONS**

### **What are non executive functions?**

Non executive functions are powers and duties that under statute are not the responsibility of the cabinet or executive members. They are set out in Regulation 2 and schedule 1 to the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended).

The power to exercise non executive functions is either reserved to full Council or delegated by Full Council to committees, Chief Executive, Executive Directors or other specified officer as set out below.

It is the council's intention that any function that is capable of being delegated to a committee and/or delegated officer is delegated through the scheme set out below. This scheme should be construed accordingly.

### **A. NON-EXECUTIVE FUNCTIONS RESERVED TO FULL COUNCIL**

The following non executive functions (as set out in the 2000 Regulations) can only be exercised by full Council:

- (a) Power not to issue a casino premises licence (section 166 of the Gambling Act 2005);
- (b) Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983);
- (c) Duty to appoint a returning officer for local government elections (section 35 of the Representation of the People Act 1983);
- (d) Power to change a name of a county, district or London borough (section 74 of the Local Government Act 1972);
- (e) Power to confer title of honorary alderman/alderwoman or to admit to being an honorary freeman/freewoman (section 249 of the Local Government Act 1972);

- (f) Power to make, amend, or revoke byelaws (any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978 (c.8)) (NB. the enforcement of bylaws is delegated to all departments);
- (g) Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972);
- (h) Power to make standing orders (section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972);
- (i) Power to make standing orders as to contracts (section 135 of the Local Government Act 1972);
- (j) Duty to designate officer as the head of the authority's paid service and to provide staff, etc. (section 4(1) of the Local Government & Housing Act 1989);
- (k) Powers relating to overview and scrutiny committees (voting rights of co-opted members) (Paragraph 12 and 14 of Schedule 1 to the Local Government Act 2000);
- (l) Duty to designate officer as the monitoring officer and to provide staff, etc. (section 5 (1) of the Local Government & Housing Act 1989);
- (m) Changing the name of an electoral area (s. 59 of the Local Government and Public Involvement in Health Act 2007);
- (n) Duty to comply with a direction given by the Secretary of State in connection with making a change to executive arrangements (s. 33K of the Local Government Act 2000).

See Article 4 for a description of the role of Full Council

## B. TERMS OF REFERENCE OF COMMITTEES

Each committee has delegated authority to undertake all responsibilities and actions falling within its terms of reference.

### **COMMITTEE TERMS OF REFERENCE:**

#### **A. OVERVIEW AND SCRUTINY COMMITTEES**

##### **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

###### **Terms of Reference**

###### **Functions**

In accordance with legislation (Local Government Act 2000, Health and Social Care Act 2001, NHS Act 2006, Police and Justice Act 2006, Flood and Water Management Act 2010, Localism Act 2011, Health and Social Care Act 2012) the Board will meet six times a year to discharge the Council's overview and scrutiny function, including but not limited to the following:

###### **General**

1. Overview and scrutiny of strategic priorities and policy, including the Council's policy framework and review of their impact on service delivery and outcomes for people in Bristol.
2. Work with, inform and hold the Mayor/Executive to account in relation to the development, implementation and review of strategic priorities and policy.
3. Review and scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorised to scrutinise.
4. Make reports and recommendations to Full Council, the Mayor/Executive and/or any 'Other Body' on matters within their remit and on matters which affect the authority's area or the inhabitants of that area.
5. Develop the external focus of overview and scrutiny on 'city-wide issues' (and where appropriate sub regional, regional and

national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.

6. Working with Joint Scrutiny Committees, namely West of England Combined Authority Overview and Scrutiny Committee, Joint Health Committee and Joint Health Overview Scrutiny Committee, to scrutinise the work and effectiveness of partners, where the powers of scrutiny allow, and other local strategic partnerships such as the Local Enterprise Partnership.
7. Scrutinise governance arrangements at strategic and local level (e.g. Area Committees) to ensure these are fit for purpose and deliver good decision making, accountability, transparency and involvement.
8. To consider organisational performance (ICT, legal, financial and HR services) and commission performance reviews through the relevant Scrutiny Commissions.
9. To develop a budget review process and ensure that budget proposals are subject to rigorous challenge (likely to be allocated to the MTFP/Budget Scrutiny Task Group).

### **Management Function**

10. To manage, develop and champion the overview and scrutiny function of the Council:
  - (a) As a vehicle to provide constructive challenge, public accountability and improved outcomes for people in Bristol.
  - (b) As a forum to consider evidence and different views and opinions and respond to public priorities.
  - (c) To promote confidence and greater involvement in local democracy.
  - (d) To set the overall scrutiny work programme, oversee the work programme of each of the Commissions and ensure the effective co-ordination of those programmes within the resource envelope available (to include commission meetings, select committees, sub-committees, working groups and any other forms of scrutiny that may be established by virtue of the Overview and Scrutiny Procedure Rules).



- (e) To consider requests for scrutiny reviews under the Councillor Call for Action process.
- (f) To review and evaluate the effectiveness of the overview and scrutiny function and make recommendations to Full Council and propose any changes to the Constitution as necessary.

## **B RESOURCES SCRUTINY COMMISSION**

### **Terms of reference - Overview**

The role of the Commission is the overview and scrutiny in respect of the implementation of policies, decisions, performance and actions relating to the Resources Directorate with functions that include Legal, Finance, HR, ICT, Policy & Strategy, Procurement, Revenue and Benefits and Commercialisation.

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To action the annual work programme set by the Overview and Scrutiny Management Board using the following framework:
3. Scrutiny of corporate plans and other major plan priorities within its remit with particular reference to those areas where targets are not being met or progress is slow;
4. Input to significant policy developments or service reviews;
5. Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Mayor/Executive, and functions which are the responsibility of any other bodies the Council is authorised to scrutinise.
6. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
7. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.

8. To report to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.
9. To develop a budget review process and ensure that budget proposals are subject to rigorous challenge.

## **C PEOPLE SCRUTINY COMMISSION**

### **Terms of reference - Overview**

The role of the commission is the overview and scrutiny of matters relating to the Adults, Children and Education Directorate, including:

Adults: Front Door/ Hospital Social Care teams, Maximising Independence, Safeguarding/ Deprivation of Liberty, Approved Mental Health Act Service, Strategic Commissioning/ Contracts & Quality, Early Intervention/ Targeted support, and Intermediate Care, Reablement and Regulated Services.

Childrens: Early Help, Targeted Support, Safeguarding including Child Protection Social Work Services and Permanency and Specialist Services for children in care, care leavers and disabled children and their families.

Education: HOPE Virtual School, Early Years, School Partnerships, Specialist Education and Access, and Employment, Learning & Skills.

Public Health and the Statutory Health Overview and Scrutiny Function

### **Functions**

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To action the Annual Work Programme set by the Overview and Scrutiny Management Board using the following framework:
  - (a) Scrutiny of corporate plans and other major plan priorities within its remit, with particular reference to those areas where targets are not being met or progress is slow;
  - (b) Input to significant policy developments or service reviews;
  - (c) Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions

which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorised to scrutinise.

3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.

To report to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.

## **D GROWTH AND REGENERATION SCRUTINY COMMISSION**

### **Terms of Reference - Overview**

The role of the commission is the overview and scrutiny of matters relating to the Growth and Regeneration Directorate including;

Planning; Strategic City Planning, Development Management, City Design, City Innovation and Sustainability;

City Growth, Investment and Infrastructure; Housing Delivery, Economic development, Programme and Project Management (including Temple Quarter, the Arena, Colston Hall, Education Capital, Capital Infrastructure, Regeneration, Housing and Transport Programmes / Projects, including the Avonmouth and Severnside Enterprise Area, Housing Deal and Housing Infrastructure Fund), Culture, Property Asset Strategy, Property Management and Property Development and Energy.

Transport; Strategic City Transport, Local and Sustainable Transport and Traffic and Highway Maintenance including the statutory flood risk management scrutiny function.

### **Functions**

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To action the Annual Work Programme set by the Overview and Scrutiny Management Board using the following framework:
  - (a) Scrutiny of corporate plans and other major plan priorities within its remit, with particular reference to those areas where targets are not being met or progress is slow;
  - (b) Input to significant policy developments or service reviews;
  - (c) Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive,

and functions which are the responsibility of any other bodies the Council is authorised to scrutinise.

3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.
5. To report to the Overview and Scrutiny Board on progress against the work programme and on any recommendations it makes.

## **E COMMUNITIES SCRUTINY COMMISSION**

### **Terms of reference - Overview**

The role of the Commission is the overview and scrutiny of matters relating to the Communities Directorate including; Customer Services, Housing & Landlord Services (including housing options, private sector housing, and estate management) Crime and Disorder (including the Statutory Scrutiny Function), recycling, waste and environmental issues, neighbourhoods, sport, leisure and physical activity and Area Committees.

### **Functions**

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To action the Annual Work Programme set by the Overview and Scrutiny Management Board using the following framework:
  - (a) Scrutiny of corporate plans and other major plan priorities within its remit, with particular reference to those areas where targets are not being met or progress is slow;
  - (b) Input to significant policy developments or service reviews;
  - (c) Review and scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorised to scrutinise.
3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that Member on key policy developments, decisions taken or to be taken and progress against corporate priorities.



5. To report to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.

## **F JOINT HEALTH SCRUTINY COMMITTEE**

### **Terms of Reference**

#### **Functions**

1. Where more than one local authority is consulted by a local NHS body in respect of any proposal, which 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 with any other local authority so consulted.
2. Where a matter is referred to it by Healthwatch to consider whether to exercise any powers in relation to the matter, taking into account information supplied by Healthwatch.
3. 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 with any such other local authority.
4. 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 as appear to it to be necessary for the discharge of its function in connection with the consultation.
5. 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.
6. 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.
7. To report to the Secretary of State in writing in any case where it considers that the proposal referred to in paragraph 1 above would not be in the interests of the health service in the area of the Joint Committees participating local authorities.

**G TERMS OF REFERENCE OF THE WEST OF ENGLAND  
COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE  
("THE WECA OVERVIEW AND SCRUTINY COMMITTEE")**

The functions of the Overview and Scrutiny Committee primarily relate to scrutinising the work of the WECA and making appropriate recommendations as to the discharge of its function

The WECA Overview and Scrutiny Committee shall have the power to:-

(i) Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the WECA;

(ii) Make reports or recommendations to the WECA on matters that affect the WECA area or the inhabitants of the area;

(iii) Make reports or recommendations to the WECA with respect to the discharge of any functions which are the responsibility of the WECA.

(iv) In so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the WECA, the WECA Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in (i) – (iii) above.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny.

## **H JOINT OVERVIEW AND SCRUTINY ARRANGEMENT**

Terms of Reference of the Joint Overview and Scrutiny Arrangement comprising of the Constituent Councils of the West of England Combined Authority, the Mayor and North Somerset Council (“The Joint Overview and Scrutiny Arrangement”)

Joint Overview and Scrutiny shall have the power to:-

- (i) Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the Joint Committee;
- (ii) Make reports or recommendations to the Joint Committee on matters that affect the Joint Committee area or the inhabitants of the area;
- (iii) Make reports or recommendations to the Joint Committee with respect to the discharge of any functions which are the responsibility of the Joint Committee.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority; the rules of procedure will apply to meetings of the Voluntary Joint Scrutiny Arrangement.

## **B. REGULATORY COMMITTEES:**

### **DEVELOPMENT CONTROL COMMITTEES**

#### **Terms of Reference**

#### **Arrangements**

There are two Development Control Committees:

- **Development Control Committee “A”**
- **Development Control Committee “B”**

Each Development Control Committee shall have full authority to deal with all development control matters reserved to a Development Control Committee by virtue of this consultation.

#### **Functions**

Full Council has delegated to the Development Control Committees all functions relating to town and country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to determine applications for planning permission (section 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
2. Power to determine applications to develop land without compliance with conditions previously attached (section 73 of the Town and Country Planning Act 1990).
3. Power to grant planning permission for development already carried out (section 73(A) of the Town and Country Planning Act 1990).
4. Power to decline to determine application for planning permission (section 70A of the Town and Country Planning Act 1990).
5. Duties relating to the making of determinations of planning applications (Sections 69, 76 and 92) of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995) (S.I. 1995/419 and directions made thereunder).
6. Power to determine application for planning permission made by a local authority, alone, or jointly with another person

- (section 316 of the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995).
  8. Power to enter into agreement regulating development or use of land (Section 106 of the Town and Country Planning Act 1990).
  9. Power to issue a certificate of existing or proposed lawful use or development (Section 191(4) and 192(2) of the Town and Country Planning Act 1990).
  10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
  11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning (Control of Advertisements) Regulations 1992).
  12. Power to authorize entry onto land (Section 196A of the Town and Country Planning Act 1990).
  13. Power to require the discontinuance of a use of land (Section 102 of the Town and Country Planning Act 1990).
  14. Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990).
  15. Power to issue a temporary stop notice (Section 171E of the Town and Country Planning Act 1990).
  16. Power to issue an enforcement notice (Section 172 of the Town and Country Planning Act 1990).
  17. Power to apply for an injunction restraining a breach of planning control (Section 18 7B of the Town and Country Planning Act 1990).
  18. Power to determine applications for hazardous substances consent and related powers (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)).
  19. Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject (paragraph 2(6) (a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of the Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act).
  20. Power to require proper maintenance of land (section 215(1) of the Town and Country Planning Act 1990).
  21. Power to determine application for listed building consent and related powers (sections 16(1) and (2), 17 and 33(1) of the

- Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).
22. Power to issue Certificate of Lawful Works to listed buildings  
The Planning (Listed Buildings and Conservation Areas) Act 1990: sections 26H and 26I, as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013. The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
  23. Duties relating to applications for listed building consent and Certificates of Lawful Works and conservation area consent (sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regs 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 S.I. 1990/1519) and paragraphs 8, 15 and 26 of the Department of Environmental, Transport and the Regions circular 01/01).
  24. Power to serve a building preservation notice and related powers (sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
  25. Power to issue enforcement notice in relation to demolition of listed building in conservation area (section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  26. Powers to acquire a listed building in need of repair and to serve a repairs notice (section 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  27. Power to apply for an injunction in relation to a listed building (section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  28. Power to execute urgent works to unoccupied listed buildings (section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  29. Power to authorize stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).
  30. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway (section 257 of the Town and Country Planning Act 1990).
  31. Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act 1990).
  32. Powers relating to the protection of important hedgerows (the Hedgerows Regulations 1997 (S.I. 1997/1160)).
  33. Powers relating to the preservation of trees (sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1990 (S.I. 1999/1892)).
  34. Powers relating to complaints about high hedges (Part 8 of the Anti-Social Behaviour Act 2003).

35. Power to include modifications in other orders (Section 53A of the Wildlife and Countryside Act 1981).
36. Power to revoke or modify planning permission (Section 97 Town and Country Planning Act 1990).
37. Duty to enter land in Part 2 of the brownfield land register (Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017).
38. The making of Local Development Orders under Article 5 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.
39. Power to exercise functions relating to Nationally Significant Infrastructure Projects and Development Consent Orders as contained in the Planning Act 2008.

### **Code of Conduct**

The committee must follow the Council's Code of Conduct for Councillors and Officers dealing with development control and other appropriate planning matters (in part 5 of the constitution).



## **PUBLIC SAFETY AND PROTECTION COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license Hackney carriages and private hire vehicles ((a) as to Hackney carriages, the Town Police Clauses Act 1847 (10 and 11 Vict. c. 89) as extended by section 171 of the Public Health Act 1875 (38 and 39 Vict. c. 55) and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68, 60 and 79 of the Local Government (Misc. Provisions) Act 1976).
2. Power to license drivers of Hackney carriages and private hire vehicles (sections 51, 53, 54, 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976).
3. Power to license operators of Hackney carriages and private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) (“the Gambling Order”)).
5. Power to grant track betting licences (Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
6. Power to license inter-track betting schemes (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).

9. Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).
12. Power to issue entertainments licences (section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c.33), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
15. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.viii) and section 6 of the London Authorities Act 1994 (c.xii).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. Power to license persons to collect for charitable and other causes (section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s.2 of the House to House Collections Act 1939 (c.44)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.25)).
19. Power to register motor salvage operations (Part 1 of the Vehicles (Crime) Act 2001).
20. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 ("the 2006 Act").
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).

25. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)).
27. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).
28. Powers to license night cafes and take-away food shops (section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994).
29. Duty to keep list of persons entitled to sell non-medicinal poisons (sections 3(1) (b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
30. Power to license dealers in game and the killing and selling of game (sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s.4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sports Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c.40)).
35. Power to license premises for the breeding of dogs (section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 and 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60) and subsection 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
38. Power to license zoos (section 1 of the Zoo Licensing Act 1981 (c.37)).
39. Power to license dangerous wild animals (section 1 of the Dangerous Wild Animals Act 1976 (c.38)).

40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).
41. Power to license the employment of children (Part II – Children and Young Persons Act 1933 (c.33), bylaws made under that Part and Part II – Children and Young Persons Act 1963 (c.37)).
42. Power to grant consent for the operation of loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16)).
44. Power to issue licences for the movement of pigs (Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)).
45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification and Movement) Order 1995).
46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification and Movement) Order 1995).
47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).
48. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
49. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).
50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
52. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).
53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
55. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).

56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Shellfish) (Hygiene) Regulations 1998).
57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).
59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer (part 1 of the Health and Safety at Work etc. Act 1974 (c.37)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

## **PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens are as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

#### **List A**

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and
5. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).

#### **List B**

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planning, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).
12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).

13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).
16. Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (C.66)).
18. Power to create footpaths, bridleways and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).
21. Power to determine application for public path extinguishment order (sections 118ZA and 118C (2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).
25. Power to make a public path diversion order (sections 119ZA and 119C (4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to asset and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).
34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).

35. Power to authorize temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power to temporarily divert footpath, bridleway or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 (section 53B of the Wildlife and Countryside Act 1981).
43. Power to prepare map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c.68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).
49. Power to discharge and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972).



## **C. OTHER COMMITTEES**

### **HUMAN RESOURCES COMMITTEE**

#### **Terms of Reference**

##### **Membership**

Nine members of the authority, politically-balanced in line with usual proportionality rules. In addition, the relevant member of the Executive will be invited to attend meetings ex officio in a non-voting capacity (they will count towards the quorum).

When the Committee is discharging functions relating to discipline and dismissals one or more voting members of the Committee will be substituted with a member(s) of the Executive.

##### **Overview**

The employment and remuneration of the Chief Executive (Head of Paid Service), Executive Directors and Directors. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office including procedures for their dismissal (s.112 Local Government Act 1972) and functions relating to local government pensions (regulations under s.7, 12 and 24 Superannuation Act 1972).

The oversight and scrutiny of the wellbeing, performance and employment practices of the council and its workforce, and the implementation of its equality policies relating to employees.

##### **Functions**

**A. Full Council has delegated the following functions to the Human Resources Committee to be discharged in accordance with the Officer Employment Procedure Rules:**

**1. Organisational change affecting Executive Directors and Directors**

- a. Consider the workforce implications of any proposal from the Chief Executive to change the organisational structure of the Council where Executive Directors or Directors may be at risk of redundancy.

**2. Conduct and capability – Chief Executive, Chief Finance Officer and Monitoring Officer**

- a. Consider any allegations/complaints regarding the conduct and/or any capability issues (performance or health) of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, having regard to the model procedures and associated guidance

of the Joint Negotiating Committee for Local Authority Chief Executives and Joint Negotiating Committee for Chief Officers. Where necessary, take action, except in relation to dismissal, where the Committee may recommend dismissal to Full Council.

- b. The suspension of the Chief Executive, Monitoring Officer and Chief Finance Officer is delegated to the Chair of the Committee; the suspension of Executive Directors and Directors is delegated to the Chief Executive.

### **3. Severance Payments – Chief Executive, Executive Directors and Directors**

- a. Determine the preferred option(s) for resolution and parameters of any negotiation that may lead to a severance payment to the Chief Executive, Executive Director or Director.

### **4. Grievances affecting the Chief Executive**

- a. Hear and determine any grievance submitted by the Chief Executive provided that it has been referred by the Monitoring Officer.
- b. Hear and determine any grievance submitted by an employee against the Chief Executive where referred by the Monitoring Officer or Director: Workforce and Change.

### **5. Terms and conditions of employment including remuneration of the Chief Executive, Executive Directors and Directors**

- a. Oversight of contracts of employment for the Chief Executive, Executive Directors and Directors employed in accordance with the Joint Negotiating Committee Chief Executives or the Joint Negotiating Committee Chief Officers of Local Authorities.
- b. Setting the terms and conditions of employment for the Chief Executive, Executive Directors and Directors.
- c. Determining any changes to the pay of the Chief Executive during their employment in accordance with the Council's Pay Policy Statement.
- d. Consideration of requests for increases in pay of more than 10% above the minimum of the pay range during employment for Executive Directors and Directors, subject to a recommendation from the Chief Executive and Director: Workforce and Change.
- e. Consider and make recommendations to Full Council in relation to the annual Pay Policy Statement. (The Mayor should be involved and due regard given to any proposals they may have

before the statement is considered and approved by Full Council).

**B. The Committee oversees and scrutinises the wellbeing, performance and employment practices of the Council, and the implementation of its equality policies relating to the workforce.**

**1. Safety Health and Wellbeing of the Council's Workforce**

- a. Receive the annual report on the safety, health and wellbeing of the Council's workforce.
- b. Monitor the development and implementation of the Council's safety, health and wellbeing plans.
- c. Receive monitoring reports on employee engagement and health and wellbeing

**2. Workforce performance reporting**

- a. Monitor the development and implementation of the Council's Workforce Strategy.
- b. Receive monitoring reports on workforce diversity, employee engagement, performance management, workforce spend and any changes to HR policies.

**3. The implementation of equality policies relating to the workforce.**

- a. Receive the Council's annual pay gap reports.
- b. Receive reports on the progress on workforce related actions in the Equality and Inclusion Policy
- c. Receive reports on the work of the staff led groups.

**C. Other matters**

- a. Consider any matters referred to the Committee by the Chief Executive or Director: Workforce and Change which have significant workforce implications such as changes to terms and conditions of employment.
- b. Hear and determine any collective dispute from trade unions where referred by the Director of Workforce and Change.

- c. Approve the Senior Coroner's salary.
- d. Determine the annual work programme of the Committee.
- e. Produce an annual report to Full Council on the work of the Committee.

## **SELECTION COMMITTEE**

### **Terms of Reference - Overview**

The role of the committee primarily relates to the appointment and starting remuneration of chief officers and deputy chief officers. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office (s.112 Local Government Act 1972). One or more members of the Committee will be a member(s) of the Executive.

### **Functions**

Full Council has delegated the following functions to the Selection Committee to be discharged in accordance with the Officer Employment Procedure Rules:

1. Make recommendations to full Council in relation to the appointment of the Head of Paid Service (s.4 (1) Local Government and Housing Act 1989), Monitoring Officer (s.5(1) Local Government and Housing Act 1989), Chief Finance Officer (s.151 Local Government and Housing Act 1989), Electoral Registration Officer (s.8(2) Representation of the People Act 1983) and Returning Officer for local government elections (s.35 Representation of the People Act 1983).
2. Appoint all other chief officers and deputy chief officers and agree their starting remuneration.
3. Appoint a senior coroner for the Avon coroner area, subject to prior consultation with the other authorities in the coroner area and the separate written consent of the Chief Coroner and the Lord Chancellor.

## **APPEALS COMMITTEE**

### **Terms of Reference**

#### **Overview**

The primary role of the Committee is to consider employee appeals against dismissal. The Committee also takes decisions on renewal and discharge of guardianship under the provisions of the Mental Health Act 1983.

#### **Functions**

Full Council has delegated the following functions to the Appeals Committee:

1. Hear and determine any appeal submitted by the Head of Paid Service, Monitoring Officer or Chief Finance Officer in relation to disciplinary action short of dismissal.
2. Hear and determine any appeal against dismissal submitted by employees (except the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where a full Council hearing is required).
3. Hear and determine any grievance appeal submitted by an employee where the grievance is against the Head of Paid Service.
4. Hear and determine any grievance appeal submitted by chief officers or deputy chief officers. (Any grievance appeal submitted by the Head of Paid Service will be heard by full Council).
5. Hear and determine any appeal submitted by chief officers or deputy chief officers regarding the classification of posts and ring-fence arrangements in the Methods of Appointment under the Council's Managing Change Policy.
6. Decide on guardianship discharge or renewal under the Mental Health Act 1983.
7. Decide an appeal against any decision made by or on behalf of the authority, except where another Council body is in place to decide that appeal.

## **AUDIT COMMITTEE (AND VALUES AND ETHICS SUB COMMITTEE)**

### **Composition of the Committee**

The Audit Committee comprises nine members of the Council and up to two independent members. The independent members are appointed by the committee. The Chair and Vice-Chair of the committee shall be confirmed by the Audit Committee as per committee procedure rules. Party Group Leaders are not eligible to sit on the Audit Committee.

A minimum of three councillor members of the Audit Committee will be present for the meeting to be deemed quorate.

The Committee may not appoint any person as an independent member who is an active member of any political party, defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically-restricted post within the Council. Independent membership may only be made if the person has particular knowledge or expertise in the functions for which the Committee is responsible.

The Committee will meet at least five times a year and will maintain the technical capability to discharge the Audit Committee responsibilities of the Council. The Chair of the Committee may convene additional meetings, as deemed necessary.

The Audit Committee may hold separate meetings with External / Internal Auditors without officer or executive representation. The Committee should hold at least one such meeting annually with External and Internal Auditors.

### **Objectives or Purpose**

- To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects governance, the authority's exposure to risk and weakness of the control environment, and to oversee the financial reporting process.
- To review matters relating to Internal Audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements.

- To enhance and promote the profile, status and authority of the Internal Audit function and to demonstrate its independence.
- To contribute towards making the authority, its committees and departments more responsive to the audit function.
- To review compliance with the relevant standards, codes of practice and corporate governance policies of the Council.

### **Audit Activity**

- 1.1 To approve the Internal Audit Charter and Strategy and monitor its progress.
- 1.2 To approve the Internal Audit annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there are no inappropriate scope or resource limitations.
- 1.3 To suggest work for Internal and External Audit.
- 1.4 To consider the Annual Report and opinion of the Head of Internal Audit and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements prior to approving the Annual Accounts.
- 1.5 To oversee and provide assurance to the Council on the provision of an effective internal audit service and consider the main issues arising from summary Internal Audit reports, and seek assurance that action has been taken where necessary, particularly in areas of high risk.
- 1.6 To consider reports dealing with the management and performance of the Internal Audit function, including the external peer review and reports on the results of the Quality Assurance and Improvement Programme in order to gain assurance on the effectiveness of the Internal Audit function.
- 1.7 To monitor the implementation of agreed actions within reasonable timescales.

- 1.8 To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports to those charged with governance in the process for the approval of the Annual Accounts.
- 1.9 To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales.
- 1.10 To comment on the scope and depth of the external audit work and to ensure it gives value for money.
- 1.11 To liaise with Public Sector Audit Appointments Limited over the appointment of the Council's External Auditor.
- 1.12 To consider the reports of inspection agencies relevant to the Council.
- 1.13 To undertake an annual review of the effectiveness of the system of Internal Audit.
- 1.14 To oversee the appointment / dismissal of the Chief Internal Auditor.

## **2. Regulatory Framework**

- 2.1 To receive assurance reports on the effectiveness of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct and behaviour and to periodically consider proposed changes to the Constitution in order to make recommendations for amendments to Full Council.
- 2.2 To review any issue referred to it by the Head of Paid Service or Executive Director or any Committee of the Council.
- 2.3 To monitor the effective development and operation of risk management and corporate governance throughout the Council.
- 2.4 To monitor Council policies on whistleblowing and anti-fraud and anti-corruption policies, including the Council's complaints process.
- 2.5 To review the Council's Annual Governance Statement prior to approval, considering whether it properly reflects the risk environment and supporting assurances, and recommend its adoption for publication with the annual accounts, together with



associated plans for addressing areas of improvement and advising the Council as appropriate.

- 2.6 To review the arrangements for corporate governance, including the Code of Corporate Governance, to agree necessary actions to ensure compliance with best practice and to recommend to Full Council as appropriate.
- 2.7 To review the Council's framework of assurance, for example Assurance maps, and ensure that it adequately addresses the risks and priorities of the Council.
- 2.8 To review the Council's compliance with its own and published national standards and controls.
- 2.9 To review assurances and assessments on the effectiveness of the Council's arrangements to secure value for money.
- 2.10 To review the assessment of fraud risk and potential harm to the Council from fraud and corruption and to monitor the use of resources to address fraud risk.
- 2.11 To report as appropriate to Full Council on issues which require their attention or further action.

### **3. Accounts**

- 3.1 To approve the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 3.2 To consider, in the context of approving the Accounts, the External Auditor's report to those charged with the governance issues arising from the audit of the accounts.
- 3.3 To review the Council's Treasury Management Strategy and policies, and make recommendations to Full Council for approval.

### **4. Risk Management**

- 4.1 To consider the effectiveness of the Council's risk management arrangements including reviewing the Risk Management Policy and the Corporate Risk Register.
- 4.2 To provide assurance to the Council, in the Committee's Annual Report, on the effectiveness of risk management arrangements in place.
- 4.3 To seek assurances that action is being taken on risk-related issues.
- 4.4 To be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.

## **5. Accountability Arrangements**

- 5.1 To report to Full Council on an annual basis on assurances received significant control issues, the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## **Values and Ethics Sub Committee**

The Audit Committee shall appoint a Values and Ethics Sub-Committee

### **Composition of Values and Ethics Sub-Committee**

4 Elected members of the Audit Committee (one from each political group represented on the committee), and one independent member, chaired by an independent member.

### **Terms of Reference for Value & Ethics Committee**

To deal with all matters relating to the ethical framework affecting members of the Council under Part 1 Chapter 7 Localism Act 2011 as amended and all other relevant legislation including regulations, directions and guidance. This shall include, but not be limited to:-

1. The promotion of the highest standards of behaviour by members of the Council, including the Mayor, councillors, independent members and co-optees.

2. Advising the Council on the adoption and operation of the Member Code of Conduct, making recommendations for change as the Committee sees fit.
3. Training all members in the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council.
4. The adoption, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit.
5. Dealing with allegations of Breach of the Member Code of Conduct, where these are referred to them by the Monitoring Officer, and the imposition of sanctions as appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council.
6. Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.
7. To adjudicate on any dispute relating to the payment of Members' Allowances or expenses under the Members' Allowances scheme in force from time to time.
8. To review the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.
9. Conferring of Alderman/Alderwoman status and the criteria for such awards.
10. To lead on member development and enhance the role of members as city leaders and community councillors.
11. To review compliance of the Mayor and Councillors in terms of mandatory training.

12. To have oversight of the Register of Members' Interests.
13. All things necessary or in the opinion of the Committee appropriate to fulfil the role and remit of a Values and Ethics Committee as defined by law or the Council's Constitution.

## **D. STATUTORY COMMITTEES**

### **LICENSING COMMITTEE**

#### **Overview**

Functions relating to licensing and gambling as set out below.

#### **Licensing Act 2003** (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to that committee by virtue of section 7(1) of the 2003 Act;
2. Functions which, in exercise of its powers under section 7(3) of the 2003 Act, full council has arranged for the Licensing Committee to discharge, namely:
  - (a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers (sections 115E, 115F and 115K of the Highways Act 1980);
  - (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
  - (c) Power to make a revoke an order designating a locality as an alcohol disorder zone (section 16 Violent Crime Reduction Act 2006);
  - (d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
  - (e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders or for offences in connection with closure orders (sections 19 to 28 of the Criminal Justice and Police Act 2001);

## **Gambling Act 2005 (“the 2005 Act”)**

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;

4. Functions, which, in exercise of its powers under section 101 of the Local Government Act 1972, the full council has arranged for the Licensing Committee to discharge, namely:

(a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);

(b) Functions relating to exchange of information (s.30 of the 2005 Act);

(c) Functions relating to occasional use notice (s.39 of the 2005 Act);

(d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);

(e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s.284 of the 2005 Act);

(f) Power to exchange information (section 350 of the 2005 Act);

(g) Power to institute criminal proceedings (section 346 of the 2005 Act);

(h) Functions relating to the determination of fees for premises licenses (the Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));

(i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act).

## **Code of Conduct**

The Constitution contains a supplement to the members’ code of conduct which deals with the role of elected members in relation to licensing committee hearings (see part 5 of the constitution).

## **HEALTH AND WELLBEING BOARD**

### **Terms of Reference**

#### ***Arrangements***

The Membership of the Board shall be as follows:

- a. at least one elected member, nominated by the elected mayor or executive leader,
- b. the director of adult social services,
- c. the director of children's services
- d. the director of public health,
- e. a representative of the Local Healthwatch,
- f. a representative of each relevant clinical commissioning group, and
- g. such other persons, or their representatives as deemed appropriate by a majority of the Board,
- h. The political requirements set out in sections 15, 16 and schedule 1 of the Local Government and Housing Act 1989 shall not apply to the membership of the Board.

#### ***Schedule of meetings***

The Board will formally meet with such frequency as it shall determine.

#### ***Voting***

1. The Health and Wellbeing Board will be a committee of the Local Authority.
2. All members of the Health and Wellbeing Board will have voting rights.
3. If the Health and Wellbeing Board appoints additional members to the Board, the Board itself will determine whether those members will have voting rights.

## Functions

The function of the board will be to:

- promote joint commissioning and encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
- encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
- encourage organisations who arrange for the provision of any health-related services to work closely with the Health and Wellbeing Board to improve the health and wellbeing of the local community;
- encourage organisations who arrange for the provision of services related to the wider determinants of health, such as housing or transport, to work closely with commissioners of health and social care;
- assess the needs of the local community through the Joint Strategic Needs Assessment (JSNA) and consider the need or likely need capable of being met or affected by Local Authority or CCG functions;
- agree and produce a Health and Wellbeing Strategy that addresses need and which commissioners will need to take into account when they develop plans for health care, social care and public health;
- involve health watch and people living and working in Bristol in the preparation of the JSNA and JHWS;
- have regard to the NHS Commissioning Board mandate and statutory guidance in the preparation of the JSNA and JHWS;
- consider the suitability of current Pharmaceutical Needs Assessments (PNA) and prepare a statement of the needs for pharmaceutical services of the local population;
- agree and produce a revised PNA by 1 April 2015;
- provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act



2006 in connection with the provision of such services;

- be involved in the process of developing and signing-off Clinical Commissioning Group plans
- assess and provide an opinion on whether the commissioning plan has taken proper account of the JSNA and JHWS;
- assess and provide an opinion on how well the commissioning plan has contributed to the delivery of the JHWS;
- to advise the Mayor in relation to the taking of executive decisions that concern health and well being functions of the local authority.

### **Code of Conduct and Declarations of interest**

All members of the Board will be bound by the Council's code of conduct for members and will complete the Register of Interests.

## **C. DELEGATION OF NON-EXECUTIVE FUNCTIONS TO OFFICERS**

**Any non-executive function may be exercised by the Head of Paid Service notwithstanding its delegation to another Executive Director.**

### **C.1 Human Resources Functions**

The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal (section 112 of the Local Government Act 1972) is delegated to the Head of Paid Service who, in accordance with “General Principles applying to the exercise of delegated powers by officers” set out in part 3 of the Constitution may arrange for the discharge of these functions through Executive Directors. All officers exercising HR functions must do so in accordance with the Council’s HR policies and any advice provided by the Director Workforce and Change

### **C.2 Licensing Functions**

All those functions set out in the terms of reference of the Licensing Committee which full council has arranged for that committee to discharge are the responsibility of the Executive Director Growth and Regeneration except for the power to institute proceedings (s. 346 Gambling Act 2005) which is the responsibility of the Service Director Legal.

### **C.3 Planning and Development Control Functions**

All the functions set out in the terms of reference of the Development Control Committees are delegated to the Executive Director Growth and Regeneration except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee (such request to be made on the appropriate referral form to one of the Development Management Managers within the published consultation period for the application, specifying the planning grounds on which the request is made).

### **C.4 Public Safety & Protection Functions**

All functions set out in the Public Safety & Protection Committee terms of reference are delegated to the Executive Director Growth and Regeneration.

## **C.5 Public Rights of Way & Greens Functions**

- (a) All the functions set out in List A of the Public Rights of Way & Greens Committee are delegated to the Chief Executive.
- (b) All the functions set out in List B of the Public Rights of Way & Greens Committee are delegated to the Executive Directors of Growth and Regeneration.

## **C.6 Miscellaneous Functions Delegated to the Chief Executive**

### Marriages and Registration

- (a) Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) & the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).

### Elections

- (b) Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983).
- (c) Duty to provide assistance at the European Parliamentary Elections (Section 6(7) and (8) of the European Parliamentary Elections Act 2002).
- (d) Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983).
- (e) Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act).
- (f) Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983).
- (g) Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).
- (h) Power to fill vacancies in the event of insufficient nominations

(Section 21 of the Representation of the People Act 1985).

- (i) Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).
- (j) Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).
- (k) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000).
- (l) Duty to consult on change of scheme for elections (Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act (“the 2007 Act”).
- (m) Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act).
- (n) Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act).
- (o) Power to alter years of ordinary elections of parish councillors (Section 53 of the 2007 Act).
- (p) Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act).

### Pensions and Finance

- (q) Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).
- (r) Functions under the Fireman’s Pension Scheme relating to pensions, etc., as respects persons employed by the fire and rescue authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972).
- (s) Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).

- (t) Repealed
- (v) Repealed
- (x) Repealed

### **C.7 Employment of Children Functions**

The power to license the employment of children is delegated to the Executive Director Adults, Children and Education (Part II Children and Young Persons Act 1933, byelaws made under that Part and Part II Children and Young Persons Act 1963).

### **C.8 Other functions delegated to all Executive Directors**

- (a) Power to enforce byelaws (any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978).
- (b) Power to make payments or provide other benefits in cases of maladministration (Section 92 Local Government 2000) in respect of functional areas administered within the particular department.

### **C.9 Appointment of proper officers**

Power to appoint officers for particular purposes is delegated to the Head of Paid Service, following consultation with the Service Director Legal unless legislation indicates the appointment is made by full council or an Executive Director (appointment of “proper officers”) (section 270 (3) of the Local Government Act 1972).

## **D. General principles applying to the exercise of delegated powers by officers**

- (a) Delegated officers must refer matters to the relevant committee as they consider appropriate having regard to the following factors:-
- i) whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by Councillors;
  - ii) whether a Councillor, applicant or other person with a significant interest has requested that the matter be determined by committee;
  - iii) whether there is evidence that the public or Councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it be determined by Councillors;
  - iv) whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by Councillors;
  - v) where it is desirable that representations made in relation to the matter by an applicant, objector or other interested party should be heard and considered by Councillors;
  - vi) the need for consistency of approach in the council's decision making process;
  - vii) whether there are any specific national or local policy or (in relation to development control decisions only) development plan implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by Councillors;

- viii) whether the legal consequences of the matter of such significance that it should be considered by Councillors.
- (b) Delegated officers are entitled to arrange for the discharge of functions allocated to them by their subordinate officers, provided that the delegated officer remains responsible for and accountable to the council for the exercise of the delegated powers.
- (c) The Full Council have conferred delegated powers upon all of its officers to undertake, under management supervision, the tasks contained in their job description.
- (d) An officer with the delegated power to make a decision may, where he/she considered it necessary, refer the matter for decision by Full Council or by the relevant committee.
- (e) A non-executive committee may delegate to sub-committees and officers.
- (f) All delegated officers and delegated committees should seek and obtain appropriate professional advice from those employed by the council for that purpose. Any report made by officers to Councillors should record whether or not such advice has been obtained.
- (g) Committees and/or directors exercising the power to levy and/or determine fees or charges must not make a decision unless there has been prior consultation with the relevant executive member and scrutiny chair. Where the decision is being made by delegated officer, he/she must also consult with the chair of any relevant committee. Where the proposal is not in accordance with the corporate charging policy or is the subject of an objection by one or more of those Councillors with whom the officer/committee is required to consult as above, then the matter should be reported to the relevant committee or Full Council.

## **E. FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE**

**Regulation 2(1) of the Local Authorities (Functions and Responsibilities)  
(England) Regulations 2000**

**[Statutory officers](#)**

**[Proper Officers](#)**

**[Scheme of delegations](#)**



### 3. LOCAL CHOICE FUNCTIONS

What are local choice functions?

Local choice functions are set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These functions may be, but need not be, the responsibility of the council's executive. It is up to each council to decide.

Having regard to government guidance full council has decided that local choice functions will be executive or non-executive as set out in the schedule below.

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: "Executive" "Non-executive" "Combination" (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Executive	Chief Executive and Executive Directors	N/A
2. The determination of an appeal against any decision made by or on behalf of the authority.	Non-executive	Chief Executive and Executive Directors in relation to decisions taken in their directorates	Appeals Committee except matters referred under the terms of reference of another committee
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Executive	Chief Executive	N/A

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils). This is now section 51A of the Education Act 2002.	Executive	Executive Director People	N/A
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Executive	Executive Director People	N/A
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive	Executive Director People	N/A
7. Any function relating to contaminated land.	Combination: non exec. only to the extent that the activity is one of enforcement; otherwise, exec.	Executive Director of Growth and Regeneration	Public Safety & Protection
8. The discharge of any function relating to the control of pollution or the management of air quality	Combination: non exec. only to the extent that the activity is one of enforcement; otherwise, exec.	Executive Director of Growth and Regeneration	Public Safety & Protection

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
9. The service of an abatement notice in respect of a statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
11. The inspection of the authority's area to detect any statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
12. The investigation of any complaint as to the existence of a statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Combination-to the extent that the information relates to a non-executive function-non exec; to the extent that the information relates to an executive function -exec	Executive Directors of Growth and Regeneration	Relevant dev. control committee
14. The making of agreements for the execution of highways works	Executive	Executive Director of Growth and Regeneration	N/A
15. The obtaining of particulars of persons interested in land under section 16 of the Local	Combination-to the extent that the information relates to a non-exec function -	Chief Executive and Executive Directors	All non-executive committees

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
Government (Misc. Provisions) Act 1976.	non exec to the extent that the information relates to an executive function - exec		
16. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the	Executive and Non-executive	N/A	Mayor where the appointment relates to executive powers  As agreed by the Party Groups where the appointment relates to non-executive functions
17. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive	Chief Executive and Executive Directors	N/A
18. Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this schedule.	Executive	Chief Executive	N/A
19. Functions under sections 106, 110, 111 and 113 of the Local Government	Combination: Executive save for: approval of local area	Head of Paid Service	

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
and Public Involvement in Health Act 2007 relating to local area agreements	agreement - non-exec reserved to full council; and the revision of a target relating to a non-executive function - non-executive		

## 4. EXECUTIVE FUNCTIONS

### What are executive functions?

Executive functions are all of the council's functions that are not full council functions or non-executive functions.

Executive functions include those local choice functions identified above as the responsibility of the executive.

As specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, executive functions do not include:

- imposing conditions, limitations or restrictions on approvals, licences, permissions or registrations on a non-executive function or determining any terms to which any such approval etc. is subject;
- determining whether or how to enforce any failure to comply with such approval etc. or any of the attached conditions ;
- amending, modifying or revoking any such approval etc. or determining whether a charge should be made for such approval etc. or the amount of such charge;
- making, amending, revoking or replacing the members' allowance scheme;
- subject to any regulations under section 20 Local Government Act 2000, making arrangements for the joint exercise of functions under s.101(5) of the Local Government Act 1972 and making appointments to committees / joint committees under s.102 of that Act;
- any functions reserved to full council under legislation which pre-dates the regulations;
- amending, modifying, varying or revoking any plan or strategy unless it is either required to give effect to the requirements of a Secretary of State or Minister submitted for approval, recommended by a person carrying out an independent examination of a development plan document under s.20 Planning and Compulsory Purchase Act 2004, or where full council when approving the plan/strategy authorised the Executive to do so.

## **The Mayor's scheme of delegation**

The Mayor shall publish a Scheme of Delegation.

The scheme includes the following:

- the councillors appointed to the executive and the nature and extent of any delegation to the executive;
- terms of reference of any executive committees appointed;
- the nature and extent of any delegation to area committees, any other authority, or any joint arrangements and the names of those executive members appointed to any joint committee in the forthcoming year;
- the nature and extent of any delegation to officers.

## Guidance on executive functions

### Key decisions

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 define a key decision. For the definition of a key decision for Bristol City Council, please refer to Article 6 of the Constitution.

Central government guidance clarifies what is meant by “significant impact on communities”:

- For example a council should regard as key a decision to close a school or carry out road works (such as introducing or altering traffic calming measures) in a neighbourhood, notwithstanding the thresholds of financial significance and that there may be an impact on only one ward.
- Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division the decision maker should ensure that those people are nevertheless informed of the forthcoming decision and sufficient time allowed for them to exercise their rights to see the relevant papers and make an input into the decision making process.
- In considering whether a decision is likely to be significant, the decision maker will need to consider the strategic nature of the decision and whether or not the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected. The following should be considered:
  - The effect on communities, businesses and communities;
  - The expectation of the public and councillors as to whether the decision should be taken by the executive;
  - The anticipated interest of the public and of councillors;
  - The effect on other council services and functions.

Regard should be given to the underlying principles of accountable decision making to ensure that there is a presumption towards openness.



Who decides if a decision is key?

- It is for the Chief Executive/ Executive Director to decide which decisions within their responsibility are key, subject to guidance from the Monitoring Officer who may require that a decision be treated as a key decision.

### **Principles of delegation**

The fact that a function is delegated to an officer under the scheme of delegations does not prevent the executive, or the Mayor, from exercising that function directly.

- The executive may arrange for functions allocated to it to be discharged by a committee or an officer, although the Mayor has the discretion to direct that such powers of onward delegation are not to apply either at all, or in such circumstances as he / she directs.
- The Chief Executive/ Executive Director may consider that a delegated authority should not be exercised by him/her and that it should be referred to the executive for determination.
- The executive may request that the Chief Executive/ Executive Director refrains from exercising a delegated authority in respect of a particular matter and determine the matter itself.
- The executive may determine to reserve decisions about a particular matter to itself.
- When exercising discretion remitted to them, officers are under a duty to satisfy themselves that the decision conforms to the council's budget and policy framework and other approved policies and that, in reaching a decision, they have observed approved practices and procedures and government guidance.
- Delegated officers may arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible and accountable to the council for the exercise of his/her delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those subordinate officers discharge functions in accordance with the provisions of this

constitution and do not exceed the limits of any authorisation made to them by the delegated officer.

### **Professional advice**

The executive and delegated officers should seek and obtain appropriate professional advice from those employed or otherwise engaged by the council for that purpose in connection with the matter under consideration. Any report made by officers to the Leader of the council or the executive should state whether or not such advice has been obtained.

## **MAYOR'S EXECUTIVE SCHEME OF DELEGATION**

**This document sets out how executive decisions are taken at Bristol City Council.**

- Section 1 Introduction to Executive arrangements
- Section 2 Who makes decisions?
- Section 3 Mayor and Cabinet areas of responsibility (portfolios)
- Section 4 CIL/s.106 Committees
- Section 5 Executive functions discharged by Officers
- Section 6 Delegations to Officers
- Section 7 General provisions
- Section 8 Delegations to joint committees

Appendix A - Terms of reference CIL/S.106 Committees

### **1. Introduction to the Executive arrangements**

Marvin Rees is Bristol's Elected Mayor.

He leads the City, in particular, the City Council and has overall responsibility for the delivery of Council services. The Elected City Mayor is directly accountable to local people.

To help him oversee the delivery of Council services and to work with other partners across the City and region, he has appointed two Deputy Mayors and seven Councillors who collectively are known as the Executive or, more commonly, the Cabinet.

The Mayor has given these Cabinet Members areas of responsibility referred to as portfolios and these are set out in this document.

The Cabinet works closely with the Chief Executive and Executive Directors of the relevant services employed to oversee the Council's operations in their portfolio and support delivery of the Corporate Plan.

There is a need to ensure that departments work together and that services are integrated. Many of the areas of responsibility overlap. In many instances a Cabinet Member may take the lead on one area but the responsibility is shared across the Cabinet.

The Mayor and Cabinet Members work collaboratively to ensure Council departments and initiatives are joined up and make effective use of the Council's budget and other resources, such as those of organisations in the City and the City Office.

The Cabinet have regular briefings and meetings to identify related issues and the overall direction for the Council. See attached decision making chart which sets out the process for decision making in the Council.

**‘Key Decisions’ – for the definition of ‘key decision’ please refer to Article 6 of the Constitution.**

Items that do not meet the above criteria but are felt to be in the public interest, as determined by the Mayor and Cabinet, may also be determined at a Cabinet meeting.

Decisions taken by the Mayor, Deputy Mayors and Cabinet Members are published on the Council’s website.

The Mayor is committed to engaging with citizens and partners and to ensuring that the decision making process is transparent. This document supports this commitment by setting out who leads on what function.

## **2. Who takes decisions?**

The Council has agreed a constitution which sets out how it operates, how decisions are made and the procedures which are followed.

All functions of the Council that are not reserved as non-executive under the Constitution, and must therefore either be taken or delegated by full council, are executive functions. It is at the Mayor’s discretion to determine how decision-making in relation to executive functions will be exercised. The Mayor may discharge any executive functions himself or may arrange for the discharge of those functions by the Cabinet as a whole, by another member of the Cabinet, or by an officer of the authority.

The Mayor may also arrange for the discharge of those functions by a committee, joint arrangements with another authority or by another authority. These arrangements are described below.

Cabinet Members will make decisions that fall within their portfolio to the extent delegated by the Mayor.

Where a decision falls across more than one portfolio it will be subject to consultation with all relevant Cabinet Members. In such cases, the Mayor will make the final decision.

All decisions taken by the Mayor or Cabinet Members will be taken in public in Cabinet meetings.

The Chief Executive and relevant Executive Directors identify issues which may require Cabinet Member involvement or decision. These are recorded and considered via regular Cabinet Member briefings with the relevant portfolio holder(s).

The Mayor may identify issues and will consider whether any of these decisions should be taken in consultation with the Cabinet.

All decisions will be taken in accordance with statutory and legal requirements, the Council's constitution, budget and Financial Regulations. Where a decision affects a particular ward, then the Cabinet portfolio holder will, where practicable, consult the relevant ward Member.

This document will be subject to ongoing review by the City Mayor and an up-to-date version maintained on the Council's website.

### **3. Mayor and Cabinet Member portfolios**

#### **MAYOR – MARVIN REES**

##### Portfolio Terms of Reference

1. City Policy, Strategic Planning and Communications, Council Plan
2. External Relations
3. Major projects
4. Development management
5. The Harbour
6. Devolution
7. UN Sustainable Development Goals
8. Civil Contingency Planning - Planning and control
9. Air Quality and Clean Air Plan
10. Sport and leisure
11. City Office and Bristol One City Plan
12. City Funds
13. Regulatory and Licensing function
14. All other executive functions not otherwise listed within Cabinet portfolio terms of reference listed below
15. Any executive functions that the Mayor may wish from time to time to have reserved to himself or to be discharged in a different manner to the general delegation arrangements described below

#### **DESIGNATED DEPUTY MAYOR – COUNCILLOR CRAIG CHENEY (Lab) CABINET PORTFOLIO: CITY ECONOMY, FINANCE & PERFORMANCE**

##### Portfolio Terms of Reference

1. Designated Deputy Mayor in accordance with Local Government Act 2000
2. Finance and Budgets
3. Legal and statutory services
4. Corporate services
5. Performance
6. Council owned Companies and Innovation
7. Capital Programme
8. City Economy
9. Culture

10. Council's assets and Property Board
11. Commercialisation
12. Bristol 2023

**COUNCILLOR ASHER CRAIG (Lab)**  
**CABINET PORTFOLIO: CHILDREN'S SERVICES, EDUCATION & EQUALITIES**

Portfolio Terms of Reference

1. Deputy Mayor
2. Equalities
3. Designated Lead Member for Children's Services
4. Children's Social Care
5. Corporate Parenting, Fostering and Adoption
6. Children & families support services
7. Youth Services
8. Children's Centres & Pre-School
9. Safeguarding Children (including safeguarding boards)
10. Schools and Partnerships
11. Further education
12. Apprenticeships, training and work experience
13. Domestic violence and abuse
14. Family & Child Friendly City
15. Educational Catch up plan - NEETs
16. Diversification of teaching work force
17. New schools and school places
18. School exclusions
19. School streets project
20. SEND
21. PHSE
22. Lifelong learning

**COUNCILLOR HELEN HOLLAND (Lab)**  
**CABINET PORTFOLIO: ADULT SOCIAL CARE & INTEGRATED CARE SYSTEM**

Portfolio Terms of Reference

1. Adult Social Care
2. Safeguarding Adults (including safeguarding boards)
3. Age Friendly City
4. Better Lives Programme
5. Family or Friend Carers
6. Ethical Care Council
7. Adaptable homes and Intergenerational housing
8. Integrated Care System
9. Women commission & Women Safe City

**COUNCILLOR KYE DUDD**  
**CABINET PORTFOLIO: CLIMATE, ECOLOGY, WASTE & ENERGY**

Portfolio Terms of Reference

1. Climate Emergency Strategy delivery
2. Ecological Emergency Strategy delivery
3. Waste and Recycling Strategy delivery
4. Clean Streets Campaign and street cleansing
5. Energy, Heat Networks and City Leap
6. Carbon neutrality & Green New Deal

**COUNCILLOR TOM RENHARD (Lab)**  
**CABINET PORTFOLIO: HOUSING DELIVERY AND HOMES**

Portfolio Terms of Reference

1. Housing delivery and Innovation
2. Major development schemes
3. Modern Methods of Construction
4. Social housing & support services
5. Landlord services
6. Homelessness
7. Home-choice
8. University Development & Student Accommodation
9. Self builds
10. Retro fit sustainability of homes - carbon and waste
11. Estate renewal
12. Private rented sector
13. Living Rent City
14. Housing Strategy & Project 1000
15. Land and property allocated for housing development

**COUNCILLOR DON ALEXANDER (Lab)**  
**CABINET PORTFOLIO: TRANSPORT**

Portfolio Terms of Reference

1. Transport policy
2. Transport maintenance
3. Major Transport projects
4. Local Joint Transport Plan

**COUNCILLOR ELLIE KING (Lab)**  
**CABINET PORTFOLIO: PUBLIC HEALTH & COMMUNITIES**

Portfolio Terms of Reference

1. Public Health including Mental Health Services and Health Partnerships
2. Community Engagement and development
3. Democratic Engagement
4. Transferred community assets
5. VCS and Community initiatives
6. Libraries

7. Parks and Green Spaces
8. Events and Carnivals
9. Commissioning (Health)
10. Community Safety, Community Cohesion and Safer Bristol Partnership
11. Public protection and environmental health
12. Preventative Services

**COUNCILLOR NICOLA BEECH (Lab)**  
**CABINET PORTFOLIO: STRATEGIC PLANNING, RESILIENCE & FLOODS**

Portfolio Terms of Reference

1. Development of regional planning Strategy (including SDS)
2. Cross border responsibility for joint spatial planning.
3. Delivery of renewed Local Plan
4. City resilience (ink; delivery of city resilience strategy) and contingency
5. Flooding and flood strategy

**4. Executive functions delegated to Community Infrastructure Levy (CIL/.S106) Committees**

There is an Area CIL/s.106 Committee for each of the following 6 Areas (each to be known as an “Area Committee”):

- Avonmouth and Lawrence Weston, Westbury-on-Trym and Henleaze, Stoke Bishop, Clifton, Clifton Down, Hotwells and Harbourside (Area 1);
- Henbury and Brentry, Southmead, Horfield, Bishopston and Ashley Down, Redland and Cotham (Area 2);
- Lockleaze, Eastville, Frome Vale and Hillfields (Area 3);
- Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill (Area 4);
- Bedminster, Southville, Windmill Hill, Knowle, Brislington East and Brislington West (Area 5);
- Bishopsworth, Hartcliffe and Withywood, Filwood, Hengrove and Whitchurch Park and Stockwood (Area 6).

The Councillors elected to serve those ward are members of the corresponding Area Committee.

To the Councillors in each Area Committee the Mayor has delegated executive decisions in relation to the following:

- The expenditure of the local element of CIL monies raised within the area



- Devolved s.106 monies where there is a decision to made in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement)

## **5. Summary of the executive functions to be discharged by the Chief Executive and Executive Directors**

### **1.1 Chief Executive**

To the extent permitted by law, any executive function not being a key decision may be exercised by the Chief Executive notwithstanding its delegation to another Executive Director.

## 5.2 **People Directorate Functions**

Any function of the executive falling within the portfolio of the **People Directorate** including functions relating to:

- (a) Adult Social Care;
- (b) Children and Families Services;
- (c) Educational Improvement;
- (d) Public Health;

shall be executed by the Executive Director – People notwithstanding its onward delegation in the officer schemes of delegation.

## 5.3 **Resources Directorate Functions**

Any function of the executive falling within the portfolio of the **Resources Directorate** including functions relating to:

- (a) Finance management;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Digital Transformation;
- (e) Policy, Strategy and Partnerships;
- (f) Commercialisation;

shall be executed by the Chief Executive notwithstanding its onward delegation in the officer schemes of delegation.

## 5.4 **Growth and Regeneration Directorate Functions**

Any function of the executive falling within the portfolio of the **Growth and Regeneration Directorate** including functions relating to:

- (a) Development of Place;
- (b) Economy of Place;
- (c) Management of Place;
- (d) Housing and Landlord Services;

shall be executed by the Executive Director – Growth and Regeneration notwithstanding its onward delegation in the officer schemes of delegation.

## 6. **Delegation of executive functions to other officers**

Each **delegated officer** shall be entitled to discharge executive functions allocated to the department described in section 5 above for which s/he is the **delegated officer**, subject to the general provisions governing delegations contained in section 7 below:

- (a) The officer occupying the post of Director: Legal and Democratic Services (and members of his/her team under his/her direction) is authorised to do all things necessary to perform legal services in connection with the discharge of **executive functions** delegated under this section of the constitution. For the avoidance of doubt the conferring of the function on the officer occupying the post of Director: Legal and Democratic Services is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation he or she is engaged in.
- (b) The officer designated as the Chief Finance Officer (and his/her team under his/her direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements in connection with the discharge of **executive functions** delegated under this section of the constitution.
- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any **executive function** as necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 7 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:
  - (i) in connection with offences the council has power to enforce; and
  - (ii) following consultation with the Director: Legal and Democratic Services or an appropriate member of his/her team, except when the officer is acting outside of normal council business hours.

The following officers in the trading standards team are so authorised: trading standards manager or acting manager; enforcement officer; accredited financial investigator; trading standards officer.

The following officers in the South West illegal money lending/scam-buster team are so authorised: South West regional enforcement manager or acting manager; senior investigator; investigator.

## **7. General provisions governing delegations to neighbourhood committees, officers and executive members**

- 7.1 The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the city council's articles, procurement regulations, financial regulations and any other provision of the constitution.
- 7.2 Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant

Council policy or Government guidance.

- 7.3 Reference to any act, order or regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- 7.4 Where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the Mayor or Cabinet Member then each Executive Director shall have authority to take key decisions within their directorate in conjunction with the Chief Executive. Before exercising such exceptional authority, the Executive Director must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer, the Mayor, the relevant Cabinet Member and the relevant scrutiny chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal report to the Mayor at the next meeting of Cabinet and of the relevant scrutiny committee.
- 7.5 It is recognised that **delegated officers** cannot personally undertake the discharge of every function conferred upon them. **Delegated officers** are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the **delegated officer** remains responsible for and accountable to the Council for the exercise of his / her delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him / her in the discharge of **functions** do so in accordance with the provisions of this constitution and do not exceed the limits of any authorisation made to them by the **delegated officer** to assist him / her in this task.
- 7.6 For the avoidance of doubt, any reference in this part to the discharge of any **functions** includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- 7.7 If any **delegated officer** receives any statutory notice which if contravened would give rise to a risk of prosecution, he / she shall immediately refer it to the Director: Legal and Democratic Services and to the Mayor, who shall be entitled to call for a report on the matter to himself and as necessary, to the Cabinet.
- 7.8 For the avoidance of doubt, an officer seized of the power to make a decision, may, where he / she considers it necessary in the particular circumstances, refer the matter for decision by the Mayor/relevant Cabinet Member;
- 7.9 The Mayor or relevant Cabinet Member may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Cabinet.
- 7.10 All **delegated officers** and the Mayor should seek and obtain appropriate professional advice from those employed or otherwise engaged by the city council for that purpose in connection with the matter under consideration. Any report made by officers to the Mayor and as necessary, the cabinet should state whether or not such advice has been obtained.

7.11 All decisions taken by CIL/s.106 committees and officers must be consistent with the council's budget and policy framework and in accordance with any policy, plan or criteria adopted by the Mayor.

## **8. Delegations to Joint Committees**

### **West of England Joint Committee**

8.1 The West of England Joint Committee (“the Committee”) is established under Section 101(5) of the Local Government Act 1972, as applied by Section 9EB of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council, North Somerset District Council and South Gloucestershire District Council.

8.2. The Joint Committee is established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017. This scheme authorises the delegation of executive functions to the Committee.

8.3. The following functions are delegated to the West of England Joint Committee:

- Agreeing expenditure from the 2012 City Deal Funding including;
  - o Economic Development Fund
  - o 10-year Local Major Transport Funding allocation
  - o The Growth Hub
  
- Approval of West of England One Front Door Programme Schemes including;
  - o LGF Rounds 1, 2 and 3
  - o Revolving Infrastructure Schemes
  
- Approving and Monitoring funding awarded for one off projects including from;
  - o Cycling Ambition Fund
  - o Local Sustainable Transport Fund
  - o Better Bus Areas
- Review of the West of England Growth Fund
- Support for the West of England Growth Hub
- Support for Invest Bristol & Bath

## **CIL/s.106 COMMITTEES TERMS OF REFERENCE**

### **1. Overview**

1.1 There is an Area CIL/s.106 Committee for each of the following 6 Areas (each to be known as an “Area Committee”):

- Avonmouth and Lawrence Weston, Westbury-on-Trym and Henleaze, Stoke Bishop, Clifton, Clifton Down, Hotwells and Harbourside (Area 1);
- Henbury and Brentry, Southmead, Horfield, Bishopston and Ashley Down, Redland and Cotham (Area 2);
- Lockleaze, Eastville, Frome Vale and Hillfields (Area 3);
- Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill (Area 4);
- Bedminster, Southville, Windmill Hill, Knowle, Brislington East and Brislington West (Area 5);
- Bishopsworth, Hartcliffe and Withywood, Filwood, Hengrove and Whitchurch Park and Stockwood (Area 6).

1.2 Area Committees will make decisions about the local element of CIL monies raised within the Area and devolved s.106 monies.

1.3 The Councillors elected to serve the wards in a neighbourhood are members of the corresponding Area Committee. For the purposes of the Council constitution, all of the Councillors on an Area Committee comprise a Council committee with delegated power to take certain local decisions on behalf of the council.

1.4 The Area Committee is expected to take its decisions as part of a public meeting, following consultation with the community and networks within the community to agree local Community Infrastructure Levy (CIL) priorities.

1.5 As a committee of council, Area Committees will be governed by the Committee Procedure Rules, subject to any amendments within these Terms of Reference.

### **2. Functions delegated to Area Committees**

2.1 Decision-making in relation to devolved s.106 monies where there is a decision to be made about in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement) and the expenditure of local CIL.

2.2 When s.106 monies have been earmarked for a specific project, the only decision relates to when that project should be delivered. Such decisions will be taken at Service Director level in consultation with the members of the Area Committee.

### **3. Membership**

3.1 The membership of each Area Committee will include all Councillors who have been elected for wards in the Area and no other Councillors. It is expected that all Councillors will attend each meeting of their respective Area Committee.

## **4. Procedure rules**

### **Meeting arrangements**

4.1 Area Committee meetings will normally be held annually, with the option of an additional meeting when required. These meetings will be supported by Democratic Services.

### **Election of Area Committee Chair**

4.2 An Area Committee Chair will be elected at a formal meeting of its members.

4.3 The Area Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Area Committee Chair shall be either: a member of the political group with the most Councillors on the Area Committee; or where there is no such largest group, a member of whichever political group represented on the Area Committee, is the largest group on the Council.

4.4 The Area Committee Chair shall remain in post until:

- they resign;
- a motion is passed by the majority of the Area Committee members to remove the Chair; or
- a local election is held after which a chair shall again be elected at an informal meeting of the new members.

### **Quorum**

4.5 The quorum for the Area Committee to take a delegated council decision is 50% of Councillors in the Area Committee.

### **Voting**

4.6 Only elected Councillors are entitled to vote on delegated council decisions taken by Area Committees.

4.7 In the event of an equality of votes the Area Committee Chair will have a second, or casting vote.

### **Substitute arrangements**

4.8 Area Committee Councillors cannot be substituted.

### **Agenda**

4.9 A model agenda is set out in the notes to this document. Each agenda must include Declarations of Interests of councillor members.

### **Minutes of meetings**

4.10 The meetings of Area Committees shall be minuted and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules (in part 4 of the Council's constitution).



### **Right to submit statements**

4.11 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any other issues, provided sufficient advance notice is given.

Statements may be submitted by:

E-mail: [democratic.sevices@bristol.gov.uk](mailto:democratic.sevices@bristol.gov.uk)

Post: Bristol City Council, Democratic Services Section, City Hall, College Green Bristol BS1 5TR (if delivered by hand) or Bristol City Democratic Services Section PO Box 3399 Bristol

### **5. Access to Information Rules**

Area Committees will comply with the Access to Information Rules contained in Part 4 of the Council's constitution, which means, among other things, that:

- Meetings must be held in public;
- 5 days' notice of meetings must be given;
- Agendas and reports must be published 5 days in advance of meetings;
- Minutes and records of decisions with reasons must be published.

### **6. Code of Conduct**

Area Committee Councillors shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of Councillors which may be adopted by the council (e.g. officer member protocol).

## **7. Decision making**

### **7.1 Area Committees must make decisions:**

- in accordance with the Council's budget and policy framework;
  - in accordance with the approved local CIL/s.106 budget and requirements for its area;
  - after due regard to the local priorities and consultation with the local community;
  - in accordance with the Council's Equalities Duties;
  - in accordance with all relevant procedure rules within the constitution including -
    - financial regulations;
    - contract procedure regulations;
    - procurement rules;
  - in accordance with any other Council policy, plan or criteria approved by cabinet and with any relevant contractual arrangements; and
  - in a meeting following consideration of a report from the Chief Executive or an Executive Director or his/her nominee.

7.2 An Area Committee may only exercise a function in so far as the function impacts on its own area.

7.3 Area Committees may not make a decision which impacts in a significant way on another Area without first consulting with the committee for that Area. If they cannot secure the agreement of that neighbouring Area Committee, then the matter should be referred to either the relevant Executive Director or Cabinet for decision.

7.4 An Area Committee, or two or more Area Committees jointly, may refer a matter to either the relevant Executive Director or Cabinet for a decision.

7.5 The decision-making power of Area Committees is delegated by the Elected Mayor. As such, the Mayor may at any time choose to take a decision normally taken by the Area Committees, or to delegate the power to take that decision to the Cabinet or an Executive Director.

7.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of an Area Committee is or if made would be:

- (a) outside its terms of reference; or
- (b) outside its approved budget; or
- (c) outside any relevant policy, plan or criteria approved by Cabinet or with any relevant contractual arrangements; or
- (d) outside the budget and policy framework; or
- (e) not in accordance with any relevant procedure rules,

then the Monitoring Officer or Chief Finance Officer shall refer the matter to Cabinet or Full Council, as appropriate, for consideration at the next available meeting.

7.7 Where a matter has been referred to Cabinet or Full Council under section 7.6, the implementation of the proposal or decision shall be suspended until the matter has been considered by Cabinet and/or Full Council.

7.8 Where a matter has been referred to Cabinet under 7.6 (a) (b) or (c) Cabinet may:

- decide the matter itself; or
- endorse any decision already made; or
- refer the matter back to the Area Committee for determination; and/or
- make any other decision it considers appropriate.

7.9 Where a matter has been referred to Cabinet under 7.6 (d) or (e), then Cabinet may:

- (a) refer the matter to Full Council for consideration; or
- (b) decide the matter within the budget and policy framework or in accordance with the procedure rules; or
- (c) refer the matter back to the Area Committee for determination within the budget and policy framework, or in accordance with the procedure rules.

7.10 Before deciding any matter in accordance with section 7.6 to 7.8, Cabinet will consider a report from a statutory officer or Executive Director.

## **Guidance notes**

- i. The Area Committees are established pursuant to regulation 6 of The Local Authorities (Arrangements for the Discharge of Functions (England) Regulations and are “area committees” as defined by s.18 Local Government Act 2000.
- ii Councillors will be expected to work closely together with other members of their communities to help in the improvement of the area. Whilst Councillors will be expected to take into account these, this should not compromise their independence as Councillors and not constrain them from making decisions that they deem to be in the interests of the wider community.
- iii Agendas of meetings will normally include the following items:
  - a) Apologies for absence
  - b) Approval of minutes from previous meeting.
  - c) Declarations of Interest (of Councillors)
  - d) Public Forum statements (maximum time of 30 minutes)
  - e) Reports on proposed decisions for Councillors

Sometime prior to the public meeting the Area Committee Chair and other interested parties as appropriate, may meet with relevant officers in private to plan and agree what business is to be transacted during the coming and future meetings.

- iv The statements should normally be no longer than one side of A4 paper. Members of the public may then address the meeting (the chair may wish to set a time limit, e.g. a maximum of three minutes). Anyone wishing to submit a statement is expected to contact the Democratic Services Officer named on the agenda and submit their statement by no later than 12.00 noon the working day before the meeting. The Chair has the discretion to allow any member of the public, whether or not they have submitted a written statement, to speak during the meeting.

## 6. STATUTORY OFFICERS AND PROPER OFFICERS

FULL COUNCIL HAS MADE OR APPROVED THE APPOINTMENTS SET OUT BELOW

<b>Title / Responsibility (+ statutory derivation)</b>	<b>Officer Appointed</b>
Director of Children's Services (S18 Children Act 2004)	Executive Director People
Director of Adult Social Services (S6 Local Authority Social Services Act 1970)	Director Adult Social Care
Director of Public Health (Health and Social Care Act 2012)	Director of City Wellbeing, Resilience and Strategic Partnerships
Officer Responsible for Financial Administration (S151 Local Government Act 1972)	Director of Finance
Head of Paid Service (S4 Local Government and Housing Act 1989)	Head of Paid Service
Monitoring Officer (S5 Local Government and Housing Act 1989)	Director, Legal and Democratic Services
Electoral Registration Officer (S8, (2A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Returning Officer (S35 (1A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Statutory Scrutiny Officer	Head of Service: Democratic Engagement & Statutory Scrutiny Officer

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 46	Transfer of securities	Director Finance
Local Government Act 1972	Section 83 (1) to (4)	Witnessing and receiving declarations of acceptance of office	Director Legal and Democratic Services
Local Government Act 1972	Section 84(1)	Receiving a councillor's resignation	Director Legal and Democratic Services
Local Government Act 1972	Section 88 (2)	Calling a full council meeting to elect a chair if there is a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 89 (1)	Giving notice of a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 100 except 100 (d)	Opening meetings to the public	Director Legal and Democratic Services
Local Government Act 1972	Section 100 (d)	Listing background papers for reports and making copies available for the public to look at	Director Legal and Democratic Services
Local Government Act 1972	Section 115 (2)	Receiving money due from officers	Director Finance
Local Government Act 1972	Section 146 (1)(a) & (b)	Making declarations and certificates about transferring securities	Director Finance
Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director Legal and Democratic Services
Local Government Act 1972	Section 225	Depositing documents	Director Legal and Democratic Services
Local Government Act 1972	Section 228 (3)	Making accounts available for councillors to look at	Director Finance
Local Government Act 1972	Section 229 (5)	Certifying photocopies of documents	Director Legal and Democratic Services
Local Government Act 1972	Section 234	Authenticating documents	Director Legal and Democratic Services
Local Government Act 1972	Section 238	Certifying byelaws	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 248	Keeping a list of freemen of the city	Director Legal and Democratic Services
Local Government Act 1972	Section 228	Accounts to be opened for inspection	Director Finance
Local Government Act 1972	Part V (a)	Access to reports, etc	Director Legal and Democratic Services
Local Government Act 1972	Section 96(1) & (2)	Notice of pecuniary interests	Director Legal and Democratic Services
Local Government Act 1972	Sections 100 B (2) & (7)	Circulation of reports and agendas and supply of papers to the press	Director Legal and Democratic Services
Local Government Act 1972	Section 100 D (1) (a)	Background papers	Director Legal and Democratic Services
Local Government Act 1972	Section 210 (6) & (7)	Exercise of residual charity functions	Director Finance
Local Government Act 1972	Section 100 C	Summaries of minutes	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12, Para 4 (2) (b)	Signing the summons to full council	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12 Para 4(3)	Being told where to send summonses to full council meetings	Director Legal and Democratic Services
Local Government Act 1972	Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Director Legal and Democratic Services
Local Government Act 1974	Section 30 (5)	Giving notice that copies of an ombudsman's report are available	Individual appointed by Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	Section 41 (1)	Certifying copies of resolutions and minutes	Director Legal and Democratic Services
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Individual appointed by Executive Director Growth and Regeneration

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Representation of the People Act 1983	Section 67	Receiving declarations of election candidature	Director Legal and Democratic Services
Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Director Legal and Democratic Services
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Director Legal and Democratic Services
Local Government and Housing Act 1989	Section 2 (4)	Keeping the list of politically restricted posts	Director Legal and Democratic Services
Local Government (Committees and Political Groups) Regulations 1990	Regulation 14	Notification of allocated or vacated seat	Director Legal and Democratic Services
Local Authorities (Standing Orders) (England) Regulations 2001		Giving notice of appointments and dismissals at chief or deputy chief officer level	Head of Paid Service
Local Government Act 2000		Acting as proper officer for all responsibilities in the Local Government Act 2000 and subordinate legislation	Director Legal and Democratic Services
Public Health Act 1936	Section 85 (2)	Serving a notice requiring action to deal with verminous people or things	Director Landlord and Housing Services.
Public Health Act 1961	Section 37	Controlling verminous things	Director Landlord and Housing Services.
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 18	Getting information about cases of notifiable disease or food poisoning	Director Management of Place



<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Control of Disease) Act 1984	Section 20	Stopping of work to prevent disease spreading	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 21	Excluding children from school if they are likely to carry a notifiable disease	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 22	Asking for the names and addresses of pupils at a school or department of a school	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 31	Certifying the need to disinfect premises	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 32	Certifying the need to remove someone from an infected house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 40	Getting a warrant to examine residents of a common lodging house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 42	Certifying a common lodging house to be free from infection	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 48	Certifying that it would be a health risk to keep a body in a building	Director Management of Place.

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Control of Disease) Act 1984	Section 59	Authenticating documents about things they are responsible for	Director Management of Place
Public Health (Infectious Diseases) Regulations 1988	Regulations 6, 8, 10 & 12	Reporting of infectious diseases; arrangements for vaccination/immunisation; divulging of confidential documents relating to infectious diseases	Director Management of Place
Public Health (Aircraft) Regulations 1979 and Public Health (Ships) Regulations 1979		Functions of the “Medical Officer”	Director Management of Place
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Director Legal and Democratic Services
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Director Legal and Democratic Services
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Director Head of Internal Audit
Housing Act 2004	Section 4	Complaint as to condition of residential premises	Individual appointed by Executive Director Growth and Regeneration
Food Safety Act 1990	Section 49(3)(a)	Authentication of documents, etc.	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 93	Authentication of documents, etc	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 78	Functions of the “surveyor”	Individual appointed by Executive Director Growth and Regeneration
Marriage Act 1949		Proper Officer for registrations	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Births and Deaths Registration Act 1953		Proper Officer for registrations	Director Legal and Democratic Services
Regulation of Investigatory Powers Act 2000		Designated person for authorising the acquisition of communications data	Licensing and Trading Standards Manager
Any legislation past or made before or during 1972		Any functions of “the Clerk of the Council” or the “Town Clerk” which is to be construed as a reference to the Proper Officer of the Council.	Director Legal and Democratic Services
Any legislation past or made before or during 1972 General Data Protection Regulation		Any function of the “Treasurer”  Statutory Data Protection Officer	Director Finance  Head of Information Assurance