



CONSTITUTION

May 2024

Part A1

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Introduction

Summary and Explanation

The Council's Constitution

South Gloucestershire Council has agreed a constitution which sets out how the Council operates and how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose.

How the Council Operates

The Council is composed of 61 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Sub-Committee is responsible for training and advising them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policy framework and set the budget each year. After each full council election, the Council elects the Leader of the Council. The Leader appoints the members of the Executive (the Cabinet) and allocates portfolio responsibilities to these executive councillors.

The Council appoints a Scrutiny Commission to be responsible for overview and scrutiny, and for being the principal means of holding the Executive to account.

Various non-executive committees are appointed by the Council to make decisions on those matters which cannot be the responsibility of the Executive (e.g. development control, licensing and public rights of way).

Members of the public may make statements, ask questions or present petitions at any Council meeting.

Members of the Council may present petitions on behalf of their constituents, ask questions of executive councillors or submit motions for debate at a meeting. They may also contribute views during the course of a meeting on a matter being discussed.

How Decisions are made

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council (elected by the

Council) and between 2 and 9 executive councillors (appointed by the Leader). Together they form the Executive or Cabinet. When decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these decisions are to be discussed with council officers and decided at a meeting of the Cabinet, this will generally be open for the public to attend except where confidential or exempt matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions can also be made by individual executive councillors on matters within their "portfolio" of responsibilities. Decision-making needs are also published in the Executive's forward plan in so far as they can be anticipated. Proposed decisions by executive councillors are published at least five clear working days before they are made.

Delegated powers are also given to Council officers to make operational or more routine decisions in relation to the services they manage for the Council.

Overview and Scrutiny

Overview and scrutiny is undertaken by a Scrutiny Commission which supports the work of the Executive and the Council as a whole. It allows a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Commission also monitors the decisions of the Executive. Any five members of the Council can 'call-in' a decision which has been made by the Cabinet or by an executive councillor but not yet implemented. Decisions "called-in" are reviewed by the Scrutiny Commission, which may recommend that the decision-taker reconsider the decision. The Scrutiny Commission may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Community Engagement Forums

Purpose

The purpose of Community Engagement Forums is to provide a place where local needs, issues and projects can be discussed by local residents, community groups, town & parish councils and public sector organisations in order to help shape future activity.

The Council's Employees

The Council employs staff to give advice, implement decisions and manage and deliver services. Some staff have a specific duty to ensure that the Council acts within

the law and uses its resources wisely. A code of practice governs the relationships between employees and members of the council.

Protection of Children

As part of the Council's commitment to the protection of children, all councillors are expected to participate in the Disclosure & Barring Service (DBS) checking process immediately after initial election and subsequently every four years.

Councillors without a satisfactory current standard DBS after three months of taking office, or after each four year period, will not be able to remain in positions of special responsibility, or as members of council committees where they relate to services for children and young people.

Corporate Parenting

All members of the Council share collective responsibility for children in the Council's care. This involves corporate responsibility for providing the best possible care and protection for the children concerned. Given the importance of this role, all councillors are required to undertake appropriate training.

Citizens' rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- Vote at local elections if they are registered.
- Contact their local councillor about any matters of concern to them.
- Inspect the Council's Constitution (free of charge) or obtain a copy at a charge.
- Attend meetings of the Council, its committees and the Cabinet, except where exempt or confidential matters are being discussed.
- Find out, from the Executive's forward plan, what decisions are to be discussed and decided by the Cabinet or executive councillors, and when.

- Attend formal meetings of the Cabinet where decisions are being discussed or decided.
- Inspect agendas, reports and background papers, for any formal council body and any record of decisions made.

- Complain to the Council about the delivery of council services (our complaints procedure is available from all Council offices).
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process.
- Inspect the Council's accounts and make their views known to the external auditor.

Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or council employees and must not wilfully harm things owned by the council, councillors or employees.

Financial management and Contracts

The management of the Council's financial affairs will be conducted in accordance with the financial regulations. Every contract made by the Council will comply with the Standing Orders relating to contracts.

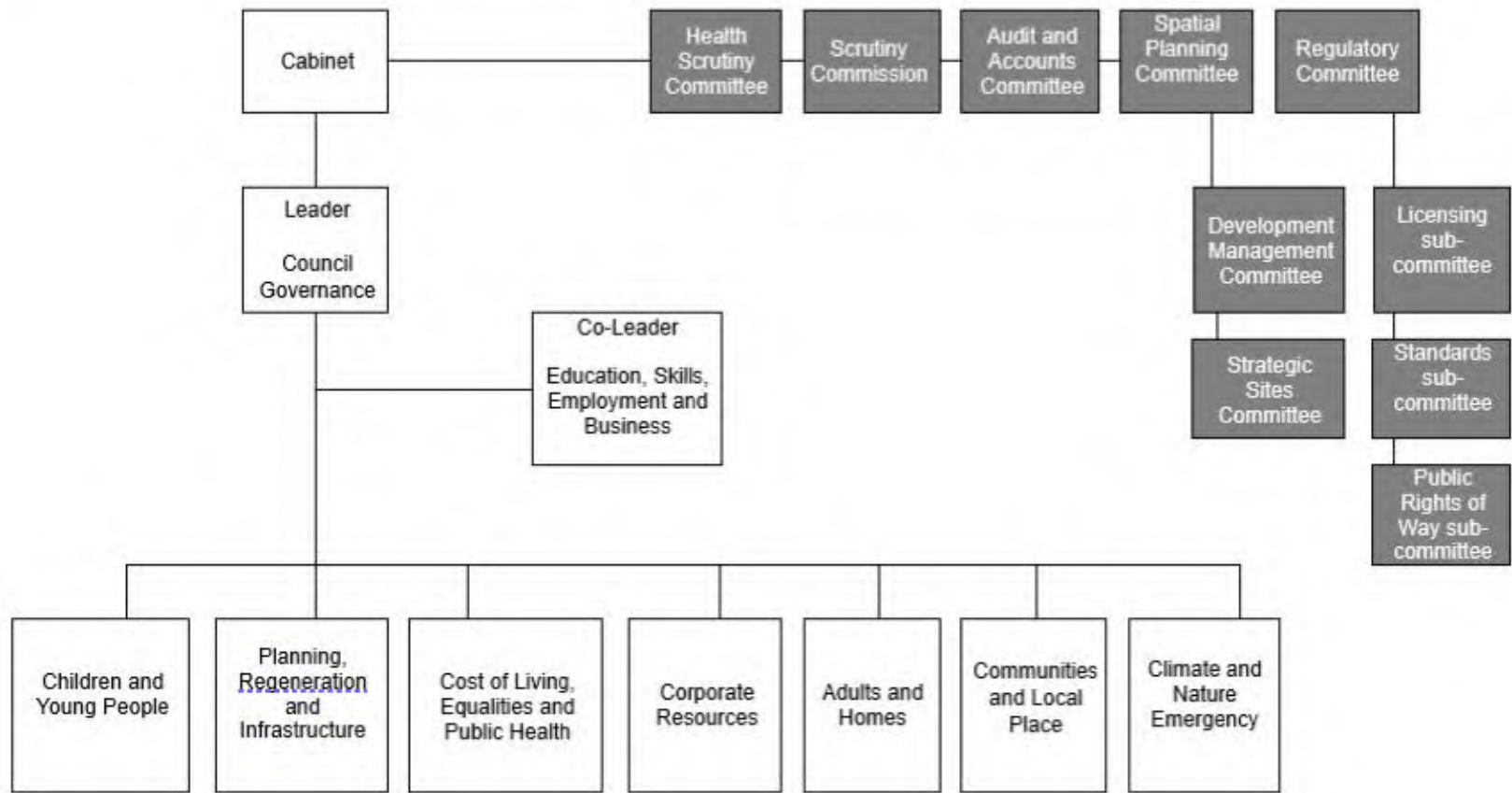
Training

In order to ensure that Councillors undertake their functions and make decisions in an informed and lawful manner the council will require councillors to undertake certain training activities during their term as a Councillor. The following training shall be provided by the Council and shall be undertaken by each Councillor on election or on re-election and subsequently every four years thereafter:-

- Corporate Parenting
- Equalities
- Data Protection
- Planning Law (prior to any member participating at DC Committee)
- Public Rights of Way (prior to any member participating at Public Rights of Way Committee)
- Standards (prior to any member participating at Standards Sub-Committee)
- Licensing (prior to any member participating at a Licensing Sub-Committee)

Further training may be identified by the Cabinet or Committees. The requirement to undertake such training will not require an amendment to the Constitution.

Council



Local Strategic Partnership

Health and Wellbeing Board

Safer & Stronger Partnership

Summary of Council Bodies

Body	Councillors (& other members)	Membership Ratio Con: LD: Lab: other	Access to Information Category
Council	61	23:20:17:1	1
Cabinet	9	0: 5: 4	1
Scrutiny Commission	19 (15+4)	6: 5: 4 + 4 co-opted members for education matters	1
Regulatory	15	6: 5: 4	1
Health Scrutiny	13	5: 4: 3	3
Spatial Planning Committee	18	7: 6: 5	1
Audit & Accounts	9 (7+2)	3: 2: 2 + 2 co-opted independent members	1
Health and Wellbeing Board (not subject to proportionality requirements)	3	Executive Members: <ul style="list-style-type: none"> • Cabinet Member for Cost of Living, Equalities and Public Health • Adults and Homes • Children and Young People 	1
Sub Committees	46	18:14:14	
Joint Consultative Committee (JCC)	7	3: 2: 2	3
Appointments and Employment	7	3: 2: 2	1*
Appointments Panel (of the Appointments and Employment sub Committee)	5 for chief officer (CEO) and 2 nd tier posts, 3 for JNC Service Director 3 rd tier posts	Any	1*
Licensing Sub-Committee (sub of Regulatory)	3	Any 3 members of the Regulatory committee	1*
Public Rights of Way and Commons Registration (sub of Regulatory)	7	3: 2: 2	1

Standards (sub of Regulatory)	3	Any 3 members of the Regulatory committee	1
Development Management Committee	9	3: 3: 3	1
Strategic Sites Delivery Committee	9	3: 3: 3	1
Spatial Planning Committee - referrals up (drawn from members of the Spatial Planning Committee, not counted in sub-committee calculations)	7	3: 2: 2	1

Policy Advisory Groups (of Committees or sub committees)		Task and finish groups constituted as required on a case by case basis – must be approved by Cabinet	3
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Joint Committees / Arrangements			
Joint Health Scrutiny Committee (BNSSG) (Strategic Transformation Plan) (included within sub-committee calculations)	7	3: 2: 2	1
Police and Crime Panel (PCP)	2	Parties to nominate (as stipulated by the Police and Crime Panel): 0: 1: 1	1
Avon Pension Fund Committee	1	0: 1: 0	1
Avon Fire Authority	5	Proportionality to be confirmed by the Fire Authority 2: 2: 1	1
West of England Combined Authority	1	Leader of the Council (or one of the two nominated substitutes)	1
West of England Combined Authority Overview & Scrutiny	3	1: 1: 1 Stipulated by the Combined Authority	1
West of England Combined Authority Audit Committee	3	1: 1: 1 Stipulated by the Combined Authority	1

FORUMS			
Governors Consultative Forum	3	Any members	3

Schools Forum	1	Executive Member for Education, Skills, Employment and Business	2
Community Engagement Forums		Ward Councillors for the area	1

PANELS AND GROUPS			
Lay Review Panel	3(1)	Individual panels constituted on basis of any 3 trained councillors + lay person	3
Adoption / Permanence Panel	1		3
Fostering Panel	1		3
Adoption West Joint Scrutiny Panel	1	Appointment by the Administration	3
Corporate Parenting Steering Group	4	Executive Member for Children and Young People and 3 other members	3
SACRE	3		3
Complaints Panel	3	Any	3
Employee Appeals Panel	3	Any	3

STRATEGIC PARTNERSHIP BODIES			
South Gloucestershire Partnership (Local Strategic Partnership)	3	Leader of the Council and 2 members	1
Safer and Stronger Communities Strategic Partnership	3	Leader of the Council and 2 members	1

OTHER PARTNERSHIPS			
Learning Difficulties Partnership Board	1	Executive Member for Education, Skills, Employment and Business	3
Drug and Alcohol Partnership	1	Appointment by the Administration	3
Cotswold AONB Partnership (statutory outside body)	1	Any	2
Local Enterprise Partnership (LEP)	1	Leader of the Council	3
Children, Young People and Families Partnership	1	Executive Member for Children and Young People	1

OTHER BODIES			
Circadian Leisure Trust	3	1: 1: 1	

Access to Information Categories

Category 1

Bodies which the public are welcome to attend (unless they are excluded during consideration of exempt or confidential business)

* An asterisk indicates that decision-making is normally likely to be carried out in confidential or exempt session.

Category 2

Bodies for which there is no statutory right of public attendance but where public attendance rights have been given.

Category 3

Bodies to which the members of the public are not normally admitted, unless by specific invitation

Terms of Reference of Committees and Council Bodies

General Points

- Political Group Leaders will be ex officio, non-voting members of all Committees and sub committees unless indicated otherwise. Political lead members of each Committee will be ex officio on sub committees (with the exceptions of Regulatory sub committees). The non-voting provision does not apply if the ex officio member is substituting for another member or is actually appointed to a committee.
- Parent Committees have the power to deal with any matter delegated to a subcommittee if required.

Council

To be the principal debating forum for major policy issues of significance to the Council and the people of South Gloucestershire

- All functions vest in Council and Council is responsible for adopting and changing the constitution
- Creation of committees and delegation of functions to committees through setting Terms of Reference
- To appoint the Committees Chairs and Vice Chairs, lead members and vice lead members for specific functions.
- To make appointments to outside bodies
- Receiving and considering reports from committees or officers.
- The adoption of member and officer codes of conduct and protocols;
- Setting of the Medium Term Financial Plan and budget
- Setting the Council Tax
- To promote and maintain high standards of conduct by members and co-opted members of the council
- Changing the name of the area or conferring the title of honorary alderman
- Confirming the appointment of the head of paid service
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills

Matters reserved by statute to Council:

- Annual library plan Section 1(2) of the Public Libraries and Museums Act 1964

- Crime and disorder reduction strategy Sections 5 and 6 of the Crime and Disorder Act 1998
- Development plan documents Section 15 of the Planning and Compulsory Purchase Act 2004
- Licensing authority policy statement Section 349 of the Gambling Act 2005
- Local transport plan Section 108(3) of the Transport Act 2000
- Plans and alterations which together comprise the Development Plan Part 2 of, and schedule 8 to, the Planning and Compulsory Purchase Act 2004
- Sustainable community strategy Section 4 of the 2000 Act
- Youth justice plan Section 40 of the Crime and Disorder Act 1998
- The approval for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, of any plan or strategy, referred to above (whether or not in the form of a draft) of which any part is required to be so submitted.
- The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision; and
- The function of amending, modifying, varying or revoking any plan or strategy referred to above (whether approved or adopted before or after the coming into force of these Regulations 2012 / 1020).
- The point above does not apply to any amendment, modification, variation or revocation which:-
 - (a) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
 - (b) is authorised by a determination made by the local authority:-
 - in pursuance of arrangements made for the discharge of functions under section 101 of the 1972 Act; and
 - at the time when the local authority approves or adopts the plan or strategy, as the case may be.
- The making of a members' allowance scheme authorised or required by Regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the 1989 Act or of amending, revoking or replacing any such scheme
- The functions of the determination of:-
 - (a) the amount of any allowance payable under:-
 - subsection (5) of section 3 (chairman's expenses) of the 1972 Act;
 - subsection (4) of section 5 (vice chairman's expenses) of that Act;

- (b) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or the rates at which payments, by way of any such allowance, are to be made.
- The function of making a request to the Local Government Boundary Commission for England under section 57 (requests for single-member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single-member electoral areas.
 - The function of passing a resolution to change a scheme for elections under sections 32(1), 37(1) or 39(1) (resolutions for schemes of elections) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”)
 - The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act.
 - The function relating to the voting rights of co-opted members of an overview and scrutiny committee under regulation 11.
 - The functions relating to the Local Authorities (Standing Orders) (England) (Amendment) Regulation 2015.
 - To approve the process to be adopted for the appointment of external auditors.

May 2023

The Council's Administration is formed from a partnership of the Liberal Democrat and Labour Groups on the Council; the Groups have entered into a formal partnership agreement (19 May 2023 – the Partnership Agreement) which specifies how the executive portfolios will be distributed between the groups. Where appropriate the provisions of this Constitution will be interpreted in accordance with the Partnership Agreement.

Cabinet

Cabinet Portfolios

- Leader and Executive Member for Council Governance
 - Co-leader (role undertaken by a Cabinet Portfolio holder)
- Cost of Living, Equalities and Public Health
- Children and young people
- Planning, Regeneration and Infrastructure
- Communities and Local Place
- Corporate Resources
- Adults and Homes
- Education, Skills, Employment and Business
- Climate and Nature Emergency

Cabinet portfolios will be shared between the Liberal Democrat Group and the Labour Group in accordance with the Groups representative share of the council as a whole.

The Liberal Democrat Group on Council will hold 5 Cabinet seats, including the Leader of the Council, and are referred to (where appropriate) in these Terms of Reference as the LD Group.

The Labour Group on Council will hold 4 Cabinet Seats, including Co-Leader of Council, and are referred to (where appropriate) in these Terms of Reference as the Labour Group.

Leader of Council and Cabinet Member for Council Governance

- To discharge the statutory functions of the Leader of South Gloucestershire Council (SGC).
- Act as the principal spokesperson and advocate for SGC.
- Promote the reputation and interests of South Gloucestershire locally and nationally.
- Act as the lead member for emergency planning (working with the council's Chief Executive)
- To represent SGC as the member appointed to the West of England Combined Authority (WECA), Western Gateway and other strategic outside bodies (national, sub-regional and local) and to decide member representation on WECA Boards
- Strategic oversight for the Economy, including strategic level engagement with key stakeholders and prospective investors in South Gloucestershire. To act as lead promoter of South Gloucestershire as a place live, work, and visit.
- Implementation of the Council Plan and all relevant plans and strategies
- Development of the medium-term financial plan and budget development
- To keep under review, and lead work on the overall governance of the council for recommendation to Council as relevant, including work on localism and local decision making
- In consultation with the Co- Leader to appoint members from time to time to act as "Champions" for particular interests both within the Council and outside, subject to such guidance, protocols and support as the Leader deems necessary for the effective operation of the roles.
- In the absence of an Executive Member(s) to exercise any of the functions of the Executive Member(s), save that if a Labour Group Member(s) is absent the Leader will only exercise the functions of the Labour Group Executive Member(s) if the Co-Leader is also absent.

Co-leader of Council

- To assist the Leader of Council with the promotion of the people and places of South Gloucestershire, budget development and policy coordination
- In the absence of an Executive Member(s) to exercise any of the functions of the Executive Member(s), save that if a LD Group Executive Member(s) is absent the Co-Leader will only exercise the functions of the LD Group Executive Member(s) if the Leader is also absent.
- To deputise for the Leader of Council as requested by the Leader.

Cost of Living, Equalities and Public Health

- To act as the lead member for reducing inequality and health inequality
- To lead the relationship with the Voluntary Community Social Enterprise sector
- To lead on the following agendas:
 - o Public Health agenda
 - o Promoting positive equality of opportunity for all
 - o Strategic lead working with all Executive Members to promote reducing the inequality gap
- Working with the Health and Wellbeing Board in driving the population health management agendas
- Lead Member for the Armed Forces Covenant
- Development of capital schemes within Portfolio

Adults and Homes

- To act as the lead member for adult Social Care and housing including:
 - o Relationship with the Care Quality Commission (CQC) as relevant to the portfolio
 - o Mental Health services delivered in accordance with section 75 National Health Service Act 2006 arrangements
- Work with the Safeguarding Adults Board
- Lead the council's work in respect of the joint health and social care agenda, including relationships with the SG Locality Partnership, the BNSSG Integrated Care Partnership, the SG and Joint Health and Well Being Boards, and where relevant the BNSSG Integrated Care Board (ICB)
- Delivery of service based housing functions, including the HomeChoice service and the assessment of housing need, homelessness and temporary accommodation provision, Gypsy and Travellers provision, and Asylum and Resettlement into our communities services
- Working with the Learning Difficulties Partnership Board
- Development of capital schemes within Portfolio

Children and Young People

- To act as the lead member for Children's social care and preventative services including
 - o discharge of Corporate Parenting responsibilities
 - o oversight of safeguarding responsibilities
 - o Vinney Green Secure Children's Home
- To act as the Single Statutory Lead Member for Children, covering Education and Social Care, ensuring a close and joint working approach with the Executive Member for Education
- Work with the South Gloucestershire Children's Partnership
- Lay review panel, Fostering Panel, Adoption Panel and Governors Consultative Panel
- Development of capital schemes within Portfolio

Education, Skills, Employment and Business

- To act as the lead member for:
 - Local authority education services and Early Years provision
 - Partnership working with schools, academies and independent provision
 - Partnerships to deliver inclusive education and support for children with a Special Educational Need and Disability
 - Employment & Skills, including relevant elements of Devolution agreement
 - Relationship with the Schools Forum and the Local Schools Standards Board
 - Relationship with Further Education and Higher Education sector
 - Relationship with, and support to, Business and High Streets
- Development of capital schemes within Portfolio

Planning, Regeneration and Infrastructure

- To act as the lead member for strategic place-based narrative including:
 - o Strategic regeneration (area wide master planning)
 - o Strategic planning, including leading on Local Plan
 - o Strategic infrastructure planning, design, and commissioning, including transport, highways, digital and green infrastructure
- Capital schemes (above £5m) within Portfolio
- Housing delivery and strategic employment sites
- Sustainable development
- Supporting the Transport Authority
- Develop Compulsory Purchase Order for major schemes within Portfolio
- Development of capital schemes within Portfolio

Communities and Local Place

- To act as the lead member for delivering services specific to community and place
 - o Regulatory, licensing and enforcement services, including Building control, planning enforcement, enviro-crime, environmental health, trading standards and executive responsibilities in relation to licensing.
 - o Customer service, including libraries, one-stop shops and customer contact.
 - o Wellbeing, including publicly accessible open spaces, leisure and the partnership with the Circadian Trust and sport and cultural development.
 - o StreetCare services, including highway and open space maintenance.
 - o Community safety, including working with the Prevent Board to ensure that the Prevent and Channel duties are properly met and Charing the Community Safety Partnership ensuring crime and disorder duties are properly discharged, including domestic homicide reviews.

- Waste management, including Waste Disposal Authority and Waste Collection Authority responsibilities Development of capital schemes within Portfolio
- Development of capital schemes within Portfolio
- Develop Compulsory Purchase Order for major schemes within Portfolio

Corporate Resources

- To act as the lead member for the provision of corporate services to the council, including:-
 - o IT & Digital
 - o Human Resources
 - o Legal Governance and Democratic Services
 - o Finance
 - o Property, including acquisition in line with relevant strategies and working with other executive members on regeneration schemes
 - o Corporate Communications
 - o Setting fees and charges
- Power to deal with any matters related to departments at an operational level
- Implement corporate strategies
- Stewardship of the allocation of the council's resources
- Delivery of capital programme and the appropriate financing strategies for the delivery of council objectives across portfolios
- Development of capital schemes within Portfolio
- Integra Services

Climate and Nature Emergency

- Leading the council response to the climate and nature emergency
- Strategic responsibility for:
 - The delivery of the Climate and Nature Emergency Plan and reporting progress annually to full Council
 - Decarbonisation - policy and project development and commissioning, including those matters related to decarbonisation of transport, domestic households, energy supply and business,
 - Adaptation to a changing climate - policy and project development and commissioning, including those matters related to flood and coastal management, including duties related to the Lead Local Flood Authority
 - Nature recovery - policy and project development and commissioning, including those matters related to commons, woodlands, and tree planting.
 - Enabling positive partnership working with key climate and nature emergency partners, including Natural England, Environment Agency and WECA.
- Development of capital schemes within Portfolio

Committees

Joint Consultative Sub-Committee, Appointments and Employment Sub Committee and Appointments Panel

Joint consultative sub committee

Membership

Employer's	7 Members
Trade Union	As nominated by the Trades Unions
Ex officio membership:	Group Leaders

Terms of Reference

1. To provide a forum for the exchange of views between elected Members and Trades Unions on matters affecting employees.
2. To consider specific matters affecting employees that are referred to it by the Council Members, the Unions and officers.
3. To provide a forum for:
 - consulting on developing and reviewing the Council's health and safety policies and procedures and monitoring their effectiveness
 - considering how new national advice/regulations affect the council
 - receiving annual reports on accident and sickness absence rates and related statistics
 - considering reports on significant major accidents or incidents which have corporate implications.
4. On the basis that departmental issues should be resolved at department level (in Health and Safety Committees, Departmental Consultative Committees or other ad hoc management / trade union meetings) they should only be raised at the sub-committee if they have:
 - already been raised and discussed at departmental level and have not been satisfactorily resolved.
5. Unless agenda items are of matters of extreme urgency they need to be supported by a written report.

APPOINTMENTS AND EMPLOYMENT SUB COMMITTEE

Membership

Membership	7
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Note: All Members of the Committee are expected to undertake equalities training. All Members who serve on the Appointments Panel are expected to undertake fair selection and recruitment training.

Note: Changes negotiated through the national negotiation framework collective bargaining arrangements will be implemented in line with the relevant agreement.

Terms of Reference

1. To determine the employment policies and terms and conditions on which Council employees hold office as required by Section 112, Local Government Act 1972.
2. Power to appoint officers for particular purposes (appointment of “proper officers” (Section 270(3), Local Government 1972).
3. Duty to designate officer as the head of the authority’s paid service, and to provide staff (Section 4(1), Local Government & Housing Act 1989).
4. Duty to designate officer as the monitoring officer, and to provide staff (Section 5(1), Local Government & Housing Act 1989).
5. Duty to make arrangements for the proper administration of financial affairs etc. (Section 151, Local Government Act 1972).
6. Functions relating to local government pensions (Regulations under Sections 7, 12 and 24 of the Superannuation Act 1972).
7. Functions under the Firefighters Pension Scheme etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.
8. To determine issues relating to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

APPOINTMENTS PANEL (of the Appointments sub committee)

Membership

For Chief Officer posts (tiers 1 & 2)	5 Members (Any)
For 3 rd tier JNC posts	3 Members (Any)

Ex officio membership	None
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Terms of Reference

To undertake and determine all aspects of the process for the recruitment and selection of tier 1 and tier 2 chief officers and JNC 3rd tier service director posts.

To deal with appointments of senior officers in accordance with the council's Pay Policy Statement¹.

¹ Chapter8, Part 1 Localism Act 2011

Health Scrutiny

Terms of Reference

- Acting in accordance with Guidance undertake all or any functions associated with the broad purpose and terms of reference of the Committee.
- The ability to establish Advisory Groups as required to consider matters and report to the Committee.
- To respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Health Scrutiny.

Scrutiny Role

- To advocate for the best possible health services for the residents of South Gloucestershire.
- To hold the NHS and other providers of health services to account through robust Overview and Scrutiny.

Government Guidance for Health Scrutiny (as at May 2024):

[Local authority health scrutiny - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/local-authority-health-scrutiny)

[Health overview and scrutiny committee principles - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-overview-and-scrutiny-committee-principles)

Health and Wellbeing Board

Overview

The Health and Wellbeing Board (HWB) is constituted pursuant to S.194 of the Health and Social Care Act 2012 (the Act) and operates as a formal Committee of the Council (pursuant to S.102 LGA 1972) as from the 1 April 2013.

The Health and Care Act 2022 introduced new architecture to the health and care system, specifically the establishment of integrated care boards (ICBs) and integrated care partnerships (ICPs). The Health and Care Act 2022 did not change the statutory duties of HWBs as set out by the 2012 Act. HWBs continue to play an important statutory role in instilling mechanisms for joint working across health and care organisations and setting strategic direction to improve the health and wellbeing of people locally.

Purpose and Aims

- Provide a forum where political, clinical, professional and community leaders from across the health and care system in South Gloucestershire, come together to improve the health and wellbeing of the local population (including children and young people and vulnerable adults) and reduce health inequalities, ensuring a strong focus on establishing a sense of 'place'.
- Promote greater integration and partnership between the NHS (South Gloucestershire Locality Partnership (LP), the Bristol, North Somerset and South Gloucestershire (BNSSG) Integrated Care Board (ICB) and Integrated Care Partnership (ICP)), local authority and wider partner organisations, paying regard to and challenging partners to work collaboratively and agree joint areas of focus.
- Work collaboratively with the South Gloucestershire LP, hold joint development sessions and agree joint areas of focus and priorities.
- Assess the health and wellbeing needs of the South Gloucestershire population and publish a joint strategic needs assessment (JSNA).
- Publish a South Gloucestershire Joint Local Health and Wellbeing Strategy (JLHWS), which builds upon and promotes the use of the JSNA; and outlines how services, partnerships and plans coordinate to ensure robust planning at a South Gloucestershire 'place' and ICS level to meet need and improve health and wellbeing outcomes of the local population.
- Ensure the JLHWS directly informs the development of joint commissioning arrangements (see section 75 of the National Health Service Act 2006) in South Gloucestershire and the co-ordination of NHS and local authority commissioning, including Better Care Fund (BCF) plans, providing the governance for the BCF pooled fund in South Gloucestershire.
- Assess needs for pharmaceutical services in South Gloucestershire and publish and keep up to date a Pharmaceutical Needs Assessment (PNA).
- Support the development and implementation of the BNSSG Integrated Care Strategy, which will set the direction for the system as a whole and tackle those challenges that are best dealt with at a system level.
- Support the development and implementation of the 5-year BNSSG Joint Forward Plan; provide comments and confirm that it takes proper account of the South Gloucestershire JLHWS.
- Be a forum for discussions about strategic and operational co-ordination in the delivery of services already commissioned.

Functions

The HWB will:

- Keep the South Gloucestershire JSNA (via the [South Gloucestershire Our Population Dashboard](#)) up to date to ensure it continues to identify local needs and priorities.
- Keep the South Gloucestershire [Pharmaceutical Needs Assessment](#) (PNA) up to date to ensure it continues to reflect local needs and priorities for pharmaceutical services.
- Develop the South Gloucestershire Joint Local Health and Wellbeing Strategy (JLHWS) 2025-29 and implement monitoring and oversight arrangements.
- Prepare, contribute to and submit the Better Care Fund Plan that sets out the local vision for health and care services.
- Be involved in the preparation and annual refresh of the ICB 5-year Joint Forward Plan, which before the start of each financial year, the ICB, with its partner NHS trusts and NHS foundation trusts, must undertake. This includes the HWB receiving the ICB 5-year Joint Forward Plan (refreshed annually) and providing a statement about whether it takes proper account of the South Gloucestershire JLHWS.
- Receive the ICB Annual Report to support its review of the steps taken to implement the South Gloucestershire JLHWS.
- Provide a response to NHS England about the ICB's contribution to the delivery of the JLHWS for inclusion in its annual performance assessment of the ICB.
- Produce an annual report of HWB activities and actions.
- Ensure effective linkages are maintained to partnership bodies that align and/or report up to the HWB; as well as to the wider South Gloucestershire Local Strategic Partnership.
- Maintain an overview and receive annual reports on the safeguarding system for children, young people and vulnerable adults.
- Oversight of the South Gloucestershire Children's Partnership. This will involve the receipt of reports and recommendations in relation to multi-agency working to improve the health and wellbeing outcomes for children and young people.
- Receive updates from the South Gloucestershire Health Protection Assurance Group on controls and assurances against identified health protection risks and issues in the area.
- Provide reports, via the Chair, on the work of the HWB to the Health Scrutiny Committee.
- Members will comply with the South Gloucestershire Code of Conduct for Members, which is set out in the Council's Constitution in Part C or their own organisation's code (where there is duplication).

Board members

Cabinet Member for Cost of Living, Equalities and Public Health*
Cabinet Member for Adults and Homes* (Chair of the Board)
Cabinet Member for Children and Young People*
Director of Adults, Housing and Community Development, South Glos Council*
Executive Director – People, South Gloucestershire Council*
Director of Public Health, South Gloucestershire Council*
Deputy Chief Executive Officer, NHS BNSSG Integrated Care Board*
Chief Officer, BNSSG Healthwatch *

Chief Executive, The Care Forum
Chief Executive, North Bristol NHS Trust
Chief Executive, Sirona Care & Health
Operations Manager, Avon & Wiltshire Mental Health Partnership NHS Trust
Local Policing Area Commander – South Gloucestershire, Avon & Somerset Police
Chair, South Gloucestershire Locality Partnership
Associate Director for Localities, Bromford
Locality Partnership Director, NHS BNSSG ICB
Area Manager, Risk Reduction, Avon Fire & Rescue
County Commander BNSSG, Southwest Ambulance Service NHS Trust
Service Director of Community Services, South Gloucestershire Council
Southern Brooks Community Partnership
CVS South Gloucestershire
Chief Executive, Circadian Trust

Process

Agreement will normally be by consensus; a vote will be taken of all Board members where recommendations are being considered.

If a formal vote (on a matter of statutory function is required) voting rights will be limited to statutory board members (denoted by *) of the Board.

The Cabinet Member for Adults and Homes will chair the Board and a vice-chair will be elected from its membership at the first meeting of each civic year (which runs from May to April).

Quorum: meetings will be quorate if a third of statutory members of the HWB are present including at least one each from SGC and the ICB. Only Board Members attending in person will be able to participate in the meeting and any required votes. Board members may send a substitute if they are unable to attend and wish to exercise their vote.

Board meetings will be held in public four times per year and in between there will be private development sessions jointly with the South Gloucestershire LP and if necessary other partnerships, dependent on the topic being considered.

Review

The Board will formally review these terms of reference every 12 months and make any recommendations to amend these to full Council.

Useful link: [Health and wellbeing boards – guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-and-wellbeing-boards)

Scrutiny Commission

A 15 member Scrutiny Commission with an opposition Chair. The Scrutiny Commission cannot include executive members and is subject to political proportionality.

The Scrutiny Commission has a number of functions and will:

- agree issues to be considered by the Scrutiny Commission as part of a strategic work plan;
- review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive
- make recommendations to the Executive;
- call in decisions of the Executive;
- monitor in year performance and budgets,
- where the council is acting in its capacity as lead local flood authority, to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the district area; and
- Scrutiny of Safer & Stronger Partnership activities - Scrutiny will be conducted in accordance with the Protocol jointly agreed between the Strategic Partnership and South Gloucestershire Council. As a minimum, an annual report of the Partnership will provide a basic opportunity for the scrutiny of partnership work to take place. However the Scrutiny Commission may wish to pursue additional and specific areas of scrutiny as it considers appropriate
- conduct in-depth reviews of particular issues of relevance through the establishment of:
 - o informal and focused task and finish groups
 - groups will be comprised of Scrutiny Commission and other members. Task and finish groups will carry out in-depth, focused, and potentially cross cutting pieces of work, which may take 3/6 months. It is anticipated that there may be 5/6 such reviews spread across the year.
 - o Standing groups

Where the Scrutiny Commission is scrutinising decisions relating to the exercise of the council's education functions² it shall appoint:

- minimum of 2 and a maximum of 5 Parent Governor Representatives³;
- one representative from the Church of England⁴; and
- one representative from the Roman Catholic Church⁵.

² As set out in sections 578, 579 and Schedule 36A of the Education Act 1996 (as amended) and any subsequent or successor legislation

³ Local Authorities (Committee System)(England)Regulations 2012 (local authority maintained schools only)

⁴ ibid

⁵ ibid

Regulatory

Terms of Reference

- Undertake all or any functions associated with the broad purpose and terms of reference of the Committee.
- Duty to implement the Sustainable Community Strategy through the Council plan relevant to the Committee general portfolio.
- Responsibilities for all strategies associated with the committee portfolio area not reserved for council.
- Responsibility for setting fees and charges, for budget and performance management and risk management within terms of reference.
- Ability to request permission from Policy and Resources committee to establish Advisory Groups as required to consider matters and report to the Committee.
- Engaging with the voluntary and community sector in respect of planning and delivery of services for Regulatory Services.
- To respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Regulatory Services.
- Licensing, Regulatory matters and specific functions relating to Election.
- Standards and determination of Standards complaints and approval of all relevant procedures to discharge these functions.
- Public Rights of Way and Commons Registration, Town and Village Green matters.
- Duties under the Regulatory investigatory Powers Act 2000.
- To recommend to Council such changes to the adopted Code of Conduct as are appropriate from time to time.
- To appoint independent persons / members as required by the Council subject to any relevant statutory requirements.

Functions relating to Elections

- Duty to appoint an electoral registration officer returning officer for local government elections.
- Functions relating to changes in community governance (parish) arrangements and parish reviews that are not reserved for Council.
- Power to alter the years of ordinary elections in parish councils.
- Duty to divide the constituencies into polling districts.
- Power to pay expenses incurred by electoral registration officer.
- Power to make temporary appointments to parish councils.

- Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
- 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 the People Act 2000.

Miscellaneous Functions

Functions relating to sea fisheries.

Functions Relating to Licensing

The Regulatory Committee will carry out the Licensing function and powers of the authority unless reserved for council or delegated to officers. For clarity, power to set taxi fares including consideration of any objections and Sex Establishment fees and designated Public Places Order made pursuant to The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 are reserved for the Committee to decide.

Matters reserved for Council are the approval of Gambling Act 2005 policies and Licensing Act 2003 policies.

Licensing Sub Committees

The Licensing powers will be exercised through the licensing sub committee, as shown in the table below:

Table of Delegations of Gambling Act Licensing Functions

Matter to be dealt with	Regulatory Committee or Sub Committee	Delegations of Functions to Director of Community Services
(a) Three year licensing policy (for full Council to decide)		
(b) Policy not to permit casinos (for full Council to decide).		
(c) Fee Setting – when appropriate.	Yes	
(d) Application for premises licenses	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(e) Application for a variation to a licence.	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(f) Application for a transfer of a licence.	Where representatives have been received from the Commission.	Where no representatives received from the Commission.
(g) Application for a provisional statement.	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(h) Review of a premises licence	Yes	
(i) Application for club gaming/club machine permits	Where representatives have been received and not withdrawn.	Where no representatives received or representations have been withdrawn.
(j) Cancellation of club gaming/club machine permits	Yes	
(k) Applications for other permits		Yes
(l) Cancellation of licensed premises gaming machine permits		Yes

(m) Consideration of temporary use notice.		Yes
(n) Decision to give a counter notice to temporary use notice.	Yes	

Licensing sub committee	Any 3 members of the Regulatory Committee	(a) Licensing Act 2003 determinations To hear representations from applicants, licence holders, Responsible Authorities and Interested Persons and determine applications and notices made under the Licensing Act 2003 as follows:	In all other circumstances, delegation to the Director of Community Services	
		Functions to be dealt with by the Sub-Committee		Circumstances
		Application for personal licence.		If a police objection is made.
		Application for personal licence, with unspent convictions.		If a police objection is made
		Application for premises licence/club premises certificate		If a relevant representation is made.
		Application for provisional statement.		If a relevant representation is made.
		Application to vary premises licence/club registration certificate.		If a relevant representation is made.
		Application to vary designated personal licence holder.		If a police objection is made.
		Application for transfer of premises licence.		If a police objection is made.
Application for Interim Authorities.	If a police objection is made.			

		<table border="1"> <tr> <td>Application to review premises licence/club premises registration.</td> <td>All cases.</td> </tr> <tr> <td>Determination of a police objection to a temporary event notices.</td> <td>All cases.</td> </tr> </table>	Application to review premises licence/club premises registration.	All cases.	Determination of a police objection to a temporary event notices.	All cases.	
Application to review premises licence/club premises registration.	All cases.						
Determination of a police objection to a temporary event notices.	All cases.						
Licensing sub-committee (continued)		<p>(b) Gambling Act 2005 determinations (see details under the Committee delegations)</p> <p>(c) Other licensing determinations</p> <ol style="list-style-type: none"> 1. To determine any application for a license, registration or permit that relates to the functions of the Committee, to which an objection has been raised. 2. To hear representations from licence holders, registration holders and applicants and determine applications that relate to the functions of the Committee. 3. To grant, renew, transfer, vary or revoke sex establishment licences. 	In all other circumstances, delegation to the Director of Community Services				

Scheme of Delegation of Functions under the Scrap metal Dealers Act 2013

Matter to be dealt with	Regulatory Committee	Licensing Sub-Committee	Officers
Determination of fees	All fees		
Application for a Site Licence		If a relevant presentation is made	If no relevant representation is made
Application for a Collectors Licence		If a relevant presentation is made	If no relevant representation is made

Application to vary a Site Licence		If a relevant presentation is made	If no relevant representation is made
Application to vary a Collectors licence		If a relevant presentation is made	If no relevant representation is made
Revocation of a Site Licence or Collectors Licence		Where the revocation is contested	Where the revocation is not uncontested
Refusal to renew a licence		Where the refusal is contested	Where the refusal is not contested
Revocation of a Site Licence or Collectors Licence		Where revocation is contested	Where revocation is not contested
Refusal to vary a licence		Where the refusal is contested	Where the refusal is not contested
The inclusion of conditions on a licence		Where condition/s is contested	Where condition/s is not contested
Issue of a Closure Notice			All cases
Cancellation of a Closure Notice			All cases
Application for a Magistrates Closure Order			In conjunction with Legal Services

Public Rights of Way and Commons Registration Sub Committee

Note: members must be trained to sit on the Public Rights of Way committee

Terms of Reference

To carry out all functions relating to:-

- the Council's role as commons registration authority in accordance with Part I of the Commons Act 2006 and the Commons Registration Act 1965.
- public rights of way as provided:-
 - (i) in the Highways Act 1980, and
 - (ii) in the Wildlife and Countryside Act 1981
 - (iii) in Parts i & ii of the Countryside and Rights of Way Act 2000
- the power to convert footpaths to cycle tracks as provided in the Cycle Tracks Act 1984.

Standards Sub Committee

Membership

The membership of the Standards Sub Committee will be drawn from the Regulatory Committee. A Standards Sub Committee will comprise of 3 members (1:1:1). All Sub Committee members shall undertake training as required.

Terms of Reference

The Standards committee shall:

- receive complaints made by any persons about elected and co-opted Councillors of South Gloucestershire Council and all parish and town councils within the district of South Gloucestershire.
 - (i) Assess the complaints and determine whether, having considered the adopted Code, a complaint requires further investigation.
 - (ii) In accordance with the requirements of Section 33 of the Localism Act 2011, to consult with the Independent Person.
 - (iii) Instruct the Monitoring Officer to undertake an independent investigation of a complaint in accordance with procedures approved by the Regulatory Committee.
 - (iv) Receive investigation reports and to consider the same in accordance with procedures approved by the Regulatory Committee and to determine any appropriate penalty.

- The Standards committee shall exercise (i) to (v) above in relation to the elected and co-opted councillors of the parish and town councils within the district of South Gloucestershire Council
- To determine applications made under the Localism Act 2011 for dispensations.

Spatial Planning Committee

Strategic Sites Delivery Committee

Development Management Committee

Roles applicable to all three committees

All Town and Country Planning and development control functions on matters within the geographical area covered by the Committee.

To discharge the Council's town and country planning and development management functions on matters within the geographical area covered by the Committee.

Undertake all or any functions associated with the broad purpose and terms of reference of the Committee.

Additional roles for the SPATIAL PLANNING COMMITTEE only

To be the body from which the membership of the Development Management Committee (DMC) and Strategic Sites Delivery Committee (SSDC) is drawn.

To be a body from which members are drawn to form a sub-committee to determine planning and related applications referred to it from the Development Management and Strategic Sites Delivery Committees

At the request of the Cabinet and/or the Executive Member for Planning, Transport and Strategic Environment, to provide views on spatial planning policy under development.

Additional roles for the STRATEGIC SITES DELIVERY COMMITTEE only

To determine:

Any application which first established the principle of development for more than 250 dwellings or 10 ha of employment development.

Any application or matter which in the opinion of the Director will have a strategic impact or which raise issues of more than local importance.

Additional roles for the DEVELOPMENT MANAGEMENT COMMITTEE only

To determine:

Any application or matter appearing on the Circulated Schedule which is properly referred by any Member of the Council, unless they fall to be determined by the SSDC by virtue of their location, type or scale.

Any applications referred to the committee by the Director.

Terms of Reference for the Spatial Planning Committee, Development Management Committee and Strategic Sites Delivery Committee Development Control for the applications which fall to be determined by them:

- Power to determine application for planning permission.
- Power to determine applications to develop land with a variation to conditions previously attached.
- Power to grant planning permission for development already carried out.
- Power to decline to determine application for planning permission.
- Duties relating to the making of determinations of planning applications.
- Power to determine application for planning permission made by a local authority, alone or jointly with another person.
- Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- Power to enter into agreement regulating development or use of land.
- Power to issue a certificate of existing or proposed lawful use or development.
- Power to serve a completion notice.
- Power to grant consent for the display of advertisements.
- Power to authorise entry onto land.
- Power to require the discontinuance of a use of land.
- Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.
- Power to issue an enforcement notice.
- Power to apply for an injunction restraining a breach of planning control.
- Power to determine applications for hazardous substances consent, and related powers.
- Duty to determine conditions to 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.
- Power to require proper maintenance of land.
- Power to determine application for listed building consent, and related powers. Power to determine applications for conservation area consent.
- Duties relating to applications for listed building consent and conservation area consent.
- Power to serve a building preservation notice, and related powers.
- Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- Powers to acquire a listed building in need of repair and to serve a repairs notice.
- Power to apply for an injunction in relation to a listed building.
- Power to execute urgent works.
- Powers relating to the preservation of trees.
- Powers relating to the protection of important hedgerows.
- Power to make limestone pavement order.
- Power to authorise the stopping-up or diversion of a public right of way in connection with development.
- To undertake sites inspection visits.

Audit and Accounts

The Audit and Accounts Committee is a key component of the authority's governance framework - its purpose is to provide an independent and high level focus on the adequacy of governance, risk and control arrangements. The Committee's role is ensuring that there is sufficient assurance over governance, risk and control giving greater confidence to all those charged with governance that those arrangements are effective. Full Council is the body charged with governance and the Audit and Accounts Committee is delegated some governance responsibilities detailed below but will be accountable to full Council.

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. In line with CIPFA recommendations, the committee will include two co-opted independent members to provide appropriate technical expertise.

The Council has an Audit Charter which explains how our audit arrangements operate including purpose, authority, accountability and arrangements to ensure independence and objectivity.

These terms of reference are in line with guidance on Audit Committees provided by the Chartered Institute of Public Finance and Accountancy (CIPFA) 2022.

Terms of Reference

Maintenance of governance, risk and control arrangements

- Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the authority's risk management arrangements. Committee will maintain oversight of the council's risk profile and seek assurance that active arrangements are in place on risk-related issues, for both the council and its collaborative arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the council's exposure to the risks of fraud and corruption.

Financial and governance reporting

- Be satisfied that the authority's accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the council's objectives.
- Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

Establishing appropriate and effective arrangements for audit and assurance

- Consider the arrangements in place to secure adequate assurance across the council's full range of operations and collaborations with other entities.
- In relation to the council's internal audit functions:
 - oversee its independence, objectivity, performance and conformance to professional standards,
 - support effective arrangements for internal audit,
 - promote the effective use of internal audit within the assurance framework.
- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements, including but not limited to direct engagement with the council's external auditors, supporting the independence of auditors and promoting audit quality.

To discharge its responsibilities effectively, the committee:

- will meet as a minimum four times a year. Reports will be prepared in accordance with the provisions of the Local Government Act 1972 and access to information will be dealt with in accordance with schedule 12A to that Act;
- may, if appropriate, meet privately and separately with the external auditor and with the head of internal audit (such meetings to be dealt with in accordance with schedule 12A to the Local Government Act 1972);
- include, as regular attendees, the Chief Finance Officer, the Chief Executive, the Head of Internal Audit and the appointed external auditor; other attendees may include the Monitoring Officer and Executive Director of Resources & Business Change. These officers should also be able to access the committee members, or the Chair, as required;
- have the right to call on any other officers or agencies of the authority as required;
- support transparency, reporting regularly on its work to those charged with governance;
- report annually to full council on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose. The committee is required to publish an annual report which includes out it has complied with the CIPFA position statement.

The committee will specifically be responsible for:

- review the council's compliance with the Local Code of Corporate Governance and receiving assurances that the council's corporate governance arrangements align with good governance and wider ethical framework;
- monitoring the effective development and operation of risk management in the council;
- monitoring progress in addressing risk-related issues reported to the committee;

- considering reports on the effectiveness of financial management and reporting arrangements, including compliance with CIPFA's Financial Management Code.
- considering the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
- agreeing the Council's external Audit Plan and proposed fees, within the budget agreed by the Council, and to monitor the delivery of that Plan;
- supporting the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Limited;
- consider the external auditor's annual letter, relevant reports and the report to those charged with governance. This includes commenting on the scope and depth of external audit work to ensure it gives value for money;
- consider additional commissions of work from external audit (in addition to any work not envisaged by the external audit plan);
- approving the Internal Audit Charter in line with the Public Sector Internal Audit Standards;
- agreeing the risk based internal audit plan, within the budget agreed by the Council, to monitor its delivery and effectiveness and to consider and make recommendation on any significant matters arising from internal audit work. To agree the approach to using other sources of assurance and any work required to place reliance upon those other sources;
- approving the terms of reference for the External Assessment of Internal Audit and receive reports on the results of the assessment, as required by the Public Sector Internal Audit Standards. Contribute to the external quality assessment of internal audit that takes place at least once every five years;
- receiving annual information on the progress of the Internal Audit Quality Assurance and Improvement Plan to provide assurance that the service is self-assessing their performance, as required by the Public Sector Internal Audit Standards;
- considering whether any impairments to the independence or objectivity of the Head of Internal Audit have arisen from any additional roles or responsibilities outside of internal auditing. To approve and periodically review safeguards to limit such impairments;
- ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- providing the formal response to the Annual Management Letter from the Council's external auditors;
- receiving progress reports including specific summaries of internal audit reports, as required. This may include where management has accepted a level of risk that may

be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions;

- receiving an annual assurance report from the Head of Internal Audit on the work conducted by the internal audit service, which includes the Head of Internal Audit's annual opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion. Ensuring the internal audit services is able to provide an effective audit function in terms of its resources and skills and that its scope is not restricted;
- considering and approving the Annual Governance Statement and action plan in accordance with the Accounts and Audit Regulations 2011 and any other legislation or statutory guidance;
- considering any significant internal or external audit matters that are deemed by the Chief Financial Officer or the Head of Internal Audit or the External Auditor to require member level consideration, including fundamental weakness reports;
- seeking assurance that significant external and internal audit recommendations are implemented by management;
- being the custodian of the Council's anti-fraud, bribery and corruption strategy and to develop and monitor policies and protocols on this matter;
- reviewing the assessment of fraud risks and potential harm to the council from fraud and corruption. To consider any significant issues in relation to detected fraud or corruption within the council. To consider the results from the biennial National Fraud Initiative and receive an annual report on counter fraud activity;
- reviewing and approving the annual statements of accounts, in accordance with the Accounts and Audit Regulations. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or audit that need to be brought to the attention of the Council;
- considering the external auditor's report to those charged with governance on issues arising from the audit of accounts.
- considering and recommending to Council options for the appointment of external auditors in line with current guidance brought about by The Local Audit and Accountability Act 2014.
- reporting annually to Council on how the committee has complied with the CIPFA Audit Committee position statement, discharged its responsibilities, including an assessment of its performance.

Other bodies

South Gloucestershire Safer and Stronger Communities Strategic Partnership

TERMS OF REFERENCE 2024/25

1 Purpose and Aims of the Partnership

- 1.1 As its primary purpose, to establish a strategic direction; co-ordinate and help deliver actions that support the development of safer and stronger communities within South Gloucestershire.
- 1.2 To exercise the functions of the statutory Safer and Stronger Communities Strategic Partnership (SSCSP) for South Gloucestershire.
- 1.3 In particular, to encourage, support and propose actions that will help achieve the agreed aims set out in the South Gloucestershire Community Strategy, namely: -
 - (i) To reduce crime, the harm caused by illegal drugs and alcohol and to reassure the public, reducing the fear of crime and anti-social behaviour and improve safety in homes and public spaces.
 - (ii) To empower local people to have a greater voice and influence over local decision-making and the delivery of services by increasing the strength, capacity and engagement of local communities to create local solutions.
 - (iii) To improve the quality of life for people in existing and new communities in greatest need through targeted service delivery.

2 Terms of Reference

- 2.1 To promote and guide work that supports the development of sustainable safer and stronger communities.
- 2.2 To oversee, co-ordinate, inform and influence the development of policies, strategies and action plans relating to all the work of the Partnership.
- 2.3 To secure, on behalf of the Local Strategic Partnership, the implementation of those aspects of the Sustainable Community Strategy that relate to 'Our Communities'.
- 2.4 To monitor progress of the Partnership and its strategies and action plans and ensure equality of opportunity has been addressed on a 6-monthly basis.
- 2.5 To ensure effective liaison and working with other strategic partnerships to achieve shared or related objectives, including making links with sub-regional partnerships.
- 2.6 To be responsible for securing co-ordination between partner agencies and resolution of potential disputes regarding the various strategies, funding, and service delivery issues, to enable objectives to be secured.
- 2.7 To promote an understanding of the contribution and responsibilities of individual organisations, based on the shared commitments and aims of the Partnership.

- 2.8 To make recommendations to the Local Strategic Partnership, the Council and other partner organisations on matters relating to the achievement of Community Strategy objectives.
- 2.9 To deliver statutory obligations by forging a constructive partnership which assists in tackling the complex issues associated with crime, disorder, drug, and alcohol misuse and influencing change.
- 2.10 To consider the outcome of significant inspections and reviews and advise on necessary changes to policy, strategy, and action plans.
- 2.11 To develop and maintain links with community groups and to value the views expressed by voluntary, community and business interests.
- 2.12 To receive; comment upon; and recommend key strategies and policies.

3 Legal Status and Decision-Making

- 3.1 When acting in its SSCSP capacity, the Partnership is exercising its statutory functions under the Crime and Disorder Act 1998 and the Police Reform Act 2002. The Partnership may make formal decisions to discharge its statutory functions.
- 3.2 The Partnership shall not make executive decisions or exercise executive authority over constituent partner organisations. Neither may the Partnership or any Partnership sub-group have the power to make decisions that bind member organisations.
- 3.3 Proposals for the allocation of external funds held in the role of CSP will be made by the Senior Officer Group, for approval by the SSCSP.
- 3.4 The SSCSP may make recommendations to the South Gloucestershire Local Strategic Partnership, or where executive decisions are needed, to the Council or partner organisation that has responsibility for the function or activity concerned.

4. Membership of the Partnership

4.1 The following organisations have formal spaces on the Strategic Partnership.

Avon and Somerset Police	1 member
Avon Fire and Rescue Service	1 member
Integrated Care Board (ICB)	1 member
Community Engagement Forums	2 members
Community Rehabilitation Company	1 member
CVS South Gloucestershire	1 member
South Gloucestershire's Voluntary Sector Leaders Board	1 member
National Probation service	1 member
Age UK South Gloucestershire	1 member
Police and Crime Commissioner	1 member
South Gloucestershire Multi-Faith Forum	1 member
South Gloucestershire Race Equality Network	1 member
Southern Brooks Community Partnerships	1 member

Public Health	1 member
Registered Social Landlords	1 member
South Gloucestershire Council	2 elected members and 2 observers
Town and Parish Council's Forum	1 member
Youth Partnership Board	1 member

- 4.2 The SSCSP shall have the power to co-opt other members as appropriate, e.g. to represent communities of interest or place.
- 4.3 Each member of the SSCSP shall nominate a Deputy who will attend in their absence.
- 4.4 Officers from organisations represented on the Partnership will be available to offer support and give guidance and advice as required.

5 Life of the Partnership

- 5.1 The Partnership shall be subject to review if there is no longer a legal requirement to have a SSCSP.

6 Convening and Conducting Meetings

- 6.1 The Partnership shall meet annually to discharge its Scrutiny Functions under the Crime and Disorder Act 1998 (as amended); with additional formal meetings to be arranged as agreed by Members.
- 6.2 The Chair and Vice Chair will be elected by the Partnership and serve for one year. For electing a chair and vice-chair, each partner representative has a vote, the outcome being achieved by simple majority of those present at the meeting.
- 6.3 Partnership meetings shall have a quorum of a minimum of a third of partner organisations being represented.
- 6.4 The Partnership should aim to reach its conclusions by consensus. Conclusions reached are not binding on partner organisations in respect of their own executive functions and responsibilities. Conclusions will be referred to the relevant partner organisations for consideration and decision. Outcomes will be reported back to the Partnership.
- 6.5 Secretariat and legal support will be provided by South Gloucestershire Council Legal and Democratic Services, to include: -
- Co-ordination of agenda preparation
 - Convening of meetings
 - Publication and circulation of agendas and supporting papers at least five clear (working) days prior to a meeting
 - Taking of minutes
 - Procedural and legal advice
 - Monitoring and progressing actions agreed by the Partnership.
- 6.6 Partners shall have the right to submit agenda items if they are received at least seven working days prior to the despatch of the agenda.

- 6.7 While recognising that some topics are required to remain confidential, wherever possible meetings will be open to the public and the agenda and minutes of meetings will be published.

7 Partnership Relationships and Linkages

- 7.1 The SSCSP is responsible to the South Gloucestershire Local Strategic Partnership. Subject to the Local Strategic Partnership's agreement, the SSCSP has primary responsibility for representing the views of the LSP on issues within the Safer and Stronger Community Safety Partnership's terms of reference.
- 7.2 The Partnership will ensure that it supports work towards the related outcomes of any themes in the Sustainable Communities Strategy 2016-2036.

8 Probity and Accountability

- 8.1 The Partnership will meet in public, with the same opportunities for public participation as apply to Council meetings generally. Meeting arrangements and agendas will be published so that the public may be aware of the Partnership's activities and the opportunities to engage with them.
- 8.2 In the interests of transparency and to ensure probity and public confidence in partnership working, all partner representatives at partnership meetings are expected to commit to the seven principles of public life set out in the first report of the Committee on Standards in Public Life as required by the Localism Act 2011 as follows:
- Selflessness
 - Honesty
 - Integrity
 - Accountability
 - Openness
 - Leadership
 - Objectivity
- and to abide by the Members' Code of Conduct of South Gloucestershire Council as amended from time to time.
- 8.3 Partners who consider that they have an interest to declare are asked to:
- a) State the item number in which they have an interest,
 - b) The nature of the interest,
 - c) Whether the interest is a disclosable pecuniary interest, non-disclosable pecuniary interest or non-pecuniary interest.

Any partner who is unsure about the above should seek advice from South Gloucestershire Council's Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

9 Scrutiny of Partnership

- 9.1 The activities of the Partnership will be subject to scrutiny by the relevant committee of South Gloucestershire Council. This is currently the council's Scrutiny Commission. Scrutiny will be conducted in accord with the Protocol jointly agreed between the Strategic Partnership and South Gloucestershire Council.

9.2 As a minimum, an annual report of the Partnership will provide a basic opportunity for the scrutiny of partnership work to take place. However the Scrutiny Commission may wish to pursue additional and specific areas of scrutiny as it considers appropriate.

10 Risk Management

10.1 Good risk management is integral to the delivery of successful partnership working. The Partnership will be guided by and take account of the document “Guidance for Managing Risk and Opportunities in Partnership” in developing aims and objectives and in all its activities.

Community Engagement Forums

TERMS OF REFERENCE

Purpose

The purpose of Community Engagement Forums is to provide a place where local needs, issues and projects can be discussed by local residents, community groups, town & parish councils and public sector organisations in order to help shape future activity.

Objectives

- To develop shared understanding of local priorities and needs
- To improve the quality of life of people in the local area by influencing local decision making and service delivery

Membership

There is no formal membership of Community Engagement Forums. All those who attend will be given equal status at meetings.

The chair will seek to ensure that those from minority and hard to reach groups are given full opportunity to express their views on behalf of those communities.

It is hoped South Gloucestershire Council, Town/Parish Councils, the Police, Fire and Rescue Service, local agencies, community organisations and residents will attend on a voluntary basis because they find value in doing so. Those attending the forum will be expected to represent their local community with integrity, objectivity, accountability, openness and honesty.

Meetings

There are 14 community engagement forums as shown in Appendix 1, each of which will meet three times a year.

Agenda items can be suggested in advance to the Chair, who will set the agenda in consultation with South Gloucestershire Council’s Community Engagement Officer. In

addition each agenda will contain a slot where local issues of immediate and urgent concern can be highlighted.

If topics of general interest across South Gloucestershire are discussed, the focus will be around the particular local dimension for the individual community engagement forum.

Chairs

Each forum will elect a Chair and Deputy Chair who will fill these roles for 2 years. Chairs and Deputy Chairs provide active leadership, manage meetings and are the main point of contact for forums between meetings.

The Chair should ensure that the views of minority and hard to reach groups are represented.

Chairs from all the forums should meet at least once a year to consider issues of joint interest such as:

- good practice in forum operation
- representation from community engagement forums on the Safer and Stronger Communities Strategic Partnership.

Communication

Each forum will publicise its activities widely and ensure the local community is aware of its initiatives and is able to contribute to its future development.

Corporate Parenting Board

Terms of Reference

Membership: 5 (Executive Member for C&YP plus 2:1:1)

The Corporate Parenting Board oversees and drives forward corporate parenting activity across the Council. The Board is committed to championing the interests of children looked after and care leavers in South Gloucestershire.

The aim of the Corporate Parenting Board is to improve the lives of children and young people who are in the care of South Gloucestershire Council. Similarly the group aims to ensure that the whole Council and partner agencies have a joint commitment to corporate parenting in order to achieve continuing improvements in outcomes for looked after children and young people.

The role of the Corporate Parenting Board is:

- To oversee the Corporate Parenting Service Development Plan to ensure outcomes fulfil the Council's pledge to looked after children.
- To oversee the development and achieve arrangements for securing effective consultation and engagement of children and young people and carers in the planning and delivery of services.
- To receive regular reports on the provision of services for children looked after and care leavers as required in legislation and enabled fulfilment of the purpose of monitoring and offering advice.
- To offer advice and monitor:
 - plans, strategies or policies for looked after children, young people and care leavers to ensure performance a) realises the objectives of the Children and Young People's Plan and the Children in Care Implementation Plan, and b) fulfils statutory requirements.
 - The commissioning and use of placements outside the Council area for the accommodation and/or education of looked after children.
 - The outcome targets for educational attainment, health and other associated activities in relation to looked after children's achievement are achieved;
 - To ensure children looked after are able to participate in plans for their care and developments for service planning and delivery, with progress being reported on an annual basis.
- To oversee the implementation of the NICE Public Health Guidance to promote the quality of life of looked after children and young people.
- To celebrate the achievement of the Council, partner agencies and their staff in the provision of quality services

The Board currently comprises of Councillors and Officers from Health, Education and Social Care, the Director, Head of Service and Lead Member of Children's Services. Future plans include a young ambassador for children and young people and a representative from South Gloucestershire's Foster Carers attending the Corporate Parenting Board. Steps are being taken to ensure that a representative from disabled children's services can become a member of the Board.

Complaints Panel

Membership

3 Members (from trained members) Ex officio membership – none.

Terms of Reference

To hear and determine complaints under the Council's Complaints Procedures which have not been resolved by chief officers.

Employee Appeals Panel

Membership

3 trained Council members
Ex officio membership – none.

Terms of Reference

To hear and determine (1) appeals under Stage 4 of the Grievance Procedure and (2) appeals against the issue of a final warning or a decision to dismiss under the following procedures:-

- (a) Disciplinary
- (b) Capability
- (c) Sickness Absence and Ill Health

Topic Forums

Membership

6 Members of Council cross-party membership plus flexible representation from relevant organisations.

Forums are free to develop their own constitutions. The Lead Member will be appointed by the Topic Forum from amongst the Council's representatives.

There is no ex officio membership.

Terms of Reference

To develop and maintain a constructive dialogue between the Council and other public bodies, agencies, community, voluntary and business organisations as appropriate.

To provide advice and comments to Committees of the Council and all relevant stakeholders and promote “joined-up thinking” in relation to the topic.

Fostering Panel

Constituting a fostering panel

The Council, as a fostering agency, must constitute a fostering panel to perform the functions of a fostering panel under the Fostering Services Regulations 2011.

Membership

The fostering agency must maintain a list of persons who are considered by it to be suitable to be members of a fostering panel (“the central list”), including one or more social workers who have at least three years’ relevant post-qualifying experience.

The agency must also appoint an independent person to chair the panel – this person must have the skills and experience necessary for chairing a fostering panel, and one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chair/s”).

The fostering agency must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.

While there is no longer a legal requirement that a Councillor serves on the panel, it is considered good practice.

Adviser

The agency may appoint an agency adviser to the panel – this person is not a member of the panel and their role is to advise the panel.

Terms of Reference

1. To make recommendations to the agency decision maker (the Head of Integrated Children’s Services or the Corporate Parenting Manager) about the following –
 - the suitability of applicants to be approved as foster carers and the terms on which they should be approved or the termination of approval of a foster carer, and
 - consider referred reviews of approved foster carers.

2. The panel is intended to be a multi-disciplinary body with a considerable element of independence from the agency.
3. The panel plays an important quality assurance role, providing objectivity and having the ability to challenge practice which is felt not to be in the interests of children or fall short of the Regulations or National Minimum Standards.

Terms of Office

There is no longer a fixed length of tenureship for those on the central list, but each person on the central list, including the chair, is reviewed against performance objectives. The chair is reviewed by the agency decision maker.

Where it is identified that the chair or an individual on the central list is not performing to the required standard, perhaps as part of the review process, it should ensure that this is discussed promptly with the individual with the aim of addressing any development needs through advice and training. If, however, their performance remains below the required standard and the agency considers they should not remain on the central list, they should be informed that their services are no longer required. The individual must be given one month's notice of the agency's intention to remove their name from the central list. The notice should be in writing and include the reasons for the decision.

Those on the central list may also give notice in writing of their decision to withdraw from the central list.

Adoption/Permanence Panel

Constituting an adoption panel

The Council, as an adoption agency, must constitute an adoption panel to perform the functions of an adoption panel under The Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011.

Membership

The adoption agency must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience, and the medical adviser to the adoption agency.

The agency must also appoint an independent person to chair the panel – this person must have the skills and experience necessary for chairing an adoption panel, and one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant ("the vice chair/s").

The adoption agency must ensure that an adoption panel has sufficient members, and that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.

While there is no longer a legal requirement that a Councillor serves on the panel, it is considered good practice.

Advisers

The agency must appoint an agency adviser and a legal adviser to the panel – they are not members of the panel and their role is to advise the panel.

Terms of Reference

1. To make recommendations to the agency decision maker (the Head of Integrated Children's Services or the Corporate Parenting Manager) about the following –
 - whether a child should be placed for adoption
 - the suitability of prospective adopters or the termination of approval of a prospective adopter, and
 - whether a child should be placed for adoption with a specific prospective adopter.
2. They are intended to be multi-disciplinary bodies with a considerable element of independence from the agency.
3. The Panel plays an important quality assurance role, providing objectivity and having the ability to challenge practice which is felt not to be in the interests of children or fall short of the Regulations or National Minimum Standards. Panels are required to give regular feedback to the agency.
4. The panel can give advice to the agency (but it is not required to do so) on:
 - contact arrangements
 - whether an application for a placement order should be made
 - the number of children the prospective adopter may be suitable to adopt - their age range, sex, likely needs and background; and
 - the provision of adoption support.
5. The adoption/permanence panel also makes recommendations to the agency decision maker about the placement of children, under the age of 12.5 years, for whom the care plan is long-term fostering.
6. The agency must ensure that the adoption/permanence panel complies with the requirements of the Adoption Agencies Regulations and the Fostering Services Regulations 2011.

Terms of Office

There is no longer a fixed length of tenureship for those on the central list, but each person on the central list, including the chair, is reviewed against performance objectives. The chair is reviewed by the agency decision maker.

Where it is identified that the chair or an individual on the central list is not performing to the required standard, perhaps as part of the review process, it should ensure that this is discussed promptly with the individual with the aim of addressing any development needs through advice and training. If, however, their performance remains below the required standard and the agency considers they should not remain on the central list, they should be informed that their services are no longer required. The individual must be given one month's notice of the agency's intention to remove their name from the central list. The notice should be in writing and include the reasons for the decision.

Those on the central list may also give notice of their decision to withdraw from the central list.

South Gloucestershire Sacre

The SACRE body will maintain its own Terms of Reference which is subject to review every four years and in the event of change requires approval by the Executive Member for CYP

SACRE is a statutory body that advises the local authority on matters related to the provision of Religious Education and Collective Worship in schools and to agree the local syllabus for Religious Education.

The membership of SACRE consists of representatives from Christian and other religious denominations, Church of England, Teachers' Association Representatives, Local Education Authority (3 Members), Co-options, including Higher & Further Education and a Humanist.

Schools Forum

The full terms of reference which will be held by the clerk to the Schools Forum

Membership

Schools: Representatives of Headteachers, Governors and Academies.
Non Schools: Representatives from the Diocese, 14-19 Partnership, pupil referral unit, and the voluntary and independent early years providers.

Terms of Reference

The Local Authority has a statutory duty to consult with and consider the views of the Schools Forum with respect to:

- The scheme for the financing of schools
- The operation of the schools funding formula
- The deployment of the dedicated schools grant

South Gloucestershire Equalities Forum

Roles

Challenging and working to eliminate discrimination, promote equality of opportunity, build up good relations between diverse individuals and equalities communities of interest, the Council and other Partners and be inclusive of all equalities communities.

The Forum will deliver its aims and objectives by engaging in open meetings with its equalities communities of interest and will be coordinated by a group of strategic partners (the 'Partners Group').

Terms of Reference:

1. Establish a common understanding of the experience of discrimination, disadvantage and exclusion across all interests.
2. Build confidence and capacity among our equalities communities of interest to enable them to influence and participate in our public and civic life.
3. Provide a way for equalities communities of interest to raise issues of concern, provide advice on such issues and receive feedback.
4. Review strategic policy, service design and provision in relation to the application of legislation, guidance and inclusion.
5. Impact on the development of public policy and service delivery on issues of significance to communities, South Gloucestershire Council and other Partner organisations.
6. Monitor and review the performance of the Council and its Partners in the implementation of equalities duties, policies and practice.

i) Equalities Forum

Roles

The Equalities Forum will meet twice a year.

Terms of Reference

1. Provide a place for dialogue between members of equalities communities of interest and representatives from Partners organisations
2. Share the experience of life in South Gloucestershire for equalities communities and raise issues of concern.
3. Identify priorities for a work programme for the Partners Group
4. Receive progress reports and feedback from the Partners Group

ii) Partners Group

Membership

The SGEF Partners Group shall appoint a Chair and Vice Chair from a partner organisation and an equalities group.

Roles

The Partners Group is the strategic co-ordinating body for the Forum and is open to everyone who has committed themselves to engaging and acting. This will include individual and community representatives, public and voluntary community sector partners and Councillors and council officers. It will meet up to four times each year, and coordinate its diary with the Equalities Forum meetings (see below).

Terms of Reference

1. Receive Partner requests for consultation and advise on consultation with equalities communities.
2. Decide which issues to pass to the Equalities Forum.
3. Establish working or task groups on specific issues if needed.
4. Take on issues arising from the Equalities Forum
5. Request and receive presentations on relevant issues from Partner organisations
6. Make presentations or represent the views of the Group or the Forum.
7. Appoint equalities representatives to sit on the South Gloucestershire Partnership and other groups.
8. Prepare an annual work programme
9. Plan Equalities Forum meetings

Delegations

- A Introduction**
- B General Delegations to all Chief Officers**
- C Specific Delegations to Chief Officers**
- D Specific Delegations to Officers with Statutory Responsibilities**

A Introduction

Delegations To Officers

1. Overall Basis

1.1 This scheme delegates functions of the Council to officers. These delegations should be interpreted widely rather than narrowly. The delegations are divided into the following sections:

- A – Introduction
- B – General Delegations to all Chief Officers
- C – Specific Delegations to Chief Officers
- D – Specific Delegations to Officers with Statutory Responsibilities

These sections inter-relate and should not be read in isolation.

1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties; “*Chief Officer*” means the: Chief Executive, Executive Director for People, Executive Director for Place, Executive Director for Resources and Business Change, Director of Adults & Homes, Director for Strategy, Engagement and Change.

1.3 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

1.4 This scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and all other powers enabling the Council.

1.5 This scheme includes the obligation on officers to keep members properly informed of activity arising within the scope of these delegations.

2. Overall Limitations

2.1 This scheme does NOT delegate to officers:-

- (a) Any matter reserved to full Council, Cabinet or Executive Member or within the terms of reference of a Committee or sub-Committee.
- (b) Any matter which by law may not be delegated to an officer.
- (c) Any matter expressly withdrawn from delegation by this scheme.

2.2 In each case the delegated authority to officers **excludes**:

- (a) the taking of decisions which make, amend or are not in accordance with the budget and policy framework

- (b) the setting or changing of Council policy
- (c) the approval of service objectives
- (d) the consideration and approval of service delivery options
- (e) the approval of service or business plans
- (f) the approval of service standards
- (g) the review of performance
- (h) the setting of budgets
- (i) the making of compulsory purchase orders

2.3 Any exercise of delegated powers shall be subject to:-

- (a) Any statutory restrictions
- (b) The Council's Constitution
- (c) The Council's budget and policy framework
- (d) Any other policies

2.4 In exercising delegated powers officers shall:

- (a) not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by Standing Orders relating to Contracts and Financial Regulations;
- (b) have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988;
- (c) have regard to any report from the Council's internal and / or external auditors in relation to a fundamental weakness in management and financial controls.

3. Further Provisions

- 3.1 In all cases delegated authority includes management of the human and material resources made available for their functions and departments within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.
- 3.2 In all cases delegated authority includes the power to issue and serve statutory and other notices, to institute formal cautions and to take default action under all legislation relevant to their functional area. Also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.
- 3.3 To request the Monitoring Officer to institute legal proceedings before courts or tribunals, to authorise officers to appear on behalf of the Council in courts, tribunals, review boards and inquiries.
- 3.4 In all cases, delegated authority includes the power to determine applications, authorise payments and implement national agreements subject to any exclusions contained in this constitution

- 3.5 It shall always be open to an officer, Executive Member or Committee Chair to refer the matter to the appropriate decision making forum, including Cabinet or the relevant committee.
- 3.6 In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.
- 3.7 This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Monitoring Officer under Section 100G of the Local Government Act 1972. Sub-delegations may be made across departmental boundaries and to other Councils and their officers as appropriate.

(Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1) (g) of the Local Government and Housing Act 1989).

- 3.8 Officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this scheme) to the nearest practical point to the service user and in a way which clearly identifies accountabilities.

B General Delegations to all Chief Officers

NOTE: the following delegations must be read in conjunction with the foregoing Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

1. General Delegation:

1.1 Authority to take all operational decisions for the delivery of services for which the Chief Officer has managerial responsibility, and which are within:–

- (a) approved policies
- (b) approved budgets and virement rules
- (c) approved service plans

and subject to the following exclusions –

- (a) service reductions and developments, including closure, relocation or change of use of service establishments
- (b) setting of/changes to rents, fees, charges and concessions and related criteria
- (c) the award of grants over £1,000
- (d) the award of settlements arising from Ombudsman's recommendations over £5,000
- (e) decisions on permanent budget savings to achieve policy objectives

1.2 To take appropriate action which is necessary to ensure the efficient, equitable and effective delivery of services.

2. Human Resources

2.1 Authority to manage the human resources within their remit including appointment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR Policies and procedures.

2.2 Subject to consultation with the relevant Executive Member, authority to make changes to organisational structures and staffing levels, including the creation and deletion of posts, or to purchase a service, or part of a service from other providers, always acting within the HR Policies and procedures and the financial regulations of the Council, except where any proposal:–

- (a) involves the probability of redundancies which results in financial implication beyond the budget, and/or cannot be implemented within existing budgets, and/or
- (b) results in major change in service delivery.
- (c) has significant effects on the employment of existing staff in that or any other Council department
- (d) involves the transfer of staff to another organisation.

note: in relation to the above it remains the Council's policy to avoid compulsory redundancies where possible. Officer delegations can only be discharged within the Council's HR policies and procedures.

2.3 Authority to consider and approve, as appropriate, in consultation with the Service Director - Human Resources and the Chief Financial Officer (or deputy) in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 50 or over) in the following circumstances:

- (a) in the interests of the efficiency of the service
- (b) staff who request voluntary retirement

3. External Conferences attended by Members

Authority to designate conference attendances as "approved" for allowances purposes, following consultation with the relevant Executive Member and subject to all conference fees, accommodation costs and out of council area travel costs, being met by service budgets. All such designations to be notified to the Monitoring Officer.

An approved conference is one where:

- (a) attendance is to represent the Council and participate on that basis.
- (b) attendance is to gain information or participate in discussion, in which case the persons attending will be appropriate to the conference content and normally not exceeding one person per political group plus relevant officers.

4. Response to Government Consultation

4.1 The relevant chief officer in consultation with the relevant executive member(s) will respond to government consultation on behalf of the council and share the response with the relevant lead members following submission. For the avoidance of doubt, this delegation also applies to consultations relating to Nationally Significant Infrastructure Projects (NSIPs) which relate to or affect South Gloucestershire Council received from government, the Planning Inspectorate or Project Promoter.

5. General Matters

The obtaining of particulars of persons interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

C Specific Delegations to Chief Officers

NOTE: the following delegations must be read in conjunction with the foregoing Sections A and B which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations and also general delegations to all Chief Officers.

1. Chief Executive

1. To be Head of Paid Service.
2. To exercise corporate Council functions as appropriate (see Delegations to Executive Director of Resources and Business Change).
3. To incur expenditure in the event of a civil emergency.
4. In cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader).
5. For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Executive Director of Resources and Business Change, Monitoring Officer to sign each certificate given under the Act.
6. To the Chief Executive or Nominee (Service Director - Human Resources to make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:-
 - a. Chief Officers
 - b. changes to the Council's corporate pay grade structure unless such change is required to implement a nationally negotiated pay agreement;
 - c. changes to employee terms and conditions which are the subject of contention with the trades unions.
7. To be responsible for Emergency Planning and Management Services with operational responsibility for the provision of these services being delegated to the Director of Public Health as Deputy to the Chief Executive in relation to this matter.
8. In consultation with the Leader of Council to represent South Gloucestershire Council Traded Services Limited's shareholder interests.
9. To participate at the Investment Awards Board.
10. The responsible person for the purpose of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Executive Director of People who is the Complaints Manager for the purposes of the Act (page A-82).

Exclusions from these delegations:-

See Section A, Introduction and Section B, General Delegations to Chief Officers.

2. Executive Director of Resources and Business Change

1. To exercise corporate Council functions in relation to financial services, property services, HR services, legal, governance and democratic services, revenues and benefits, information management, digital, business support services, small holdings estate, traded services and commercialisation, performance management, audit, workforce development and the Local Government Pension scheme (and for any other corporate functions for which made responsible).
2. In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Executive Director of Resources and Business Change.

The following are to be exercised only following consultation with the relevant Executive Member

- (a) Any transaction at a concession, subsidy or non-market value.
- (b) Joint Venture Developments
- (c) Modify residency covenants
- (d) Any lettings being offered on an assured shorthold tenancy basis on terms to be agreed.
- (e) The sale of land/buildings of more than 0.50 acres
- (f) Any sale of land/buildings where a prospective purchaser is a Member of Council, an employee or a relation of either, unless the sale is by public auction.
- (g) The Executive Director of Resources & Business Change in consultation with the Leader of the Council shall approve any land, property or asset purchase / transfer with a value up to £500,000 and / or a lease which will cost up to £500,000 in rental over its life.

Exclusions from the above delegations

- (i) The submission of any planning application which would materially conflict with or prejudice the implementation of the Core Strategy, or which is clearly inconsistent with an identified policy in an adopted local plan which is up to date.
- (ii) The disposal of land/buildings of more than 0.50 acres unless in accordance with the Property Framework
- (iii) Determination of applications for non-domestic rate relief on grounds of hardship over a limit of £10,000 per annum without virement authority from the Chief Financial Officer.

See also Section A, Introduction and Section B, General Delegations to all Chief Officers

General Delegations

- A. Power to make payments of up to £5,000 or provide other benefits to a similar value in case of maladministration
- B. Power to assign officers in relation to requisitions or the registration officer
- C. Duty to provide assistance at all elections including Referendums, Parliamentary and local

3. Executive Director of Place

To exercise the Council's powers and functions in relation to leisure services, libraries, arts and culture, open spaces, commons, cemeteries and crematoria, waste management, street care and direct services, public conveniences, street naming and numbering, consumer protection (e.g. food law enforcement, trading standards, product safety, animal health and feeding stuffs, metrology, communicable disease), environmental health, environmental protection (e.g. environmental pollution, nuisance, health and safety, licensing, home safety and safety of sports grounds), community development, economic development, European and International matters and economic and social well-being (including equalities, grants, parish liaison and economic development) and adult learning.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Executive Director of Place.

1. To be responsible for Safer South Gloucestershire and to exercise associated powers and functions.
2. To determine associated licence applications, subject to appeal to a members appeals panel.
3. To appoint public analysts, agricultural analysts and chief inspectors of weights and measures.
4. To authorise enforcement action in relation to regulatory functions exercised.
5. Street Lighting – completion of agreements for the monitoring and supply of electrical energy for street lighting.
6. Car Parking – service of excess charge enforcement notices in accordance with off street parking places orders made under the Road Traffic Regulation Act 1984.
7. To deliver streetcare and direct services, including:
8. Building Services
9. Civil Engineering Services (highways, street lighting, grounds maintenance and street cleaning).
10. The Council's provision of Transport Services
11. To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended).
12. To respond to consultations, in consultation with the relevant Executive Member.
13. To submit funding bids, in consultation with the relevant Executive Member.

14. To vary the transport capital programme (adding schemes in or removing them) within approved budgets, in consultation with the relevant Executive Member.
15. To vary the budgets for individual schemes within the capital programme provided this is within the overall budget for the capital programme, in consultation with the relevant Executive Member.
16. To approve capital scheme detailed design.
17. To submit planning applications and all other statutory procedures for approved schemes.
18. To approve the process of any size for approved schemes within the capital programme provided it is within the approved budget.
19. To place orders and award contracts of any value for approved schemes within the capital programme provided it is within the approved budget.
20. To secure land by negotiation for approved schemes within the capital programme provided it is within the approved budget.
21.
 - (a) To determine objections to proposed legal orders, notices and associated measures, and the making of said orders proposed under the Road Traffic Regulation Act 1984, Part V of the Highways Act 1980 or the Town Police Clauses Act 1847 in support of approved council policy.
 - (b) To determine representations made in respect of consultation about proposed sites or changes to the Civil Enforcement of Moving Traffic Contraventions within South Gloucestershire under the Traffic Management Act 2004.
22. To make agreements with other statutory bodies for the progressing of approved schemes (within budget), eg. Network Rail, Highways Agency, Environment Agency, other Unitary Authorities, etc.
23. To, following consultation with the Cabinet Member for Communities and Local Place, the Service Director Finance (section 151 Officer) and the Monitoring Officer and Service Director Legal, Governance and Democratic Services, declare:
 - i) a Winter Emergency.
 - ii) If declared, adopt such arrangements as are necessary to manage the emergency, including the redirection of the highway capital programme, diverting place revenue resources to deal with immediate highway network safety issues and temporarily amend service standards. Such measures being necessary to maintain the safety of the highway network.

Exclusions from these delegations:

See Section A, Introduction and Section B, General Delegations to Chief Officers

Functions relating to Licensing

Licensing	Trading Standards & animal Health	Env. Health	Legislation repealed	Other department/agency or unsure
<ol style="list-style-type: none"> 1. Power to issue licences authorising the use of land as a caravan site (“site licences”). 2. Power to license the use of moveable dwellings and camping sites. 3. Power to license hackney carriages and private hire vehicles. 4. Power to license drivers of hackney carriages and private hire vehicles. 5. Power to license operators of hackney carriages and private hire vehicles 6. Power to register pool promoters 7. Power to grant track betting licences. 	<ol style="list-style-type: none"> 1. Duty to keep list of persons entitled to sell non-medicinal poisons. 2. Power to license premises for the breeding of dogs. 3. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. 4. Power to license zoos. 5. Power to license dangerous wild animals. 6. Power to issue licences for the movement of pigs. 7. Power to license the sale of pigs. 8. Power to license collecting centres for the movement of pigs. 9. Power to issue a licence to move cattle from a market. 	<ol style="list-style-type: none"> 1. Power to license performances of hypnotism. 2. Power to license premises for acupuncture, tattooing earpiercing and electrolysis. 3. Power to license pleasure boats and pleasure vessels. 4. Power to license dealers in game and the killing and selling of game. 5. Power of register and license premises for the preparation of food. 6. Power to issue, amend or replace safety certificates (whether general 	<ol style="list-style-type: none"> 1. Power to issue cinema and cinema club licences. Power to issue theatre licences. 2. Power to issue Entertainments licences. 4. Functions relating to licensing. 5. Power to register door staff. Power to license night cafes and takeaway food shops. 	<ol style="list-style-type: none"> 1. Power to issue fire certificates. 2. Power to register animal trainers and exhibitors, 3. Power to license knackers’ yards. 4. Power to license the employment of children. 5. Power to approve premises for the solemnisation of marriages. 6. Power to grant consent for the operation of a loudspeaker. 7. Power to grant a street works licence. 8. Power to license agencies for the supply of nurses. 9. Power to grant permission for provision etc of services, amenities,

<p>8. Power to license inter track betting schemes.</p> <p>9. Power to grant permits in respect of premises with amusements machines.</p> <p>10. Power to register societies wishing to promote lotteries.</p> <p>11. Power to grant permits in respect of premises where amusements with prizes are provided.</p> <p>12. Power to formulate policy for the Licensing of sex establishments and to set fees for this type of licence</p> <p>13. Power in accordance with Section 7(3) of the licensing act to discharge council's functions under the third schedule to the</p> <p>14. Local Government (misc provisions) Act 1982 (as amended)</p>		<p>or special) for sports grounds.</p> <p>7. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p> <p>8. Power to approve meat product premises.</p> <p>9. Power to approve premises for the production of minced meat or meat preparations.</p> <p>10. Power to approve Dairy establishments.</p> <p>11. Power to approve egg product establishments.</p> <p>12. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw</p>		<p>recreation and refreshment facilities on highway and related powers.</p> <p>10. Power to permit deposit of builder's skip on highway.</p> <p>11. A duty to publish notice in respect of proposal to grant permission under Section 115E of Highways Act 1980.</p> <p>12. Power to license planting, retention and maintenance of trees etc. in part of highway.</p> <p>13. Power to license works in relation to buildings etc. which obstruct the highway.</p> <p>14. Power to consent to temporary deposits or excavations in streets</p> <p>15. Power to dispense with obligation to erect hoarding or fence.</p> <p>16. Power to restrict the placing of rails,</p>
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<p>15. Power to license sex shops and sex cinemas.</p> <p>16. Power to license market and street trading.</p> <p>17. Power to license scrap metal dealers</p> <p>18. Power to license persons to collect for charitable and other causes.</p> <p>19. Power to regulate and register motor salvage operators.</p> <p>20. Power to license the sale by retail of alcohol.</p> <p>21. Power to license the supply of alcohol by or on behalf of a club, or to the order of, a member of a club.</p> <p>22. Power to license the provision of regulated entertainment.</p> <p>23. Power to license the provision of late night entertainment.</p> <p>24. Duty to keep a register of licensed premises (alcohol,</p>		<p>meat and selling or supplying both raw meat and ready-to-eat foods.</p> <p>13. Power to approve fish products premises.</p> <p>14. Power to approve dispatch or purification centres.</p> <p>15. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p> <p>16. Power to approve factory vessels and fishery product establishments.</p> <p>17. Duty to keep register of food business premises.</p> <p>18. Power to register food business premises.</p> <p>19. Power to make closing order</p>		<p>beams etc. over highways.</p> <p>17. Power to consent to construction of cellars etc. under street.</p> <p>18. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.</p> <p>19. Power to sanction use of parts of buildings for storage of celluloid.</p> <p>20. Power to register auction and wholesale markets.</p>
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<p>entertainment and late night refreshment). 25. Functions relating to the Gambling Act 2005. 26. Powers under the Health Act 2006.</p>		<p>with respect of take-away food shops.</p>		
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Public Rights of Way

Highways Act 1980	
Power to instruct the Monitoring Officer to enter into agreements to create footpaths or bridleways by agreement where this would be advantageous to the public rights of way network – this delegation does not apply to restricted byways	Section 25
Duty to keep register with respect to applications under sections 118ZA; 118C; 119ZA and 119C of the Highways Act 1980	Section 121B*
Duty to assert and protect the rights of public to use and enjoyment of public rights of way	Section 130
Duty to serve notice of proposed action in relation to obstruction of a public rights of way	Section 130A
Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7)
Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway	Section 135
Power temporarily to divert footpath or bridleway	Section 135A*
Functions relating to the making good of damage and removal of obstructions	Section 135B*
Power to authorise erection of stiles etc on public rights of way	
Powers relating to the removal of things so deposited on public rights of way as to be a nuisance	Section 149

Wildlife and Countryside Act 1981	
Duty to keep definitive map and statement under review	Section 53
Power to include modifications in other orders	Section 53A
Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B

Development Management

1. Subject to the exceptions in 2 below, Officer Delegations will include power to discharge all the Council's development control and related functions and specifically, but not limited to: -

- (a) All applications, where approval is deemed to be granted upon the expiry of a defined period.
- (b) All applications to determine the lawfulness of a proposed or existing use of a site.
- (c) All applications for non-material amendments.
- (d) All applications to discharge planning conditions.
- (e) All applications solely required because of the removal of Permitted Development Rights or Article 4 Direction⁶.
- (f) Any footpath stopping up or diversion required to implement an approved scheme.
- (g) Any application required to be placed on the Circulated Schedule of proposed decisions, as set out below, upon expiry of the consultation period, without the application being properly referred to either the Development Management Committee or Strategic Sites Development Committee by a Member.

2. Exceptions to the exercise of officer delegations

2.1) The circulated schedule will always contain the following applications unless the application is required to be determined by Committee:-

- (a) Any application submitted by, or jointly, or on behalf of the Council.
- (b) Any application submitted by or any matter directly affecting or involving any Member of the Council and any application(s) submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.
- (c) Any applications requiring a new planning agreement.
- (d) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.
- (e) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.
- (f) Any applications, except those listed in Section 1 a) -f), where three or more representations from different individuals contrary to the Officer's recommendation are

⁶ The Town and Country Planning (General Permitted Development) (England) Order 2015

received within the notification period other than from officers of the council acting in their professional capacity.

- (g) Any applications, except those listed in Section 1 a) -f) where a representation is received within the notification period which is contrary to
- (h) the officer recommendation from the parish or town council within whose boundary the proposal lies wholly or in part.
- (i) Any applications, except those listed in Section 1 a) -f) where a representation is received within the notification period which is contrary to the officer recommendation from any member of South Gloucestershire Council
- (j) Any matter or application which is properly referred by members from the Circulated Schedule to Committee in accordance with (b) (1) below shall be referred to the relevant Committee for determination.

2.2) The DM committee will always contain the following applications unless they fall to be determined by the SSDC by virtue of their location, type or scale:-

- (a) Any application or matter appearing on the Circulated Schedule which is properly referred by any Member of the Council within 5 clear working days of the issue of the Circulated Schedule of proposed decisions and which relates to a matter which falls to be determined by the DM Committee.

To constitute a valid referral the following process must be used: -

- The written request must be submitted and received within 5 clear working days of the issue of the Circulated Schedule of proposed decisions.
- The request must be made in writing.
- The reasons for the referral, including why it would not be appropriate to permit the proposal to be determined under delegated arrangements, the issues that the proposal raises in relation to the relevant policy context, and the balanced consideration that has been given to the extra costs and delay of referral must be given.
- Any such referrals will be subject to review and agreement by the relevant committee Chair, in consultation with the Lead Members of that committee, as appropriate, and having regard to the assessment criteria set out in Appendix 3 of the Members' Planning Code of Good Practice. The committee Chair will abide by the majority decision of Lead Members. In the event of a tied decision the referral will be considered by the relevant committee.

- (b) Any applications referred to the committee by the Director

2.3) The SSD committee will always contain:-

- (a) Any application which first established the principle of development for the whole or part of a Strategic Development Location as identified in the Development Plan
- (b) Any application which first established the principle of development for more than 250 dwellings or 10 ha of employment development

- (c) Any application or matter which in the opinion of the Director will have a strategic impact or which raise issues of more than local importance.

3. Officer Delegations exercisable after a decision in principle, planning decision, or in the event of a planning appeal or legal challenge to a planning decision

- (a) Modifications to a planning agreement following a decision in principle, or the issuing of a decision, on any application with a planning agreement, where in the opinion of the Director there is no detriment to the overall benefits to be secured in the public interest.
- (b) Modifications to the council's case, including the issues in dispute, grounds for refusal, and the terms of any proposed planning decisions or agreement, which in the opinion of the Director, having taken account of the council's legal advice, would be expedient in the interest of improving the effectiveness, and or efficiency of the process, and or exposure to costs.
- (c) To revoke, cancel and/or de-register agreements where the provisions of the agreement has been fully complied with.
- (d) In the event of delegations being exercised under a) or b) above, any such modifications made must be reported back at the earliest appropriate stage to members using the Circulated Schedule or Committee process as appropriate.

Note: Members are to be notified of any major planning proposals being considered in their ward.) For residential proposals this equates to 10 houses or 0.5 hectares. For all other developments it is over 1,000 sqm or 1 hectare.

4. Building Control

Regarding building control, to be the Council's designated proper officer and discharge Building Control functions, except in cases of applications for relaxations under the Building Regulations where the Director disagreed with the Fire Officer to refuse an application on the grounds of fire hazard, in which case the matter shall be referred to the relevant committee for determination.

General Delegations

- A. The service of an abatement notice in respect of statutory nuisance Section 80(1) Environmental Protection Act 1990.
- B. The inspection of the authority's area to detect any statutory nuisance. Section 79 of Environmental Protection Act 1990.
- C. The investigation of any complaint as to the existence of a statutory nuisance.
- D. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land.
- E. Powers relating to complaints about high hedges.

- F. 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 Health and Safety at Work etc. Act 1974), to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Exclusions from these delegations

- (i) Preparation and approval of supplementary planning guidance, including concept statements, waste criteria etc.
- (ii) Designation of conservation areas, areas of archaeological interest and nature reserves.
- (iii) Removal of permitted development rights through Article 4 Directions.
- (iv) Approval of mineral applications requiring Environmental Impact Assessment.
- (v) The addition of a scheme to active preparation programme under the Local Transport Plan.
- (vi) Major Trunk Road and Major Motorway Improvement Schemes:
 - Council response to public draft line, side road and compulsory purchase orders.
- (vii) Major Capital Transportation Proposals:
 - Choosing a preferred route or option following public consultation
 - Authorising the promotion of Compulsory Purchase and Side Road Orders
- (viii) Passenger Transport Services:
 - Implementing area-wide reviews
- (ix) Declaration of land surplus to highway requirements.
- (x) The making and confirmation of any permanent or experimental traffic orders, including cycle track orders.

Designation of principal roads

- (xi) New pedestrian crossings and conversion of existing traffic signal installations.
- (xii) Creation of footpaths and bridleways by order.
- (xiii) Stopping up/extinguishment of footpaths and bridleways.
- (xiv) Permanent diversions of footpaths and bridleways.
- (xv) Definitive Map modification orders arising from Review of the Definitive Map.
- (xvi) Reclassification orders in relation to roads used as public paths.

See also Section A, Introduction and Section B, General Delegations to Chief Officers.

Delegations of the Head of Safe and Strong Communities

To chair the Channel Panel to improve outcomes for those identified individuals who are vulnerable to being drawn into terrorism.

To appoint a vice-chair to chair meetings of the Channel Panel in his / her absence.

To act in accordance with the requirements of the Counter Terrorism and Security Act 2015 (as amended) and the Channel Statutory Duty Guidance 2020 (or as may be amended).

4. Executive Director of People

The Executive Director of People is appointed as the Complaints Manager and person authorised by the Responsible Body to perform the functions of the Responsible Person in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This delegation shall read in conjunction with the delegation to the Chief Executive who is the Responsible Person for the purposes of the Act.

In the absence of the Chief Executive, to deputise and discharge his functions so far as they relate to the functions of the Executive Director of People.

(i) Adults & Health

To exercise the Council's powers and duties in relation to Adult Social Services including joint arrangements under section 75 NHS Act 2006 and Strategic Housing functions. Including power to constitute a panel of appropriate officers to consider guardianship matters.

Exclusions from these delegations

The following specific decisions are to be taken only following consultation with the relevant Executive Member.

Commencement of Judicial Review Proceedings

Exclusions from these delegations

- (i) The approval of the Council's Housing strategy.
- (ii) The approval of the overall housing capital programme.
- (iii) The approval of Private Sector Housing grants above £30,000.

See also Section A, Introduction and Section B, General Delegations to Chief Officers

(ii) Children & Education

1. To exercise the Council's powers and duties in relation to children and young people and the delivery of traded and support services.
2. To determine, for school based staff, whether the Council will meet the financial implications for an early retirement on the grounds of redundancy or efficiency proposed by a School Governing Body.
3. To release severance payments to be made in exceptional circumstances on efficiency grounds to teachers under the age of 50, subject to prior consultation with the relevant Executive Member.
4. Power formally to appoint LEA governors to school governing bodies, on the nomination of political group, in accordance with the Council's policy on proportional allocation of nomination rights and following consultation with the relevant Executive Member.

The following specific decisions are to be taken only following consultation with the Executive Member.

Commencement of Judicial Review Proceedings

Exclusions from this delegation:-

- (i) Significant variations to the Scheme for Financing Schools and any cases of a withdrawal of delegated powers.
- (ii) Approval of the draft School Organisation Plan.
- (iii) Decisions to publish statutory notices.
- (iv) Decisions to consult on or pursue the amalgamation or closure of schools (all stages) or to open a new school.
- (v) Changes to admission arrangements and areas of prime responsibility. 6) The setting of school term dates.
- (vi) The determination of SEN policy.
- (vii) Approval of Behaviour Support Plan and Associated policies.
- (viii) Determination of appeals against refusal to make a maintenance grant or the level of the grant, or to make a School Access Fund allocation in respect of post 16 students.

See also Section A, Introduction and Section B, General Delegations to Chief Officers.

5. Director of Adult and Housing (DASS)

To exercise the Council's powers and duties in relation to adult social services and housing (including services for traveller communities). To ensure that effective systems are in place for the following functions:

1. Prevention, information and advice
2. Meeting needs for care and support
3. Meeting the support needs of carers
4. Safeguarding
5. Partnership working, including with the NHS, the police, the Care Quality Commission, voluntary and community organisations and the providers of social care services
6. Market shaping and effective commissioning, including workforce supply and development
7. Resource Management

The following legislation shapes the role of the DASS

1. The Care Act 2014
2. The Mental Capacity Act 2005 and Deprivation of Liberty Safeguards
3. The Mental Health Act 2007
4. The Human Rights Act 1998
5. The Domestic Violence, Crime and Victims Act 2004
6. The National Health Service Act 2006

Exclusions from the above delegations

See also Section A, Introduction and Section B, General Delegations to Chief Officers

6. Director of Strategy Engagement and Change

To exercise the Council functions in relation to:

1. Strategic Communications
2. Transformation and Efficiency
3. Insights and Engagement
4. Policy and Partnerships
5. Community Development Services
6. Customer Services

Exclusions from the above delegations

See also Section A, Introduction and Section B, General Delegations to all Chief Officers

D Specific Delegations to Officers with Statutory Responsibilities

a. Director of Public Health

To be the Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984

To exercise the Council's powers and functions in relation to Public Health responsibilities:

1. Commission mandatory public health services.
2. Assure that local health protection arrangements are robust and plan for and respond to emergencies presenting a risk to the public health in consultation with emergency planning officers.
3. Produce and update the Joint Strategic Needs Assessment in consultation with Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.
4. Lead and co-ordinate the development, production, publication and updates to the Joint Health & Wellbeing Strategy in consultation with the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group.
5. Publish the Director of Public Health statutory Annual Report on the health of the local population.
- 6.
7. Develop and implement systems for collecting and analysing data to deliver the Public Health Outcomes Framework.
8. Provide the Council's public health response as Responsible Authority under the Licensing Act 2003.
9. Lead and co-ordinate the Council's public health support to the Bristol, North Somerset and South Gloucestershire Integrated Care Board and Integrated Care System.
10. To act as Deputy to the Chief Executive with operational responsibility for Emergency Planning and Management Services.

b. Monitoring Officer and Service Director of Legal, Governance and Democratic Services

Functions of the Monitoring Officer

1. All proper officer functions not allocated to other officers. Clerk to the Council.
Solicitor to the Council.
2. Authority to affix the Common Seal of the Council.
3. **Local Government Act 1972**
 - (a) General Provisions as to Members & Proceedings of Local Authorities
 - Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
 - Section 84 – Receipt of Declaration of Resignation of Office.
 - Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
 - Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
 - Section 96(1) – Receipt of Notices of Pecuniary Interest.
 - Section 96(2) – Keeping Record of Disclosure of Pecuniary Interest under Section 94, and of Notices under Section 96(1).
 - Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings.
 - Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.
 - (b) Access to Information
 - Section 100B(2) – Exclusion of exempt items from public access.
 - Section 100B(7)C – Provision of copies of documents to newspapers.
 - Section 100C(2) – Provision of written summary of exempt proceedings.
 - Section 100D(1)(a) – Preparation of lists of background papers.
 - Section 100D(5) – Identification of background papers to a report.
 - Section 100F(2) – Identification of exempt information not to be disclosed.
 - (c) General Provision – Documents and Notices etc
 - Section 228(3) – Inspection of accounts.
 - Section 229(5) – Certification of official documents.
 - Section 231(1) – Receipt of Notices served on the Council.
 - Section 233 – Service of Notices by the Council.
 - Section 234(1) & (2) – Signing of Documents.

- Section 238 – Certification of bylaws.
4. **Local Government Housing Act 1989**
 - Section 2(4) – Receipt of list of politically restricted posts.
 - Section 19(1) – Receipt of general notice of pecuniary interests from Members.
 5. **Local Government (Committees & Political Groups) Regulations 1990**
 - Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.
 6. **Constitution (including Standing Orders)**
 - To exercise delegations as set out in the Constitution (including Standing Orders)
 7. **Appointments**
 - (a) To appoint councillors/added or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added member nominating body.
 - (b) To make appointments to outside bodies in accordance with the wishes of political groups in respect of the places allocated to them and also to fill casual vacancies in the same way.
 - (c) To make formal appointments to the Severnside Valuation Panel (on the recommendation of the elected member on the Appointments Panel).
 - (d) To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.
 8. **Representing the Council in the courts, tribunals or at public inquiries**
 - (a) To authorise the institution, defence, withdrawal or compromise of any civil claims or legal proceedings, and or prosecute or defend criminal proceedings, in consultation with the relevant chief officer, except where power to institute proceedings is delegated to specific officers.
 - (b) To appear personally or authorise officers of the Council (or agents) to appear on the Council’s behalf in court proceedings or at any tribunal or public or local inquiry.
 - (c) To engage counsel or, where appropriate, others with suitable rights of audience to represent the Council at any proceedings.
 - (d) To defend and settle (subject to consultation with the relevant chief officer and the Head of HR) any Employment Tribunal proceedings, except where any cases involve policy or are of particular sensitivity, when decisions are subject to consultation with the appropriate Executive Member.
 9. **Applications under Section 53 of the Wildlife and Countryside Act 1981**

- (a) Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Public Rights of Way Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made.

10. **Pastoral Measure 1983**

- (a) Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Committee.

11. **Commons Act 2006**

- (a) Power to grant or reject applications made under section 15(8) of the Commons Act 2006 (the voluntary dedication of land as a town or village green) in accordance with the statutory provisions.
- (b) Publish the fee for applications under Part 1, s.19(2)(a) and Schedule 2, paragraphs 6 to 9 of the Commons Act 2006.
- (c) Power to determine applications made under Part 1, s.19(2)(a) and Schedule 2, paragraphs 6 to 9 of the Commons Act 2006.

12. **Orders**

- (a) To make all statutory orders.

13. **General**

- (a) The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998).
- (b) The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- (c) The making of arrangements pursuant to Section 94(1), (1A) and (4) of the 1998 Act (admission appeals).
- (d) The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies: appeals by governing bodies).
- (e) The making of arrangements under Section 200 (questions on police matters at council meetings) or the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

14. **Elections**

- 1. Functions of Electoral Registration Officer.
- 2. Functions of Returning Officer.

3. Authority to set and annually update the Scale of Fees and Expenses for local elections having regard to the formula agreed by the Policy & Resources Committee, 24 June 1997 and revised by the Chief Executive under delegated powers on 15 January 2003 (following consultation with the Chief Executive).
4. To designate the Council's Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.
5. Duty of declare vacancy in office in certain cases and give public notice of casual vacancy.

c. Delegations of the Chief Financial Officer

1. Delegated powers conferred on the Chief Financial Officer under Financial Regulations
2. To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
3. To nominate a properly qualified member of staff to deputise should the Chief Financial Officer be unable to perform his duties under Section 114 of the Local Government Finance Act 1988.
4. To authorise (following consultation with the Monitoring Officer and Service Director of Legal, Governance and Democratic Services) the making of an ex-gratia payment up to £1,000 per event in circumstances where there is no legal liability.
5. For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Finance Officer and any one of the following – Chief Executive, Executive Director of Resources and Business Change, Monitoring Officer and Service Director of Legal, Governance and Democratic Services, to sign each certificate given under the Act.

The following delegations shall be exercised in consultation with the Executive Director of Resources and Business Change

1. To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
2. To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, treasury management, reserves and provisions, subsidiary accounts and all other funds established under statutory requirements.
3. To finance the capital programme in a way which safeguards and optimises the Council's resources, including the transfer and return of borrowing approvals to other local authorities.
4. To authorise the calculation, levying, collection and enforcement of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations 2010 (as amended)

5. To authorise virement of up to £10,000 from reserves in any financial year should discretionary rate relief within the Council's policy exceed the budget. Should this power be exercised, a report shall be made to the relevant Executive Member on the budgetary and policy implications.

Exclusions from the above Delegations

- (i) Determination of applications for mandatory and discretionary non-domestic rate relief outside the approved scheme.
- (ii) The writing-off of irrecoverable debts over £10,000.

d. Deputy Monitoring Officer and Head of Legal Services

1. Functions of the Proper Officer for Registration (Births, Marriages and Deaths under the Registration Acts).
2. Approval of applications for premises to be approved as venues for the solemnisation of civil marriages and civil partnerships.

