



# Biomass Suppliers List Advisory Panel

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## Terms of Reference

Version 1.4 November 2021

## Definition of Terms

Attendee:	An individual attending a particular meeting of the BSL Advisory Panel;
Authority:	Department for Business, Energy and Industrial Strategy (BEIS);
BSL:	the Biomass Suppliers List;
BSL Administrator:	The body licensed from time to time by the Secretary of State for Business, Energy and Industrial Strategy to hold and issue the BSL Mark;
BSL Advisory Panel:	Also “Advisory Panel”, means a panel of elected industry experts, Government and other stakeholder representatives set up to advise on the policy and direction of the BSL and designated as such by the Department for Business, Energy and Industrial Strategy;
Finance Committee member:	Minimum of 3 designated Panel Members providing specific support to the BSL Administrator in the development and monitoring of the scheme’s financial budget, and evaluating value for money;
Quorum:	Quorum shall be achieved when 40% or more of BSL Panel Members are participating in a meeting or decision-making process;
Simple Majority:	More than 50% of Members in attendance. For clarity, this is a proportion of the attending Members who vote and does not include abstentions;
Member:	An individual or organisation elected as a Member following an election process as per Appendix D.

## **1. ROLE**

The BSL Advisory Panel shall:

- i. Provide strategic advice to the Department for Business, Energy and Industrial Strategy (BEIS) through meetings of this Panel;
- ii. Ensure that all participants within the biomass sector have open and fair access to the BSL;
- iii. Ensure that fees applied to Suppliers on the BSL are kept within reasonable and affordable limits;
- iv. Ensure that scheme administration and improvements reflect user needs;
- v. Escalate BSL Advisory Panel concerns to BEIS; and
- vi. Develop terms of reference of the annual audit of the BSL Administrator.

In the future the scope of the BSL Advisory Panel's role may be widened. Changes to the approved Terms of Reference shall be agreed by BEIS.

## **2. ROLE OF THE AUTHORITY**

The BSL Advisory Panel shall report to BEIS. The BSL Advisory Panel shall fulfil an advisory role, and shall make recommendations to BEIS, which shall be the decision making authority.

## **3. CONFIDENTIALITY AND TRANSPARENCY**

A list of BSL Advisory Panel Members will be publicly available on the BSL website. Discussions and materials will be confidential to the BSL Advisory Panel, though this does not exclude Members from sharing information within their own organisations in order to inform debate and facilitate particular actions that may arise from time to time. A report of the Panel's decisions and actions will be made available externally, prepared according to the Chatham House Rule, i.e. neither the identity nor the affiliation of the speaker will be revealed.

## **4. MEMBERSHIP**

Potential panel members will nominate themselves for election following a call for nominees, see Appendix D. Where there are multiple nominees for the same category, the panel member will be elected by the BSL registrants. The panel members are representing their BSL scheme participants or stakeholders and will be expected to raise matters to the Advisory Panel and

report back directly to their relevant members on any outcomes or decisions via the BSL Administrator.

The Advisory Panel shall consist of up to 18 Members from the following categories:

- Members representing BSL suppliers:
  1. Self-suppliers (Domestic)
  2. Producers,
  3. Producer-traders,
  4. Traders

} (including Non-Domestic Self Suppliers)
- Members representing fuel types:
  5. Pellets,
  6. Chip,
  7. Briquettes,
  8. Logs
- Members representing raw materials:
  9. Forestry,
  10. Waste,
  11. Arboricultural arisings,
  12. Sawmill residues
- Members representing industry bodies:
  13. Forestry,
  14. Government forestry,
  15. Arboriculture,
  16. Waste wood fuel,
  17. NGO,
  18. Wood heating (including installation and maintenance)

Some members may represent multiple categories, depending on their experience and expertise.

## 5. OTHER ATTENDEES

The following shall have a position on the Panel but will have no voting rights, as they do not represent the views of the biomass industry or biomass users.

- BSL Administrator
- Ofgem
- BEIS

While BEIS will not have voting rights on the Panel, they will have ultimate decision making powers based on the recommendations and/or advice coming out of the Panel.

From time to time the BSL Advisory Panel may invite observers to the meetings as they see fit and where it is felt that the observer would usefully contribute to a particular topic or debate. Any such arrangements shall be made only with prior approval by the Chair; any such request shall be made through the BSL Administrator.

Observers shall have no voting rights and they shall be made aware of and agree to abide by the rules of attendance in such a capacity as detailed in Appendix B of these Terms of Reference. Attendance at the meeting will be for the duration of the discussion that the attendee is addressing, unless there is an agreed consensus at the meeting by the Members present that it would be valuable for the attendee to stay longer.

## **6. ROLES AND RESPONSIBILITIES OF MEMBERS**

All Members should be prepared for the meeting by soliciting views of their constituents where this is applicable, and shall be prepared to take actions and/or circulate material and report back to the constituents they represent on views and actions taken by the BSL Advisory Panel, subject to the rules of confidentiality as defined in Appendix A of this document.

To this end, members are expected to actively contribute and attend meetings and respond to communications in a timely manner, in particular where voting is required.

If a member fails to attend, or participate (e.g. by telephone) in a meeting or fails to participate in a vote (electronically or in person) on three consecutive occasions, the Chair of the BSL Advisory Panel reserves the right to remove the Member concerned from their role as Panel Member.

## **7. ROLE OF THE CHAIR**

The BSL Advisory Panel shall from time to time elect from amongst their number a Chair. The procedure for doing so is set out in Appendix C.

The role of BSL Advisory Panel Chair shall include the following duties:

- Other than in exceptional circumstances, to attend all meetings of the Panel.
- Chair Panel meetings, facilitate discussions and encourage consensus on issues for decision.
- Approve the agenda in advance of each meeting and review the minutes of the previous meeting.
- Act as the first point of decision regarding applications to add agenda items and for requests to allow non-Members to attend particular meetings of the Panel.
- Convene the Panel from time to time and at such regularity as to ensure the Panel can properly fulfil its remit.
- Manage the Panel's relationship with the BSL Administrator and where necessary with BEIS.
- Ensure all Panel meetings are managed in accordance with these Terms of Reference.

In any matter, the Chair has the same voting rights as any other Member, i.e. they do not have a casting vote.

A Vice Chair will be elected according to the same procedure under which the Chair is elected. The Vice Chair's role will be to assist the Chair in the matters detailed above and where appropriate, or where the Chair is not available, the Vice Chair shall fulfil the duties of the Chair as required to maintain the continuity and representation of the BSL Advisory Panel as required.

## **8. SUB-GROUPS**

Sub-groups / Working groups maybe convened from the panel members to consider particular requirements or issues. The purpose of the sub-group is to review a particular subject and provide a report or proposal to the Advisory Panel for decision.

Sub-groups maybe temporary to consider a unique issue, or enduring to review on-going requirements and support the requirements of the BSL for stakeholders.

### **8.1 ROLE OF THE FUEL QUALITY SUB-GROUP**

To review the additional requirements for fuel quality for registration of BSL.

To consider the impacts on suppliers, and how the BSL can support suppliers to comply.

## **8.2 ROLE OF WASTE WOOD FUEL SUB-GROUP**

To ensure the various categories of waste wood fuel are understood by all BSL stakeholders and only appropriate waste wood fuel is listed under BSL.

## **8.3 ROLE OF THE FINANCE SUB GROUP**

There will be a minimum of 3 panel members elected to the sub-committee. The Finance Sub-Committee have roles and responsibilities which ensure value for money from the BSL service provision for BSL members. This role includes:

- Review and advise on the draft annual budget, forecast and subscription fees for the succeeding financial year.
- Provide quarterly updates at BSL Panel Meetings to support the role of the Panel in providing a recommendation on the scheme's value for money.

This is a voluntary position and will be informally voted for every 12 months at a Panel Meeting. Budget information is strictly confidential between the BSL Administrator and the Finance Sub-Committee.

## **9. MEETING FREQUENCY**

Meetings will be held at least every three months, except where the Chair identifies there are insufficient items of importance for debate at the meeting to warrant holding it, in which case this cancellation should be notified to the BSL Advisory Panel as early as possible before the scheduled meeting date. The convening of the BSL Advisory Panel shall be at the discretion of the Chair, or in their absence, the Vice Chair.

The BSL Administrator will notify the BSL Advisory Panel Members when the date of a meeting has been confirmed.

## **10. ISSUES PROCESSING**

The BSL Advisory Panel will address issues as directed by the Chair.

Proposed agenda items should be raised in the first instance with the BSL Administrator, who will notify the Chair. It is at the discretion of the Chair as to whether issues are added to the agenda for a particular meeting, however issues cannot be permanently excluded from meetings on this basis. Issues may be permitted to be raised at the meeting without prior

notice at the discretion of the Chair under the standing agenda item of Any Other Business (AOB).

## **11. DECISION MAKING**

Decisions shall be made by the BSL Advisory Panel with a clear rational basis. This rationale, if applied, shall also be made publicly available alongside the decisions and actions of each meeting.

In order for a decision to be made Quorum must be achieved as per the definition outlined in the Definitions herein.

Any decision to be taken by the BSL Advisory Panel must be voted on; where possible the group must aim to achieve a consensus. Where this is not possible a Simple Majority of votes will be required to pass any decisions made. Decisions made in Panel meetings should be taken to inform recommendations to BEIS, which will make the final decision.

Votes may be made electronically by Members unable to attend a particular meeting.

All votes shall be recorded in the meeting minutes to ensure that in the event of any dispute the BSL Advisory Panel can call upon the records to clearly show the Member, their vote and their means of voting. These records shall be kept confidential to the BSL Advisory Panel and held by the BSL Administrator for a period of six years.

## **12. APPEALS**

All recommendations of the BEIS are final. Recommendations may be appealed to the BSL Advisory Panel on procedural grounds only, with the appeal to be heard initially by the Panel, which will make a recommendation to the BEIS (see Appeals Process in Appendix E of these Terms of Reference).

Until an appeal is successful, any recommendation of the BSL Advisory Panel will be put forward to BEIS as scheduled. For clarity, this means that the progress of a Panel recommendation cannot be delayed by an appeal, but can be reversed if the appeal is upheld.

### **13. ADMINISTRATION**

Administrative and secretariat services to the BSL Advisory Panel shall be provided by the BSL Administrator as appointed from time to time by BEIS. The secretariat function is to include: taking minutes; agreeing and sending out agenda/calling notices; booking meetings; controlling the logging and circulation of documents and maintaining contact lists.

Other than in exceptional circumstances, the following timetable will apply:

- A draft agenda will be issued at least ten working days in advance of the meeting, and a final agenda and any meeting papers will be issued at least five working days before the meeting.
- The meeting Decisions and Actions paper will be produced and issued to all BSL Advisory Panel Members and, where appropriate, attendees, within ten working days of the meeting.
- Any comments on that paper's accuracy should be returned to the BSL Administrator within five working days following issue of that paper. The final report will be published on the BSL website no more than 20 Working Days following the meeting.

## Appendix A – Conduct and Confidentiality

To be signed by all Members:

I declare that, for as long as I shall be a Member of this BSL Advisory Panel, and to the extent allowed by law:

- I will treat all agendas, minutes, papers, budgetary details and other materials that I receive in connection with it as confidential to the BSL Advisory Panel, its Members and the organisation I represent, and I will not disclose to anyone outside the BSL Advisory Panel the nature or detail of discussions, save where:
  - These are already in the public domain;
  - The BSL Advisory Panel agrees that information can be more widely circulated to help fulfil certain actions that may arise from time to time.
- I will act within the bounds of the version of the Terms of Reference as signed below.
- I will engage constructively and fairly with other Members of the BSL Advisory Panel in order to help the BSL Advisory Panel fulfil its remit.
- I will disclose to the Chair, for the record, any personal or commercial affiliations that I may have with any organisation or group that may be perceived to be a conflict of interest in any decisions made or matters discussed.
- I consent to my name and associated organisation (if applicable) being published on the BSL website.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Associated Organisation (if applicable): \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix B – Method and Code of Conduct for non-Member attendees of the BSL Advisory Panel at any Panel meeting**

In exceptional circumstances an individual or group of individuals (hereafter referred to as the “Correspondent”) may wish to make representation, either in person or by composing a paper to the BSL Advisory Panel to express their views on a particular subject or topic. This activity should be encouraged within the BSL scheme to ensure that those who wish to do so are given the opportunity to input into the development of the BSL scheme.

In the first instance the Correspondent should be encouraged to submit a brief paper containing an overview relating to a particular matter. If the BSL Advisory Panel agrees then the Correspondent should then be given the opportunity to submit a full paper on their chosen topic which must be received no less than 15 days prior to the next meeting of the BSL Advisory Panel.

The Correspondent shall be notified of when the BSL Advisory Panel will discuss their paper and shall be given written feedback by the BSL Administrator in conjunction with the Chair no later than 20 working days after the meeting has taken place.

Where it is agreed by the BSL Advisory Panel or, if timescales do not allow, by the Chair, the Correspondent can be given the opportunity to attend a BSL Advisory Panel meeting to deliver a presentation and/or paper and be questioned by the Members on their topic.

Where this is the case and the Correspondent is made up of a number of representatives, no more than a combined total of two representatives may attend such a BSL Advisory Panel meeting.

When in attendance the Correspondent shall be given adequate time to introduce themselves to the BSL Advisory Panel. Prior to the meeting, the Correspondent will be informed in writing of their allocated time slot within the meeting and will be required to stick to this agreed timing during the meeting. Sufficient time for questions from the Panel will also be pre-determined and included in the agenda, however it will be at the Chair’s discretion to allow this time to be extended during the meeting. The Correspondent will only be allowed to attend the part of the meeting that is directly relevant to them.

Attendees shall be made aware of these time constraints and it shall be emphasised at every point of communication with them that these times will be strictly adhered to. It should also be

emphasised that during any meetings the Correspondent must remain respectful of the BSL Advisory Panel Members and that any abuse or inappropriate conduct may result in them being asked to leave the meeting and their topic being removed from the agenda.

## **Appendix C – Election of Chair and Vice Chair**

A process for electing a Chair and Vice Chair from the elected panel members shall be carried out following a newly elected panel, or where the chair stands down. The outgoing Chair and Vice Chair may stand for re-election if they wish.

With a newly elected Panel member group, or where the chair stands down, the outgoing chair or the BSL Administrator will ask for members to nominate themselves as the chair and or vice chair from amongst the members. However, the chosen member will be subject to BEIS ratification.

If for any reason the Chair or Vice Chair is not available for a scheduled panel meeting then the BSL Administrator will direct the meeting to ensure continuity of the BSL Advisory Panel. Under these circumstances no votes may be cast and no matters discussed other than those matters relating to the structure of the BSL Advisory Panel.

The Chair can resign their position by giving a minimum of 90 days notice to BEIS and the BSL Administrator in writing, unless there are extenuating circumstances surrounding their request to resign.

## **Appendix D – Membership Elections Process**

Membership elections shall be held no more than two years after a previous election. The elections process is set out below.

1. No later than 30 working days before the date of an election of Panel Members, candidates may nominate themselves for election for a particular Member position. Candidates will provide written evidence of their suitability for the position and their rationale for wanting to be considered for the position.
2. The BSL Administrator shall undertake an initial review of candidates and produce a long list of suitable candidates for each Member position, up to a maximum of five. The BSL Administrator shall notify the list of candidates to each BSL supplier at least four weeks' prior to date of the election.
3. Where there are more than two candidates for election as representatives of a category of party, the BSL suppliers in that category of party shall be invited by the BSL Administrator to cast votes via email for their favoured candidate within ten working days of being notified of the list of candidates.
4. The candidates receiving the most votes (or, where not enough candidates are proposed for an election, the candidate(s)) shall be appointed as the Member for their applicable category of party. If, following an election, votes for candidates for election are equal, the BSL Administrator shall request BEIS to determine the procedure for deciding which candidate(s) should be elected.
5. The Members shall retire no later than two years following their appointment as Members, but each retiree may be a candidate for reappointment in the subsequent election period.

## **REMOVAL AND REPLACEMENT OF MEMBERS**

6. Each category of party entitled to appoint a Member may, at any time, request the removal of their Member from office and elect or appoint another person to be a Member in their place. The request for removal will be submitted in writing to the BSL Advisory Panel Chair via the BSL Administrator, detailing the reason(s) why the request has been made and must be signed by at least three representatives of that Member category.

7. Following review of the evidence submitted, plus any additional evidence the Chair chooses to gather, the Chair will make the decision as to whether to remove the Member in question.
8. Alternatively, a Member can choose to step down by giving 90 days' notice through written confirmation to the Panel Chair.
9. Where a Member chooses to step down or is removed from their position as Member on the Panel, the BSL Administrator shall conduct an election process as set out in this Appendix for that Member category only.

#### **ALTERNATES**

10. Each Member may by written confirmation to the BSL Administrator appoint any individual who is an employee of one of the parties from the category of party that has appointed him to be their alternate.

**Version control**

Version 1.2draft September 2021 to reflect new Budget Sub-Committee arrangements

Version 1.3 Draft Appendix C. Removal of initial requirement for BEIS to elect chair. Addition of membership roles in 4. Membership with responsibilities added.

Version 1.4 : Correction to Budget Sub-Committee description and requirements. Appendix C, Clarification of the election of chair and Vice chair.



## BSL Advisory Panel

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### BSL Advisory Panel Appeals Procedure

Version 1.0

## **SCOPE**

1. The purpose of this procedure is to outline a process for appeal against a recommendation made by the BSL Advisory Panel or the Chair of the BSL Advisory Panel to the Department for Business, Energy and Industrial Strategy (BEIS) which breaches the BSL Advisory Panel's Code of Conduct<sup>1</sup>.
2. Appeals can be based on the grounds that the decision was made other than in accordance with the applicable Terms of Reference and Code of Conduct.
3. Until an appeal is successful, any recommendation of the BSL Advisory Panel or the Chair of the BSL Advisory Panel will be implemented as scheduled. This means that recommendations cannot be delayed by an appeal, but can be reversed if the appeal is upheld.

## **LEVELS OF APPEAL**

4. Appeals shall be made to the BSL Advisory Panel. The decision of the BSL Advisory Panel is final. In some instances, an appeal may be referred to BEIS for consideration, for example if the appeal relates to policy. In such cases the decision of BEIS shall be final.

## **RECEIPT OF AN APPEAL AND INITIAL ACTION**

5. All appeals shall be submitted in writing to the Chair of the BSL Advisory Panel, via the BSL Administrator, within four weeks of the outcome of the original decision being communicated. Appeals received outside this timescale will only be considered in exceptional circumstances.
6. Appeal requests should include the following:
  - a) Name of the appellant;
  - b) Recommendation that is being appealed;
  - c) Date of the appeal request and date of original recommendation being communicated;
  - d) Grounds for the appeal;
  - e) Any relevant evidence.

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<sup>1</sup> Appendix A of this BSL Advisory Panel Terms of Reference

7. The BSL Advisory Panel Chair shall, via the BSL Administrator, acknowledge receipt of an appeal request within two weeks of the appeal being submitted and shall set a date for a review meeting. The review meeting shall take place within four weeks of the appeal request being acknowledged. That meeting may take place electronically or by telephone as appropriate.

#### **CONSIDERATION OF THE APPEAL**

8. Any members of the BSL Advisory Panel that are directly involved in the original recommendation or the original incident shall declare the conflict of interest to the BSL Advisory Panel Chair and will not be involved in the appeal review and decision process. (If the BSL Administrator is thus excluded from the decision-making process, they will still remain at the meeting in an advisory and secretariat capacity only).
9. The BSL Administrator shall submit to the BSL Advisory Panel all relevant evidence and information regarding the original recommendation, along with the appeals documentation and any evidence already submitted by the appellant.

#### **HEARING AND POST-HEARING PROCEDURES**

10. The BSL Advisory Panel shall determine its decision based on the evidence presented in the report. If the BSL Advisory Panel requires further information, this information shall be procured via the BSL Administrator, and a further meeting convened if required to review that further information.
11. The Chair of the BSL Advisory Panel shall communicate the outcome of the appeal to the appellant and to parties concerned within five working days of the decision being made.
12. The decision of the BSL Advisory Panel can only be appealed on the grounds of this BSL Advisory Panel Appeals procedure not being followed correctly.

## Definition of Terms

Appellant:	The individual or body lodging an appeal.
The Authority:	Governing Body of the BSL which is the Department for Business, Energy and Industrial Strategy (BEIS).
BSL Advisory Panel:	The BSL Advisory Panel set up by BEIS and the BSL Administrator in order to help steer the policy around the BSL Scheme.
BSL Administrator:	That body contracted from time to time by the Secretary of State for Business, Energy and Industrial Strategy to process BSL applications and ensure all registered suppliers meet the sustainability requirements under the Renewable Heat Incentive (RHI).
Member:	An individual or organisation deemed by the Chair to fulfil the Membership Criteria, and approved as such per the mechanisms set out in Terms of Reference of the BSL Advisory Panel.

Version control